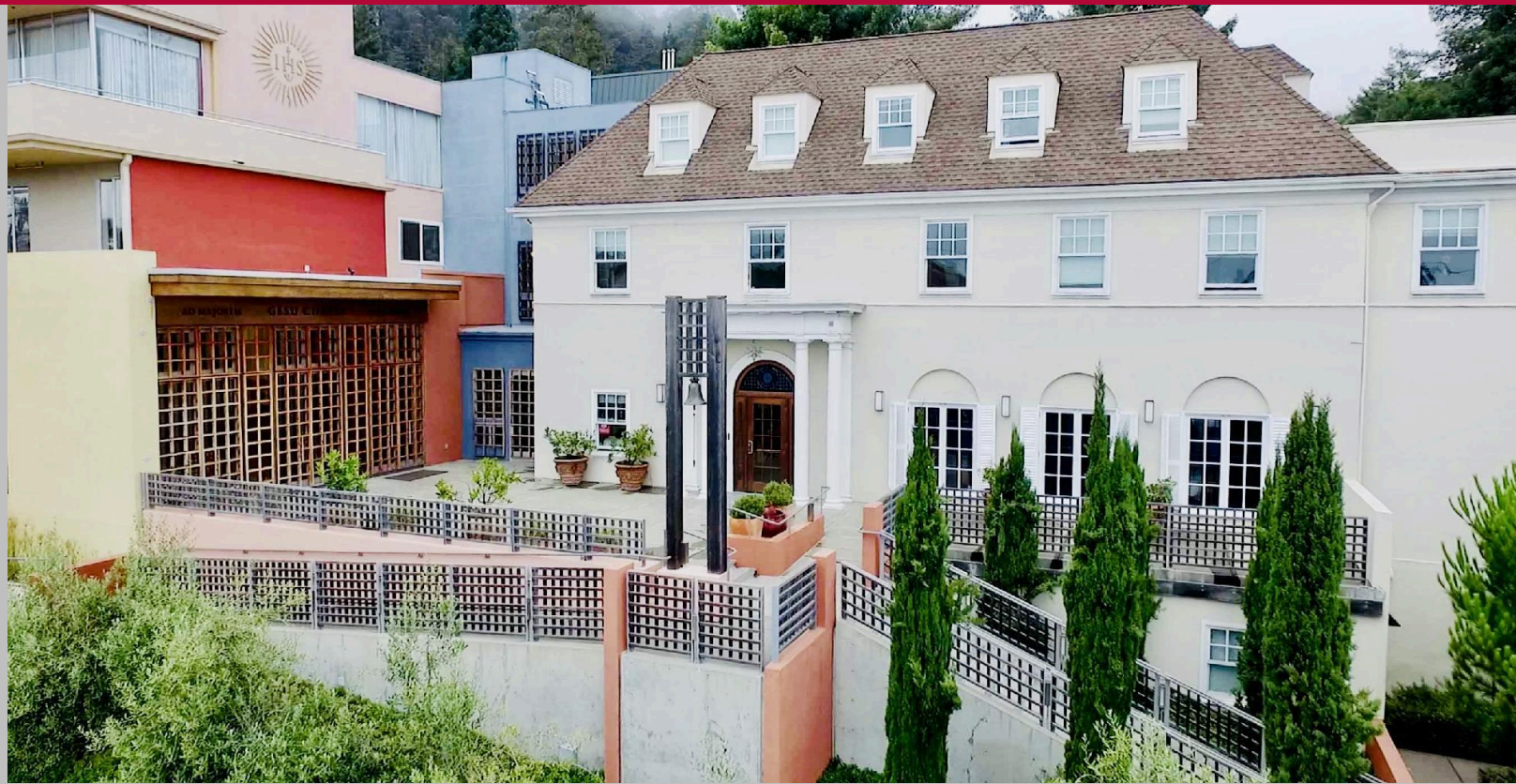


# ANNUAL SECURITY & FIRE SAFETY REPORT 2026

SANTA CLARA UNIVERSITY



## JESUIT SCHOOL OF THEOLOGY

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The background of the page features a red building with a crest on the left side. The crest includes a shield with a cross and the letters 'IHS', and the word 'CLAR' is visible above it. In the foreground, there are white flowers and green leaves.

## A COMMUNITY COMMITMENT TO SAFETY

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

To comply with the Jeanne Clery 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 [clerycompliance@scu.edu](mailto:clerycompliance@scu.edu).

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

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# Introduction

## Preparation of the Annual Security Report

The Jeanne Clery Campus Safety Act (The Clery Act 20 U.S.C. § 1092(f)) (Clery Act) requires Santa Clara University to make its security policies and procedures, as well as statistics for specific criminal offenses, available to current and prospective students and employees through the Annual Security and Fire Safety Report. The Clery Act aims to provide transparency around campus crime policy and statistics. 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.

Campus Safety Services performs outreach to local law enforcement agencies, including Berkeley Police Department and other jurisdictions where applicable, to request crime statistics for inclusion in the disclosure.

Crime statistics from Campus Security Authorities are also consolidated and included in the Report. Campus Security Authorities are reminded to report all Clery Act crimes by contacting Campus Safety Services in-person, over the phone, via email, or through a published reporting form. For emergencies or crimes in progress, CSAs are asked to contact 911 before reporting to CSS for inclusion in this Report.

For statistical purposes, crime statistics reported from any source are recorded in the calendar year in which the crime was reported. Reporting for the purposes of the Clery Act does not require initiating an investigation.

All statistics and relevant policies are gathered, compiled, and reported out to the University community through this Report, which is prepared and published by Campus Safety Services. The preparation of this Report is done in coordination with the Office of the General Counsel; the Dean of Students Office; the Office of Equal Opportunity and Title IX; Environment, Health and Safety Department and the GTU. Campus Safety Services also submits the annual crime statistics published in this Report to the U.S. Department of Education. The statistical information gathered by the Department of Education is available to the public on its website.

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

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

The Emergency Planning Manager and Compliance Associate from Campus Safety Services maintain a public fire log for JST-SCU. This log is normally updated each business day and contains all fires reported to Campus Safety Services or Berkeley Fire Department that have occurred in the residential facilities at JST-SCU. With no security presence, a Daily Crime Log is not maintained for JST-SCU. [The Jesuit School of Theology Fire Log](#) is available for public inspection online. 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.

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

## **Security And Access To Campus Facilities**

Graduate Theological Union (GTU) community members, including students studying at JST-SCU or any other person authorized to be present on the JST-SCU campus, should report any suspected criminal activity or other emergency that threatens life or property.

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, such as residence halls.

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 and are only accessible to residents of each respective housing facility. It is prohibited for residents to prop open these exterior doors since this seriously jeopardizes the security of the residents and property within University housing. NEVER PROP OPEN ANY EXTERIOR DOOR. Housing and Residence Life Community Operations and Policies allow for the University to fine communities where propped doors are repeatedly found. Students are responsible for locking their resident room doors and securing their room windows when they are not present, or while sleeping.

Guests of residents are welcome in University housing. 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. Cameras are regularly monitored for tree branches or other shrubbery blocking viewpoints.

## **Law Enforcement and Jurisdiction**

JST-SCU does not operate off-campus housing or off-campus student organized facilities. The Berkeley Police Department has jurisdiction over the campus and the surrounding property and provides to the Assistant Dean of Students reports of students who have been arrested or issued citations. The Assistant Dean of Students and the Dean of Students Office address any potential violations of the Student Conduct Code through the University Student Conduct System.

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

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

Campus Safety Services is in operation 24 hours a day on the University's Main Campus. Campus Safety Services staff members are not peace officers as defined by Section 830 of the California Penal Code, and thus cannot enforce state law. Campus Safety Services staff members cannot make arrests.

The Jesuit School of Theology – Santa Clara University Berkeley Campus (JST-SCU) does not have an on-campus safety staff. JST-SCU urges faculty, staff, students, and guests to use the extensive resources of the City of Berkeley Police and Fire Departments and the University of California at Berkeley Department of Public Safety. JST-SCU encourages students and employees to be responsible for their safety and security.

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

If immediate danger to life or property exists, call or text 911 or dial (510) 981-5911 from a cell phone to reach the City of Berkeley Police Department or (510) 642-3333 to reach the UC Berkeley Police Department (UCPD). If immediate danger is not present, call the Berkeley Police Department at (510) 981-5900 or Campus Safety Services at (408) 554-4441.

In all cases, incidents should be reported to Campus Safety Services, the GTU Vice President for Administration and Finance, or other GTU and JST-SCU senior administrators. The appropriate administrator will make sure every report received under this policy is investigated and will take appropriate action to remedy the problem.

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 Berkeley Police Department.

### **Berkeley Police Department:**

**Emergencies:** (510) 981-5911

**Non-emergencies:** (510) 981-5900

### **UC Berkeley Police Department:**

**Emergencies:** (510) 642-3333

**Non-emergencies:** (510) 642-6760

## **Reporting Crimes And Other Emergencies**

Santa Clara University (SCU) community members, students, faculty, staff, and guests are encouraged to report all crimes, suspected criminal activity, and safety-related incidents and emergencies to Campus Safety Services and local law enforcement in an accurate and timely manner regardless of whether they want to pursue a formal investigation. SCU further encourages the accurate and prompt reporting of all crimes when the victim elects to or is unable to make such a report. This assures 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**

#### **Emergency Reporting**

If immediate danger to life or property exists, call or text 911 for Berkeley Police, Fire or Medical response. Then call Campus Safety Services at (408) 554-4444 (emergencies), or use the [Rave Guardian App](#) (SCU Bronco Alert companion).

When speaking to a 911 or CSS dispatcher, first provide your location and then a description of the incident or type of emergency, time of occurrence, any injuries, any weapons involved, a description of the suspect (e.g., sex, height, clothing, other distinguishing features), associated vehicles (e.g., license plate number and state, make, model, color), and the direction of travel. Describe the situation as simply and calmly as possible. Remain on the line and in a safe location until help arrives.

### **Non-Emergency Reporting**

To report a non-emergency security or safety related matter on campus, please 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 on the campus in Santa Clara.

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 Berkeley Police Department.

### **Voluntary, Confidential Reporting**

If you are the victim or witness of a crime and do not want to pursue action within the University or criminal justice system, we ask that you consider informing a Campus Security Authority (see the section below titled Campus Security Authorities for more information). Campus Security Authorities can report on the details of the incident for statistical purposes, inclusion in the Annual Security and Fire Safety Report, and for the purposes of evaluating for Timely Warnings or Emergency Notifications, without revealing identifying information of the parties involved if the reporting party expresses their desire to remain anonymous when making the report.

Under state law, CSAs must also notify local law enforcement when certain crimes occur on the main campus or other property owned or controlled by the University; however, this may also be done confidentially. California's mandatory law enforcement reporting requirements do not prevent a victim or witness from requesting confidential reporting. The University will make any required disclosure without identifying the victim unless the victim provides informed consent to being identified. Reports made through this process will be counted and disclosed, as appropriate, in the University's annual crime statistics. See the section below entitled Campus Security Authorities for

more information about the responsibility to report to local law enforcement. 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.

There is no formal policy that allows for voluntary, confidential reporting outside of this process for inclusion in the annual disclosure of crime statistics.

### **Anonymous Reporting**

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. Reporting "anonymously" means that the reporting party reports to the University without identifying themselves to campus officials, and wants someone in the University to be aware of the experience, but do not want to be involved in an administrative investigation. EthicsPoint is a website that the University provides for individuals to anonymously, confidentially, and voluntarily 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.

### **Campus Advocate**

The Assistant Director for Student Survivor Advocacy 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 ([apezoni@scu.edu](mailto:apezoni@scu.edu)), phone (408-551-3307), [booking link](#), or stopping by the Wellness Center. Please see the [Survivor Resource Library](#) for additional resources.

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 with identifying a confidential advisor.

### **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.

Additionally, The Office of the Ombuds serves as an impartial, independent, informal, and confidential resource for the entire SCU community. The Ombuds Office adheres to the International Ombudsman Association Code of Ethics and Standards of Practice and serves as an organizational ombuds. The Ombuds are dedicated to assisting campus community members in resolving concerns affecting relationships with peers of the institution. The Ombuds are confidential and only disclose information provided in confidence in cases of imminent harm.

## **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.*

## **Campus Security Authorities**

While the University prefers that community members promptly and accurately report all crimes and other emergencies to Campus Safety Services or the Berkeley 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; or
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 every position that is a CSA on campus, it is intended to show the scope and types of positions that fall within the Clery Act's definition.

| <b>Position Title/Type</b>                                                                                                                                           | <b>Contact Information</b>                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| Campus Safety Services Director, Assistant Directors, and Staff Members                                                                                              | (408) 554-4441, Main Parking Structure, main campus            |
| Vice Provost for Student Life and Dean of Students                                                                                                                   | (408) 554-5366, Benson Center                                  |
| Dean of Students Associate & Assistant Deans, Directors, Coordinators                                                                                                | (408) 554-4583, Benson Center                                  |
| Office of Residence Life Professional Staff                                                                                                                          | (408) 554-4900, Benson Center                                  |
| Assistant Resident Directors, Community Facilitators, Neighborhood Representatives, Faculty Directors                                                                | (408) 554-4900, Benson Center                                  |
| Associate Vice Provost for Student Health, Counseling & Wellbeing                                                                                                    | (408) 554-4501, Student Health, Counseling & Wellbeing         |
| Campus Recreation Director & Assistant Directors                                                                                                                     | (408) 554-5491, Malley Center                                  |
| Athletics Directors, Associate, & Assistant Directors                                                                                                                | (408) 554-4063, Leavey Center                                  |
| Athletics & Campus Recreation Coaches & Assistant Coaches                                                                                                            | (408) 554-4063, Leavey Center<br>(408) 554-5491, Malley Center |
| Campus Recreation Student Staff: Lifeguards, Facility Supervisors, Service Desk Representatives, Intramural Sports Staff, Club Sports Event Supervisors, Instructors | (408) 554-5491, Malley Center                                  |
| Wellness Center Director & Assistant Directors                                                                                                                       | (408) 554-4409, Cowell Center                                  |
| Title IX & Deputy Title IX Coordinator & Investigators                                                                                                               | (408) 551-3043, Loyola Hall                                    |
| Drahmann Center Faculty Advisors & Deans                                                                                                                             | (408) 554-4318, Kenna Hall                                     |
| LEAD Scholars Professional Staff                                                                                                                                     | (408) 551-3309, Alameda Hall                                   |
| Mission & Ministry Professional Staff                                                                                                                                | (408) 554-2747, Nobili Hall                                    |
| University Library Supervisors                                                                                                                                       | (408) 554-5020, Learning Commons and Library                   |

|                                                                                             |                                   |
|---------------------------------------------------------------------------------------------|-----------------------------------|
| Miller Center Campus Engagement                                                             | (408) 551-6090, SCDI              |
| Inclusive Excellence Vice President                                                         | (408) 554-5131, Nobili Hall       |
| College of Arts & Sciences Dean                                                             | (408) 554-4455, Vari Hall         |
| Human Resources Vice President, Assistant VP, HR Partners, Specialists, Directors, Managers | (408) 554-4392, Loyola Hall       |
| Office of Accessible Education Director, Assistant & Associate Directors, Coordinators      | (408) 554-4109, Benson Center     |
| Office of Multicultural Learning Director & Associate Directors                             | (408) 551-7168, 832 Market Street |
| Study Abroad Advisors                                                                       | (408) 551-3659, Varsi Hall        |
| Global Engagement Directors, Advisors, Managers                                             | (408) 551-3019, Varsi Hall        |
| Housing and Operations Professional Staff                                                   | (408) 554-4900, Benson Center     |
| Jesuit School of Theology Deans, Assistant Deans                                            | (510) 549-5018 x1318, JST         |
| School of Education & Counseling Psychology, Deans & Student Services Professional Staff    | (408) 554-4355, Guadalupe Hall    |
| Leavey School of Business Dean                                                              | (408) 554-4523, Lucas Hall        |
| School of Law Deans & Student Life Professional Staff                                       | (408) 554-4362, Charney Hall      |

### Positions Exempt From Reporting Clery Act Crimes

Campus pastoral counselors and professional counselors are not CSAs when operating within their role as pastoral or professional counselors and are therefore not required to report crimes for inclusion in the annual disclosure of crime statistics. While there is no policy requiring it, professional counselors and pastoral counselors on campus are encouraged to inform persons being counseled of the procedures to report crimes for inclusion in the annual crime statistics and for consideration of a Timely Warning (see below for more information about Timely Warnings), if and when the professional or pastoral counselor deems it appropriate.

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 the counselor's 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.

## **CSA Federal Reporting Obligations**

CSAs are required to report Clery Act crimes disclosed to them as soon as reasonably possible. CSAs are to report to Campus Safety Services for statistical purposes, inclusion in the Annual Security and Fire Safety Report, and for the purposes of evaluating for Timely Warnings or Emergency Notifications. If confidentiality is requested, CSAs may report Clery Act crimes without disclosing identifying information of the parties involved. CSAs are not expected to investigate what has been reported to them—except those whose position involves conducting investigations.

SCU encourages accurate and prompt crime reporting to allow CSS to respond to the situation and for follow-up actions to be taken as needed. If you observe a crime or other emergency, report it immediately to 911, then CSS. All reports must be submitted to CSS one of the following ways:

- Directly to CSS (CSS is open 24 hours per day, every day of the year, including holidays):
  - In person: First Floor, Main Parking Garage, main campus
  - By calling (408) 554-4441 (non-emergency)
  - By emailing [campussafety@scu.edu](mailto:campussafety@scu.edu) (non-emergency)
  - By calling (408) 554-4444 (emergency)
- [CSA Reporting Form](#)

CSAs should include the following information when notifying CSS about a Clery-reportable crime:

- Type of crime (preferably with sufficient details to properly classify the incident)
- The location of the incident
- The date and time the incident occurred, and

- The date and time the incident was reported to the CSA

### **CSA State Reporting Obligations**

California Education Code 67380-67383 requires that, in addition to prompt reporting to CSS as described above, a CSA must also notify local law enforcement when certain crimes occur on the main campus or other property owned or controlled by the University. Crimes that must be reported to local law enforcement include: homicide, robbery, aggravated assault, sexual assault (including sexual battery) and any threat of sexual assault, and hate crimes (as defined by California Penal Code section 422.55). To report crimes that occurred on the main campus, call 911 if there is an imminent threat to safety.

If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to law enforcement, unless the institution determines both of the following, in which case the institution shall disclose the identity of the alleged assailant and shall immediately inform the victim of that disclosure:

- The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution, and
- The immediate assistance of local law enforcement is necessary to contact or detain the assailant.

Furthermore, California Education Code 67380 requires that any CSA who becomes aware of any incidents of Clery-reportable crimes, as well as instances of: theft, Title VI or non-criminal hate violence violations, destruction of property, illegal drugs, or alcohol intoxication, that occurred on the main campus or any property owned or controlled by the University, must report the incident to the Clery Compliance Coordinator through CSS. In cases of non-criminal acts of hate violence, reports should include victim characteristics and offender characteristics, if known.

There is no specified timeframe for notifying CSS of these crimes and incidents; however, the University encourages individuals to notify CSS in a timely manner and as soon as practicably possible so that an Emergency Notification or Timely Warning can be sent, if necessary or advisable.

## **Missing Person Notification Policy**

In compliance with the Higher Education Opportunity Act, this policy describes how the University will respond when a student living in University housing is believed to be missing.

Concerns about a potentially missing resident student must be reported immediately to Campus Safety Services at 408-554-4441 or in person on the First Floor of the Main Parking Garage on the main campus. Any University employee receiving such a report must immediately refer it to Campus Safety Services. A student may be considered missing when their whereabouts have not been established for 24 hours or when information received earlier suggests the student is missing. Campus Safety Services will implement the Emergency On-Call Protocol for the Dean of Students Office and Office of Residence Life.

If Campus Safety Services or local law enforcement determines that a student is missing, the University will notify the appropriate law enforcement agency with jurisdiction within 24 hours, unless that agency made the determination. This notification will occur regardless of whether the student designated a contact, is over the age of 18, or is an emancipated minor.

Resident students may designate one or more confidential contacts through Workday whom the University will notify within 24 hours of the determination that the student is missing. If the student is under 18 and not emancipated, the University will also notify the student's custodial parent or guardian within 24 hours.

## **Emergency Response And Evacuation Procedures**

### **Mass Notification System - SCU Bronco Alert**

The Emergency Planning Manager is responsible for the University's mass notification system, [SCU Bronco Alert](#). SCU Bronco Alert is activated as needed for the following messaging types:

- **Timely Warnings:** Alerts the campus community about crimes that pose a serious or continuing threat to safety.
- **Emergency Notifications:** Alerts the campus community about significant emergencies or dangerous situations.
- **Safety Bulletins:** Urgent messaging regarding incidents, events, or other occurrences on, or near campus that have the potential to be a serious or continuing threat to members of the campus community.
- **Information Bulletins:** Non-urgent messaging to keep the community informed regarding incidents, events, or other occurrences on, or near campus, but that do not have the potential to be a serious or continuing threat to members of the campus community.

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. When activated, all members of the SCU community, including those at the Jesuit School of Theology, will receive all alerts. The optional enrollment groups, such as SCU Parents and SCU Events will be included when applicable.

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.

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).

## Timely Warnings

University administrators must issue Timely Warnings for Clery-reportable crimes reported to a CSA (including CSS staff), or local law enforcement, occurring within the institution's Clery geography, that represent a serious or ongoing threat to students and/or employees. A Timely Warning will be sent in a timely manner, as soon as pertinent information is available. The University is not required to issue a Timely Warning for crimes reported exclusively to pastoral or professional counselors, or privileged information protected by state law.

In deciding whether to issue a Timely Warning or what information to include in the Warning, the University considers all of the facts surrounding the incident such as the nature of the crime and the continuing danger to the campus community. The University will also consider the potential impact and possible risk of compromising law enforcement efforts as it issues these Warnings and may withhold information about how the institution is investigating the incident when deemed necessary.

A Timely Warning will be issued to the entire campus community for the following Clery Act crimes when they occur within the institution's Clery geography and which pose a serious or ongoing threat to students and/or employees:

- Criminal Homicide
  - Murder and non-negligent manslaughter
  - Manslaughter by negligence
- Sex Offense
  - Rape
  - Fondling
  - Incest
  - Statutory rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Domestic Violence
- Dating Violence
- Stalking

- Hate Crime
- Hazing
- Arrest or Referral for:
  - Liquor Law Violation
  - Drug Abuse Violation
  - Weapons Law Violation

Full Clery Act Crimes Definitions can be found in Appendix B.

The determination of whether an incident poses a serious or ongoing threat to students and/or employees will be made based on the information that Campus Safety Services or Berkeley Police Department has available to it at the time. Factors that may be considered in determining if a serious or ongoing threat may exist includes, but is not limited to:

- If the incident occurred more than 30 days prior to report.
- If the suspect is known to the victim.
- If the suspect is or is not in custody.
- If the suspect has prior arrests or a history of violent behavior.
- If the suspect has a history of noncompliance with law enforcement or institutional directives.
- If the incident involved physical violence.
- If the suspect threatened to commit physical violence.
- If the victim is under 18 years of age.
- If it appears to be an isolated incident with a specifically targeted victim.

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 description of the incident
- Recommended personal safety precautions
- Physical description of the suspect, if available
- Date, time, and location of the incident
- Contact information for Campus Safety Services
- Other relevant information

Warnings will be issued in a timely manner and will include available information that may aid in preventing similar crimes. The level of detail in a Warning will vary depending on the type and nature of the crime, but will include information to aid in the prevention of similar incidents. The University will withhold the names and other identifying information of the victim(s). The content of the Warning may be limited as necessary to protect victim confidentiality, provided the Warning contains sufficient information to aid in preventing similar crimes.

The Director of Campus Safety Services or designee is responsible for preparing and distributing Timely Warning notifications, in consultation with relevant offices and agencies, including but not limited to the Emergency Planning Manager, Dean of Students Office or local law enforcement. If time permits, the University's Marketing and Communications team may assist in drafting the Timely Warning.

In most instances, the Timely Warning will be issued through the [SCU Bronco Alert](#) system to all students, faculty, and staff. When activated, all members of the SCU community, including those at the Jesuit School of Theology, will receive all alerts. When an immediate threat exists, the University will follow its Emergency Notification procedures and may not issue a Timely Warning for the same circumstances. The University will provide adequate follow-up information as needed.

Timely Warnings can be issued in SCU Bronco Alert to the community via SMS text message, the Guardian App, the Emergency Blue Phone speaker, the SCU website, voice calls, email, and/or the campus television screens.

## **Emergency Notifications**

Emergency Notifications are used when there is confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of on-campus community members.

Under this policy, the University will consistently apply 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.

SCU first-responders and other campus officials may be dispatched initially by Campus Safety Services, as necessary, to any reported or suspected crisis. CSS will utilize security cameras in an attempt to verify the existence of a dangerous situation. 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 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. The content of the notification will vary depending on the situation and be determined by CSS, in collaboration with the University's Executive Advisory Group, Office of Marketing and Communications staff, and first-responders, as needed and when practical to do so.

Upon confirmation of a significant emergency or dangerous situation occurring on campus or in the surrounding area that would affect community members on campus and that presents an immediate threat to the health or safety of students and/or employees, any of the following authorized officials may, without delay, initiate SCU Bronco Alert by selecting the appropriate recipients and content of the notification, and transmitting it:

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

The SCU Bronco Alert system includes a library of template messages that have been tailored to various emergency situations. The staff member issuing the alert will select the most relevant template and adjust it to reflect the specific details of the incident. If no suitable template is available, the staff member will craft a concise message within SCU Bronco Alert to communicate essential information to the community. The objective is to inform individuals of the situation and provide guidance on actions to protect their personal safety until the threat is resolved.

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, 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.

When activated, SCU's Emergency Notification system is configured to send alerts to the entire campus community, consisting of all students, faculty, and staff, including those at the Jesuit School of Theology campus. SCU does not issue Emergency Notifications to smaller groups based on geography or demographics. Notifications will be considered for events occurring on campus or in close proximity to the main campus. When an immediate threat exists, the University will follow its Emergency Notification procedures and may not issue a Timely Warning for the same circumstances. The University will provide adequate follow-up information as needed.

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

## **Modes of Notifying the Community**

In addition to SCU Bronco Alert, 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, the public, 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. The Office of Marketing and Communications is responsible for updating SCU websites, social media, and messages to local media outlets.

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. Any of the above-listed methods to disseminate information may be used, and the means may change as the situation evolves.

## **Emergency Response and Evacuation Tests**

### **Emergency Operations Plan and Emergency Operations Center**

Santa Clara University, through the Emergency Planning Office, has an Emergency Operations Plan that establishes policies, procedures, and an organizational structure for response to major emergencies affecting the campus. Training exercises allow University employees to become familiar with the procedures, facilities, equipment and systems that they will actually use in emergency situations. Santa Clara University conducts an emergency exercise of varying size and scope at least once annually.

Specifically, Emergency Operations Center members participate in regular tabletop exercises that involve the coordination of efforts across the entire campus. Examples of hypothetical emergencies in recent tabletop exercises include active threat and mass casualty scenarios, unattended suspicious items, and residence hall fires. These exercises are announced to participants. The Emergency Planning Manager maintains data and documentation that records these exercises. Data includes the date, approximate time(s), description of the exercise, and location.

### **SCU Bronco Alert “Giant Voice” and Blue Phone Testing**

The University tests the functioning of the SCU Bronco Alert “Giant Voice” speaker feature quarterly on the main campus. This is a public, announced campus-wide test. A reminder of testing is sent to subscribers of SCU Bronco Alert at least 24 hours prior to the test. The University publicizes its emergency response and evacuation procedures in conjunction with at least one system-wide test or exercise per calendar year. Each

test is documented by the Emergency Planning Manager and the data includes a description of the test, the date, time, and when it was announced.

Emergency Blue Phones are inspected and tested in person, by Campus Safety Services staff members, on a weekly basis on the main campus. The tests document that the strobe, speaker, mic, and connection to CSS dispatch are in working order. If not in proper working order, a request for maintenance is promptly submitted.

## **Earthquake Drills and Preparedness**

Each year, Santa Clara University participates in the Great California ShakeOut Earthquake Drill, which is held annually on the third Thursday of October. The ShakeOut is an opportunity to practice Drop, Cover, and Hold On and consider how they would respond if an earthquake occurred during the day. Before the drill, identify a safe location in the spaces you use most.

Campus Safety Services has developed the Prepared SCU Digital Earthquake Kit, an SCU-specific guide to help students, faculty, staff and families prepare for an earthquake and know what to do during and after shaking.

The kit includes information on:

- Drop, Cover and Hold On in different locations
- What to do during the first few minutes after an earthquake
- Emergency Assembly Points and evacuation
- SCU Bronco Alerts and earthquake early warning
- Building a personal 72-hour emergency supply plan
- Commuting, off-campus housing and regional earthquake impacts
- Access and functional needs
- Aftershocks and the first 24–72 hours following an earthquake

The kit is designed to be saved to your phone and available offline when you may need it. View the [Prepared SCU Digital Earthquake Kit](#) and [Emergency Planning Be Prepared webpage for Earthquakes](#).

## Evacuation Drills and Procedures

Evacuation fire drills are performed in residence halls on the main campus on a regular basis. 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. These occur two times per year—once during Fall quarter and once during Winter quarter (15 residential units two times per year equates to 30 evacuation drills each year). In 2025, thirty drills were conducted on the main campus.

Following emergency drills and exercises, the University evaluates its emergency plans and response capabilities through participant feedback and an immediate facilitated debrief, or “hotwash.” For more complex exercises, a formal After-Action Report may also be prepared. Findings identify strengths, gaps, and corrective actions and are used to improve emergency plans, procedures, training, and future exercises.

Emergency Assembly Points (EAPs) are designated areas on campus which are to be used in the case of emergency situations. They are intended to provide a safe area for individuals while waiting for emergency personnel to respond.

### Characteristics of Assembly Points:

- Open areas - a minimum of 40' away from buildings
- Easily and safely accessible
- Large enough to accommodate all building occupants
- Located away from power lines, poles, trees, gas lines and vehicles
- Accessible to emergency medical personnel

Adjustments may be warranted due to difference in height, size and occupancy classifications of individual buildings. Final determinations on Emergency Assembly Points sites are made by the Environment Health & Safety division manager. View the [Emergency Assembly Point Map](#).

For more information about fire safety and evacuation, please see the section titled “Fire Safety Education and Training for Students, Faculty, and Staff”.

## **Evacuation/Emergency Procedures for Individuals with Access/Functional Needs**

The evacuation of individuals with access or functional needs will be given high priority in all emergency situations. During any emergency, it is important that you are familiar with your needs during a building or campus evacuation. Become familiar with the buildings you spend the most time in and all possible emergency exit routes. If a call to the Santa Clara 911 Communications Center determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

SCU Bronco Alert can also send emergency messaging to TTY/TDD devices for the hearing impaired. You may also text 911. Text to 9-1-1 is intended primarily for use in three emergency situations:

- For an individual who is deaf, hard-of-hearing or has a speech disability.
- For someone who is in a situation where it is not safe to place a voice call to 9-1-1.
- A medical emergency that renders the person incapable of speech.

How to text 911 in an emergency:

- Enter the numbers 911 (no dashes or spaces) in the "To" field.
- The first text message to 9-1-1 should be brief. Include address, city and type of emergency (police, fire or medical).
- Push the "Send" button.
- Be prepared to answer questions and follow instructions from the Public Safety Dispatcher.
- Text in simple words - do not use abbreviations.
- Keep text messages brief and concise.

There are a number of buildings on the main campus which have emergency evacuation devices installed. The multiple types of devices are a powered evacuation chair, "Evac+Chair Power 800", a non-motorized "Evac+Chair 300H", and "QuikLitter™ Lite". The Evac+Chair Power 800 is a motorized evacuation chair designed to safely transport individuals up or down stairs during emergencies. Battery-powered and easily operated by one person, it's ideal for use in multi-story buildings. The

QuikLitter™ Lite is a lightweight, compact emergency stretcher designed for rapid patient transport. With reinforced handles and a 750 lb capacity, it's ideal for quick deployment in emergencies and mass casualty situations.

Locations where these devices are found on the main campus are below:

- Benson Memorial Center (Evac+Chair)
  - 2nd floor, West hallway
  - Basement level, West hallway
  - Basement level, East hallway
- Kenna Hall
  - 2nd floor, West hallway (QuickLitter)
- O'Connor Hall (Evac+Chair)
  - 3rd floor, North hallway
- Learning Commons and Library (QuickLitter)
  - Basement level, East hallway
  - First floor, East hallway
  - Second floor, East hallway
  - Third floor, East hallway
- Locatelli Student Activity Center (Evac+Chair 300H model)
  - Second floor, North wall

## **Crime Prevention And Security Awareness Programs**

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

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

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

## Personal Safety Programs

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.

## Campus Safety Services Websites & Newsletters

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.

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.

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. Recent topics include information on: Emergency Blue Phones, personal safety in large crowds, Rave Guardian App including an emergency keyword chat activation, Naloxone/overdose aid kits, fire extinguishers

on campus, preventing unauthorized access to campus buildings, and traveling to and from events safely.

## 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 Schools and Communities Act, the University provides a document outlining drug and alcohol abuse programming to the campus community. Violations of University policy, state law, and federal law all constitute a violation of University standards. Please review the [Drug and Alcohol Abuse Prevention Program Annual Notification](#), which includes the following information regarding the University's drug and alcohol abuse prevention program:

- SCU standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol.
- Applicable legal sanctions imposed under Federal, state, and local laws for unlawful possession or distribution of illicit drugs and alcohol.
- A description of the health risks associated with the abuse of alcohol or use of illicit drugs.
- A list of alcohol and other drug campus resources available to students and employees, including counseling, treatment, and prevention resources.
- Disciplinary sanctions for violations of the SCU standards of conduct.

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.

Santa Clara University has several policies that govern the behavior of students, staff, and faculty as members of the SCU community. The standards of conduct apply to all students who are registered at SCU for at least one course for any type of credit,

except continuing education credits. Students who hold part-time employment with SCU are covered by both student and employee policies. These standards of conduct also apply to all on-campus activities and to off-campus activities that are considered to be sponsored by the University. These standards of conduct further apply to student-sponsored social activities or professional meetings attended by employees, if these activities or meetings are considered SCU-sponsored activities.

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 prohibits the unlawful possession, use, or sale of alcoholic beverages on University property or in connection with University activities and supports enforcement of applicable California underage drinking laws, including, when appropriate, referral to the appropriate law enforcement agency. 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.

It is the goal of Santa Clara University to maintain a drug-free workplace and campus. The University prohibits the unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances on University property, in the workplace, or in connection with University activities and supports enforcement of applicable federal and California drug laws, including, when appropriate, through referral to the appropriate law enforcement agency. The unlawful manufacture, distribution, dispensation, possession, and/or use of controlled substances or the unlawful possession, use, or distribution of alcohol is prohibited on University property, in the workplace, or as part of any of the University's activities, under the Drug-Free Policy.

## Hazing

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.

This Annual Security Report includes statistics on hazing for the first time, for the calendar year 2025. The Report includes incidents in 2025 that meet the definition of hazing provided in the SCHA and that occurred in the University’s Clery geography, regardless of the student organization’s affiliation with the University. Furthermore, the SCHA mandates the creation of a [Campus Hazing Transparency Report \(CHTR\)](#). The CHTR is separate and distinct from the Annual Security Report and includes hazing incidents that constitute a violation of the University’s Policy Prohibiting Hazing. The CHTR includes incidents of findings of policy violation by registered student organizations, regardless of where the incident occurred.

Pursuant to the Stop Campus Hazing Act, this section includes information on hazing prevention and awareness programs, how to report incidents of hazing, the process used to investigate such incidents, and information on applicable local, State, and Tribal laws on hazing.

If you or someone you know has been hazed at SCU, resources are available, including confidential medical and mental health services and victim advocacy. Please reach out to [Student Health, Counseling, and Well-Being](#) for medical services and [Counseling and Psychological Services \(CAPS\)](#) for mental health resources. Examples of services available through CAPS include [short-term therapy](#), [24/7 mental health support through Uwill](#), and [Therapists in Residence](#) who are available within the residential learning communities on campus. Additionally, the [Wellness Center provides survivor advocacy](#) and can assist SCU students who have been impacted by interpersonal harm, such as hazing. This is a safe, compassionate, and non-judgmental space for students to explore their options, rights, and resources.

Please visit [scu.edu/hazing](https://scu.edu/hazing) for information regarding hazing on campus, including healthy alternatives to hazing.

## **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**

The California Penal Code defines “Hazing” as any method of initiation or preinitiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which 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-sanction events.

The California Education Code further defines “Hazing” as 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 at SCU

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.

## Prevention and Awareness

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 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 and employees.
- 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.

The research-informed training courses for students and employees are both provided through Vector Solutions. The student course provides students with essential communication and leadership skills that help prevent hazing while building the meaningful connections and community belonging that college should offer. Topics include: identifying the key components in the definition of hazing, recognizing who is involved in hazing such as victims and perpetrators and why they exhibit certain behaviors, recognizing signs and examples of hazing, identifying the risks associated with hazing, and identifying what you can and should do to protect yourselves and your peers from dangerous hazing behaviors. The goals of the employee course are to help employees understand what hazing is, explain why hazing occurs and educate best ways to identify and address hazing incidents. The course also covers the definition of hazing, health and legal risks, and your responsibility. Both courses provide information about SCU's Policy Prohibiting Hazing, including how to report, the applicable local, state, and tribal laws on hazing, and the process used to investigate a hazing incident.

## Reporting Incidents

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 (main campus)

Phone: (408) 554-4441

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

### Dean of Students Office

Benson Memorial Center, 205

Phone: (408) 554-4583

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  
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) 554-4533  
Email: [provost@scu.edu](mailto:provost@scu.edu)

Department of Human Resources  
Loyola Hall, Suite 100  
Phone: (408) 554-4392  
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.

### **Applicable Local, State, and Tribal Laws**

Under [California Penal Code Section 245.6](#) ("Matt's Law"), hazing that does not result in serious bodily injury is a misdemeanor punishable by a fine of not less than one hundred dollars (\$100), nor more than five thousand dollars (\$5,000), or imprisonment in the county jail for not more than one year, or both. Any person who personally engages in hazing that results in death or serious bodily injury, is guilty of either a misdemeanor or felony, and shall be punished by imprisonment in county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Penal Code Section 1170. Furthermore, the person against whom the hazing is directed may commence a civil action for injury or damages. The action may be brought against any participants in the hazing, or any organization to which the student is seeking membership whose agents, directors, trustees, managers, or officers authorized, requested, commanded, participated in, or ratified the hazing.

Under [California Education Code Chapter 5.1, Section 66308](#) ("Stop Campus Hazing Act"), a former, current, or prospective student against whom hazing is directed and who has suffered injury as a result, may commence a civil action for damages. In

addition to bringing an action against any participants in the hazing or the organization pursuant to Section 245.6 of the Penal Code (summarized above), an action may be brought against any educational institution for the hazing practice of the organization involving one or more students if all of the following apply:

- (1) The educational institution had direct involvement in the hazing practice of the organization, or knew or should have known of the hazing practice and failed to take reasonable steps to prevent the hazing practice of the organization.<sup>1</sup>
- (2) At the time of the alleged hazing incident, the organization involved in the hazing is affiliated with the educational institution.
- (3) The alleged hazing incident occurred on or after January 1, 2026.

There are currently no local or Tribal laws regarding hazing in Santa Clara County.

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.

## Prohibited Sexual Conduct

Acts of sexual assault, sexual harassment, dating violence, domestic violence, stalking and retaliation, as those terms are defined in this Annual Security Report, are unacceptable and prohibited by Santa Clara University and applicable law.

The University has procedures in place to respond to and investigate allegations of such conduct. The Office of Equal Opportunity and Title IX has policy in place for situations where the misconduct meets the jurisdictional threshold of the federal regulations under Title IX. Title IX has jurisdiction when all of the following apply:

- The misconduct falls within the definition of Prohibited Sexual Conduct under Title IX.
- The misconduct occurred within the United States.

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<sup>1</sup> See California Education Code, Chapter 5.1, Section 66308 (b) for circumstances that create a rebuttable presumption that an educational institution took reasonable steps to prevent the hazing practices of the organization.

- The misconduct occurred on campus or was connected to a University program/activity.
- The complainant was a part of a University program/activity when the report was made.
- The misconduct occurred on or after August 14, 2020.

If a situation arises that does not meet the above criteria, the University has policies and procedures in place to address misconduct that is not covered by Title IX, but that is otherwise a violation of other University standards.

Following a report of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options. Any report of alleged sexual misconduct is routed to the Office of Equal Opportunity and Title IX for evaluation, at which point a written notification, via email, is sent to the complainant. This initial outreach includes support resources, the University's Equal Opportunity and Title IX Policies, information about confidential survivor advocacy, and a statement that SCU prohibits retaliation. Additionally, The Office of Equal Opportunity and Title IX maintains an informational brochure that includes how to report, resources and support on and off campus, how to get emergency/medical/support attention, information about preserving evidence, and a summary of the resolution process through the Office of Equal Opportunity and Title IX. These materials contain the following information:

- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.
- How and to whom the alleged offense should be reported.
- Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to:
  - Notify proper law enforcement authorities, including local police.
  - Be assisted by campus authorities in notifying law enforcement authorities, if the victim so chooses.
  - Choose not to notify such authorities.
- Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court, or by the institution.

- Options for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available, both within the institution and in the community.
- Options and assistance, including how to request and who to contact, about the following changes:
  - Academic situations
  - Living situations
  - Transportation situations
  - Working situations
  - Protective measures

Santa Clara University will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining confidentiality would not impair the University's ability to provide those accommodations or protective measures. Victims may request these accommodations or protective measures by contacting the Office of Equal Opportunity and Title IX. The University will provide requested measures when reasonably available, regardless of whether the victim reports to CSS or law enforcement.

Publicly available record-keeping, including Clery Act-related reporting and disclosures, will never include personally identifying information about the victim.

## **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.

Santa Clara University provides primary prevention and awareness programs to all incoming students and new employees through orientation, the Being a Bronco series, and interactive online training courses. New Employee Orientation addresses the University's prohibition of dating violence, domestic violence, sexual assault, and stalking; the applicable California definitions of those offenses and consent; safe and positive bystander intervention options; risk reduction strategies; procedures and resources available when an offense is reported; and the rights and procedures applicable to institutional disciplinary proceedings.

The University also provides ongoing prevention and awareness campaigns for students and employees through Wellness Center programming. These programs address the University's prohibition of dating violence, domestic violence, sexual assault, and stalking; the applicable California definitions of those offenses and consent; safe and positive bystander intervention options; risk reduction strategies; procedures and resources available when an offense is reported; and the rights and procedures applicable to institutional disciplinary proceedings.

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.

## 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 six-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 interactive training program to raise awareness of and prevent dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in this Annual Security Report.

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:

- Sexual Assault Awareness Month
  - Tabling
  - Slut Walk
  - Sound Bowl Meditation
  - Nourish Nights
  - Human Trafficking Rally
  - Title IX/Advocacy Open Forum
  - Healing Arts Exhibit
  - Denim Day
- Bystander Intervention 101
- Peer Health Education
- Naloxone/Opioid Overdose Prevention Trainings

## Peer Education

The Wellness Center Peer Education Team, the Peer Health Educators (PHEs) 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.

Online training is available and accessible to employees through a Vector Solutions Online Module upon hire and at least every two years thereafter. The California-specific training invites employees to consider the nature of harassment and discrimination. It equips learners with essential tools to identify, prevent, and address workplace harassment. Through engaging narratives and real-world scenarios, this comprehensive course demonstrates how various forms of harassment impact individuals and institutions, while clarifying the rights and responsibilities of all employees in creating a safe, respectful workplace. Participants explore sexual harassment, workplace bullying, bystander intervention, and protection against retaliation through memorable case studies that illustrate the personal, professional, and institutional consequences of misconduct. This learning experience emphasizes the critical role of proactive reporting and intervention—even when the type of

misconduct is unclear—while providing practical tools for fostering a positive workplace culture.

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

The Office of Equal Opportunity and Title IX is 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.

The Office of Equal Opportunity and Title IX also provides on-campus training for continuing education addressing the University's prohibition of dating violence, domestic violence, sexual assault, and stalking; the applicable California definitions of those offenses and consent; safe and positive bystander intervention options; risk reduction strategies; procedures and resources available when an offense is reported; and the rights and procedures applicable to institutional disciplinary proceedings.

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

If you are the victim of assault, sexual assault, domestic or dating violence, your personal safety is most important. Immediately after an incident, please seek medical assistance and support.

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.

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 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 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.

## **Title IX Investigation and Hearing for 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.

No formal complaint, investigation, or report, either to Campus Safety Services or criminally to local law enforcement, 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.**

## 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 main 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  
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 (main campus)

Phone: (408) 554-4441

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

**Dean of Students Office**

Benson Memorial Center, 205

Phone: (408) 554-4583

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

**Office of the Executive Vice President and Provost**

Walsh Administration Building, first floor

Phone: (408) 554-4533

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

**Department of Human Resources**

Loyola Hall, Suite 100

Phone: (408) 554-4392

[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. 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](mailto: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.

## **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 [webpage for immediate assistance](#).

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 [webpage for immediate assistance](#) provides information and resources available to students, including confidential and non-confidential on-campus resources, and counseling services. 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. In addition to these resources, the Wellness Center also offers the following healing opportunities:

Healing Community Nights: is a drop-in, peer-facilitated space for students impacted by interpersonal harm and their support system. Students can connect with others while participating in therapeutic art activities, share a meal and spend time in a supportive community. Healing Community Nights is held in the Cowell Center on Thursdays during weeks 2-10, from 6:30-8pm.

Trauma-Informed Yoga: a supportive, closed-group space for students that have experienced interpersonal harm to explore healing through movement, breath and mindfulness. The program incorporates trauma-informed yoga practices, psycho-education, and opportunities to build connection with yourself and others in a supportive environment. This program is held in the Cowell Center on Mondays during weeks 2-9, from 7-9pm.

## Resources

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

| Non-Confidential On-Campus Resources                            | Contact Information                                          |
|-----------------------------------------------------------------|--------------------------------------------------------------|
| <a href="#"><u>Office of Equal Opportunity and Title IX</u></a> | 408-551-3043                                                 |
| <a href="#"><u>Campus Safety Services</u></a>                   | Emergency:<br>408-554-4444<br>Non-Emergency:<br>408-554-4441 |
| <a href="#"><u>Dean of Students Office</u></a>                  | 408-554-4583                                                 |
| <a href="#"><u>Human Resources</u></a>                          | 408-554-4392                                                 |

|                                                     |              |
|-----------------------------------------------------|--------------|
| <u>Residence Life Team</u>                          | 408-554-4900 |
| <u>Student Medical Services (Semi-Confidential)</u> | 408-554-4501 |

| Local Resources                                                                                                       | Contact Information                          |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <u>SAFE+ Program</u> (trauma-informed medical and forensic care)                                                      | 408-793-SAFE (7233)                          |
| <u>YWCA Rape Crisis Center</u> (violence prevention & survivor support)                                               | (800) 572-2782<br>Text chat: <u>SafeChat</u> |
| <u>Next Door Solutions</u> (domestic violence agency)                                                                 | 408-279-2962                                 |
| Family Justice Center (domestic violence restraining order assistance)                                                | 408-534-5600                                 |
| <u>Maitri</u> (domestic violence agency supporting South Asian survivors with culturally responsive services)         | 408-436-8398                                 |
| <u>Safe Alternatives to Violent Environments (SAVE)</u> (provides support for survivors of intimate partner violence) | 510-574-2250                                 |
| <u>Berkeley Police Department</u>                                                                                     | 510-981-5900                                 |

| National Resources                                                                               | Contact Information                              |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------|
| <u>National Domestic Violence Hotline</u>                                                        | 1-800-799-SAFE (7233)<br>or 1-800-787-3224 (TTY) |
| <u>Rape, Abuse &amp; Incest National Network (RAINN)</u>                                         | 1-800-656-HOPE (4673)                            |
| <u>Take Back the Night</u> (sexual assault legal hotline)                                        | 567-SHATTER<br>(567-742-8837)                    |
| <u>The Army of Survivors</u> (nonprofit focused on ending abuse in sports)                       | Website                                          |
| <u>Survivors Network of those Abused by Priests</u> (support network for those harmed by clergy) | 1-877-SNAP-HEALS<br>(1-877-762-7432)             |
| <u>MenHealing</u> (resources for male-identified survivors of sexual trauma)                     | Website                                          |

## Alameda County Resources

The [Sexual Assault and Domestic Violence Program \(SARRT\)](#) provides medical and forensic response to victims of sexual assault, 14 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.

Additionally, SARRT offers a 24-hour hotline, by dialing (510) 534-9290. SARRT also offers in-person crisis counseling, crisis intervention, emergency safe housing, safety planning, in-person support groups, immigration assistance, and case management for survivors of sexual violence and significant others, as well as medical and law enforcement accompaniments.

Alameda County has three SART sites. Valley Care Hospital in the Tri-Valley area, Washington Hospital in Fremont for south county residents, and Highland Hospital in Oakland for north county residents. All sexual assault survivors aged 14 years old and over are seen at one of these three hospitals. If under the age of 14, victims of sexual assault will be seen at Children's Hospital in Oakland. Alameda County has a Sexual Assault Response Team that responds to these hospitals. This team includes specially trained nurse practitioners, sexual assault advocates (i.e. SARRT) and police officers. These sites have the most up to date equipment to help with evidence collection. Extensive police questioning about the incidence most often happens at the hospital. SARRT Advocates are not affiliated with the police or the hospitals and are only there to support and assist victims in navigating this process.

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

Highland Sexual Assault Response and Recovery Team (SARRT)

Highland Hospital Campus

1411 East 31st Street

Oakland, CA 94602

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

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

Washington Hospital

2000 Mowry Avenue

Fremont, CA 94538

Phone: (510) 797-1111

Stanford Health Care Tri-Valley

5555 W Las Positas Blvd.

Pleasanton, CA 94588

Hours: Open 24 hours

Phone: (925) 847-3000

**Information on Sexual Assault Response and Sexual Assault Forensic Exams**

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 (SANE) 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. SANEs also collect evidence for forensic purposes, called a Sexual Assault Forensic Exam (SAFE). 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. Law Enforcement can provide transportation.

SANEs 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.

See additional information about the SAFE and how the Confidential Survivor Advocate can support you on the [Caring for Yourself After Experiencing Harm site](#).

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

### **Resolution Process**

Reports of dating violence, domestic violence, sexual assault, or stalking may be made to the Office of Equal Opportunity and Title IX using the reporting methods described in this Annual Security Report. After an initial assessment, the Director will determine the applicable resolution process based on the nature of the alleged conduct and whether it falls within the scope of the EO/TIX policies. Available resolution options include a support-based resolution; a Resolution Agreement when permitted and agreed to by the parties; an investigation for employee or third-party matters when a student is not a party and for student-on-employee or employee-on-student matters; an investigation and hearing process for student-on-student matters; and an investigation and hearing process governed by the 2020 Title IX Regulations. Matters involving sexual violence may not be resolved through a Resolution Agreement. A written Formal Complaint must first be filed in order to initiate the investigation and hearing process governed by the 2020 Title IX Regulations.

The sections below describe how to initiate each process, its procedural steps and expected timeline, the relevant decisionmaker, and procedures for determining responsibility and appeal.

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

#### Initial Contact

Following receipt of a report alleging Prohibited Conduct, 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; legal assistance; visa and immigration assistance; student financial aid; and other available services;
- 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.

#### Available Sanctions:

- Student Respondents
  - Verbal or written warning
  - Educational sanctions
  - Contributed service
  - Restitution
  - Fines
  - Loss of privileges
  - No contact directive
  - Disciplinary probation
  - Deferred suspension
  - Interim suspension
  - Suspension
  - Expulsion
  
- Faculty/Staff Respondents
  - 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
- Termination

#### 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.

A Formal Complaint is a written document or electronic submission containing all of the following:

- The Complainant's digital or physical signature, or an indication that the Complainant is the person filing the Formal Complaint;
- An allegation of Sexual Harassment (Under the 2020 Title IX Regulations) as defined under this Policy. This may include where the incident(s) occurred; what incident(s) occurred; and when the incident(s) occurred.
- Identity of Respondent, if known; and,
- A request for an investigation.

A Formal Complaint may be filed with the Director in person, by mail, or by electronic mail (email), by using the contact information listed on the Equal Opportunity and Title IX website ([scu.edu/title-ix](http://scu.edu/title-ix)) or as described in this Policy.

If a complaint is submitted in a form that does not meet this standard, the Director will contact the Complainant to confirm a Complainant's intent to file a Formal Complaint. Further, if the Formal Complaint does not have sufficient information to determine whether or not the conduct as alleged will fall under this Policy, the Director will contact the Complainant to schedule a meeting to discuss the matter.

Upon receipt of a Formal Complaint, the Director will contact the Complainant to conduct an initial assessment, discuss (and, when appropriate, implement) Supportive Measures, and to discuss the resolution process. In the event that the Complainant declines to participate in an initial assessment, and if the Formal Complaint contains an allegation meeting all of the jurisdictional elements required to constitute Sexual Harassment (Under the 2020 Title IX Regulations), and contains a request for an investigation, and the Formal Complaint is signed or includes an electronic submission from the Complainant, the Director will notify the Respondent and Complainant of the

allegation and commence the investigation process, starting with a Notice of Investigation.

The Director shall have the discretion to sign a Formal Complaint and initiate an investigation when a Complainant's allegations involve violence (which may include whether the Respondent used physical restraints, or engaged in battery), use of weapons, serial predation, multiple victims, the Respondent is a faculty or staff member with oversight over students, or similar factors. When the Director signs a Formal Complaint, the Director does not become the "Complainant" for purposes of this Policy. Upon the Complainant's request, the Director will inform the Respondent that the Complainant did not wish to sign the Formal Complaint.

Anyone who wishes to discuss their options for resolving a complaint prior to filing a Formal Complaint is encouraged to contact the Office of Equal Opportunity and Title IX.

A Formal Complaint may be submitted by a Complainant, but is not required, for reports involving other forms of Sex-Based Discrimination or Sex-Based Harassment.

### Emergency Removal

If at any time the University determines that the conduct, as alleged, poses a risk of physical harm to one or more members of the University community, or to the University's educational, research, scholarly, work, or living environment, the University may place the Respondent on interim suspension or leave, or on an interim suspension or leave from certain University programs or activities. Any such determination will be made on a case-by-case basis, based on an individualized safety and violence risk analysis. An interim suspension or leave decision will be communicated in writing to the Respondent.

For matters involving students (including student employees), the risk assessment will be performed by the Behavioral Concerns Team. Following the risk assessment, the Vice Provost for Student Life (or designee), after consultation with the Director, shall have the sole discretion under this Policy to implement an emergency removal from the campus, any campus property, programs, activities, or work assignments on an interim basis. When the matter involves a student employee, the Vice Provost for Student Life

(or designee) will also consult with Human Resources in advance of implementing an emergency removal that impacts the student's employment.

For matters involving faculty, the risk assessment will be performed by Human Resources in consultation with the Office of the Provost and the Director. Following the risk assessment, the Office of the Provost shall have the sole discretion under this Policy to implement an emergency removal from the campus, any campus property, programs, activities, or work assignments on an interim basis.

For matters involving staff, the risk assessment will be performed by Human Resources. Following the risk assessment, Human Resources shall have the sole discretion under this Policy to implement an emergency removal from the campus, any campus property, programs, activities, or work assignments on an interim basis.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns, pending the outcome of a University investigation and/or resolution process. As determined by the Director, these actions could include any of the following sanctions:

- Available Sanctions:
  - Student Respondents
    - Verbal or written warning
    - Educational sanctions
    - Contributed service
    - Restitution
    - Fines
    - Loss of privileges
    - No contact directive
    - Disciplinary probation
    - Deferred suspension
    - Interim suspension
    - Suspension
    - Expulsion
  - Faculty/Staff Respondents
    - 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
- Termination

The Respondent may challenge the decision immediately following the removal, by notifying the Director in writing. The University will designate an impartial individual, not otherwise involved in the case, to consider the challenge to the removal and determine if the emergency removal was reasonable.

For all other Prohibited Conduct, the University may defer to its interim suspension policies for students and administrative leave for employees.

Violation of the terms of any emergency actions taken under this Policy will be referred to Student Conduct, Human Resources, or the Office of the Provost and may be grounds for discipline, which may include expulsion or termination.

#### Administrative Leave for Employees

The University retains the authority to place an employee Respondent on administrative leave during a pending complaint process under this Policy, with or without pay as appropriate. Administrative leave may be implemented as a Supportive Measure or emergency removal, or may be implemented separately. Administrative leave implemented as a Supportive Measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement

that measure.

### Interim Suspension for Students

The University retains the authority to suspend a student Respondent or to take other disciplinary action on an interim basis in a manner consistent with the Student Handbook pending the outcome of a hearing. An interim suspension may be implemented as a Supportive Measure or emergency removal, or may be implemented separately under the Student Handbook. An interim suspension implemented as a Supportive Measure or as emergency removal is subject to the procedural provisions above, including the right to challenge the decision to implement that measure.

### Requests for Confidentiality or No Further Action

A person may desire to report Prohibited Conduct to the University but may ask the University not to use their name or other identifiable information as part of any resolution process or not to take any further action, or the person may decline to participate in an investigation. When a Complainant requests that the University not use their name or other identifiable information as part of any resolution process, or asks the University not take any further action, the Director will evaluate the request. In doing so, the Director will balance the Complainant's request with the University's obligation to provide a safe and non-discriminatory environment for its community members. The factors the Director will consider when determining whether to act against the wishes of a Complainant include:

- The Complainant's request not to proceed with initiation of a complaint;
- The Complainant's reasonable safety concerns regarding initiation of a complaint;
- The risk that additional acts of sex discrimination would occur if a complaint is not initiated;
- The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- The age and relationship of the Parties, including whether the Respondent is an employee of the University;

- The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- The availability of evidence to assist a Decisionmaker in determining whether sex discrimination occurred;
- The existence of similar past complaints regarding the same individual;
- Whether the Complainant is a minor;
- Whether the Respondent is in a supervisory or management position at the University, whether or not the supervisor of the Complainant;
- Whether the Respondent is a faculty or staff member with oversight of students;
- Whether the alleged conduct was alleged to have been committed by multiple individuals;
- Whether the University is able to conduct a thorough investigation and obtain relevant information in the absence of the Complainant's cooperation;
- Whether the University could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures as listed in this Policy.
- Whether the conduct as alleged involved use of a weapon or physical restraints, or otherwise presents an imminent and serious threat to the health or safety of the Complainant or other persons, or that the conduct as alleged prevents the University from ensuring equal access on the basis of sex to its education program or activity.

The University will take reasonable steps to investigate and respond to a complaint consistent with the Complainant's request for confidentiality, request for no further action, or decision not to participate in an investigation. However, the University's ability to investigate and respond fully to a report may be limited based on the nature of the request by the Complainant or the Complainant's decision not to participate in an investigation. When the University is unable to honor the Complainant's request, the Director will notify the Complainant in writing of the chosen course of action. In circumstances when the Director initiates an investigation, the Director does not become the "Complainant" for purposes of this Policy. Upon the Complainant's request, the Director will inform the Respondent that the Complainant did not wish to initiate an investigation.

Where the Director determines that the Complainant's request(s) can be honored, the University may take other appropriate steps to eliminate the reported conduct, prevent its recurrence, and remedy its effects on the Complainant and the University.

## Dismissal

The Director may dismiss a complaint if:

- The University is unable to identify the Respondent after taking reasonable steps to do so;
- The Respondent is not participating in the University's education program or activity and is not employed by the University;
- The Complainant voluntarily withdraws their complaint in writing and the Director does not initiate a complaint;
- The Complainant voluntarily withdraws some but not all allegations in a complaint in writing, and the University determines that, the conduct that remains alleged in the complaint would not constitute Prohibited Conduct under this Policy;
- The Director determines the conduct alleged in the complaint, even if proven, would not constitute Prohibited Conduct under this Policy; or
- Specific circumstances prevent the gathering of evidence sufficient to reach a determination as to the complaint or the allegations in the complaint.

For Prohibited Conduct that constitutes Sexual Harassment (Under the 2020 Title IX Regulations), the 2020 Title IX Regulations require the Director to dismiss the Formal Complaint if:

- The conduct alleged in the Formal Complaint would not constitute Sexual Harassment (Under the 2020 Title IX Regulations) even if proved; or
- The conduct alleged in the Formal Complaint did not occur in the University's education program or activity; or
- The conduct alleged in the Formal Complaint did not occur against a person in the United States.

A dismissal of a complaint of one form of Prohibited Conduct does not preclude a complaint involving other conduct that is prohibited under this or any other University policy.

Upon dismissal, the Director will promptly notify the Complainant in writing of the basis for the dismissal. If the dismissal occurs after the Respondent has been notified of the allegations, then the Director will notify the parties simultaneously in writing. If a

dismissal of one or more allegations changes the appropriate decision-making process under these grievance procedures, the Director will include that information in the notification.

The Director will notify the Complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the Respondent has been notified of the allegations, then the Director will also notify the Respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the Director will follow the procedures outlined in the Appeals section of these grievance procedures.

When a complaint is dismissed, the Director will, at a minimum:

- Offer Supportive Measures to the Complainant as appropriate;
- If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and,
- Take other prompt and effective steps, as appropriate to ensure that sex discrimination does not continue or recur within the University's education program or activity.

#### Withdrawal or Resignation During a Resolution Process

Should an employee Respondent's employment with the University conclude (by resignation or otherwise) with unresolved allegations pending, the resolution process ends, as the University no longer has disciplinary jurisdiction over the employee. However, the University will continue to address and remedy any systemic issues, including variables that contributed to the alleged violation(s), and any ongoing effects of the alleged harassment or discrimination. The Director, in consultation with the Provost's Office (in the case of a faculty Respondent) or Human Resources (in the case of a staff or student employee Respondent), may conclude that the Respondent is not eligible for rehire or that the Respondent's return is conditioned on the resolutions of the allegations.

Should a student withdraw with unresolved allegations pending, the University reserves the right to continue the investigation process and/or to transfer the concerns for handling under any other appropriate office, policy, or process. The University also may

condition the student's return on the completion of the investigation and resolution process.

Should a Complainant withdraw or leave the University, the investigation, or investigation and hearing, will continue.

### Options for Resolution

There are multiple ways to resolve a complaint or report of Prohibited Conduct under this Policy. Whenever possible, the University will utilize the resolution method chosen by the Complainant, subject to Section VIII.I above. During the resolution of a complaint, the Director will determine whether to implement reasonable Supportive Measures designed to assist both Complainant and Respondent to maintain access to and participation in University programs, services and activities.

The procedures that are part of this Policy are not intended as an adversarial process between the Complainant, the Respondent, and the Witnesses but rather a process for the University to meet its obligations for a campus free from Prohibited Conduct. Under this process, the Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct. Rather, the burden is on the University through the processes outlined in this Policy to determine whether this Policy has been violated.

### *Support-Based Resolution*

A support-based resolution is an option when a Complainant does not wish the University to take any further steps to address their concern and the Director determines that another form of resolution, or further action, is not required. A support-based resolution does not preclude later use of another form of resolution. An example is if new information becomes available to the University, and the Director determines there is need for additional steps to be taken, or the Complainant later decides to pursue a Resolution Agreement or investigation.

Examples of types of support that may be appropriate include: adjustments or changes to class schedules; moving from one residence hall room to another; adjusted deadlines for projects or assignments; adjustments to work schedule or arrangements; escorts to and around campus; or counseling.

The Director has the discretion to determine that a support-based resolution is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through the investigation process.

### *Resolution Agreement*

A Resolution Agreement is a process where the Complainant and Respondent each voluntarily agree to resolve the complaint in a way that does not include an investigation, and does not include any finding of responsibility. The Complainant and/or Respondent may design the Resolution Agreement. The Director must approve the final Resolution Agreement between Complainant and Respondent. A Resolution Agreement may be initiated at any time prior to the written notice of outcome. Because a Resolution Agreement does not involve an investigation, there is not any determination made as to whether the Respondent violated this Policy.

The Director has the discretion to determine that a Resolution Agreement between the Complainant and Respondent is not an appropriate way to address the reported conduct, and that the matter must instead be resolved through the investigation process. Matters involving sexual violence (sexual assault, dating or domestic violence) may not be resolved under this process.

Prior to the initiation of the Resolution Agreement process, the Director will provide the Complainant and Respondent written notice that includes:

- The allegations;
- The requirements of the Resolution Agreement process;
- Any consequences resulting from participating in the Resolution Agreement process, including the records that will be maintained or could be shared, and whether the University could disclose such information for use in a future University grievance process, including an investigation and resolution process arising from the same or different allegations, as may be appropriate;
- Notice that an alternative resolution agreement is binding only on the Parties;
- Notice that the agreement, once finalized and signed by the Parties, is binding and not subject to appeal, and that they cannot later initiate a separate complaint arising from the same allegations;
- An explanation that each Party may be accompanied by an Advisor of their choice, who may be a parent, colleague, friend, or attorney;

- A statement that any Party has the right to withdraw from the alternative resolution process and initiate or resume an investigation at any time before agreeing to a resolution;
- The date and time of the initial meeting with staff or the Director, with a minimum of three (3) business days' notice;
- Information regarding Supportive Measures, which are available equally to the Respondent and to the Complainant.

If both Parties are willing to explore a Resolution Agreement, the Director will then meet separately with each Party to discuss the Resolution Agreement process and facilitate an agreement. If an agreement cannot be reached, either because the Parties do not agree, determine they no longer wish to participate in the Resolution Agreement process, or the

Director does not believe that the terms of the Resolution Agreement or continuing the Resolution Agreement process are appropriate, the Director may decide that the reported conduct will instead be addressed through the investigation process. The Director will inform the Complainant and Respondent of such decision, in writing. The Complainant and/or Respondent may craft or create the terms of their proposed agreement and will be asked for their suggestions or ideas. Examples of agreements may include but are not limited to:

- An agreement that the Respondent will change classes, housing assignments, or will not participate in one or more of the University's programs or activities;
- An agreement that the Respondent will not attend specific events;
- An agreement that the Parties will not communicate or otherwise engage with one another;
- An agreement that the Parties will not contact one another;
- Completion of a training or educational project by the Respondent;
- Completion of a community service project by the Respondent;
- An agreement to engage in a restorative justice process;
- Discipline agreed upon by both the Complainant and Respondent.

In order to facilitate the Resolution Agreement process, information shared by either the Complainant or Respondent in the facilitation of the Resolution Agreement process will not be used in any related resolution process of the same complaint under this

Policy.

Once the final terms of the Resolution Agreement have been agreed upon by both parties, in writing, and approved by the Director, the matter will be considered closed, and no further action will be taken. Once signed, no appeal is permitted. The Resolution Agreement process is generally expected to be completed within thirty (30) business days and may be extended by the Director as appropriate. Both parties will be notified, in writing, of any extension and the reason for the extension.

Records of a Resolution Agreement can be shared with other University offices as appropriate. Any violation of the terms of the Resolution Agreement may result in corrective action. Alleged violations by a student will be referred to the Dean of Students Office. Alleged violations by faculty will be referred to the Office of the Provost. Alleged violations by staff will be referred to Human Resources.

### 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 do not have a conflict of interest or bias for or against the Complainant or Respondent and 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; any change to the result; 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 (See below).

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.

Sanctions/corrective actions for student Respondents are as follows: verbal or written warning, educational sanctions, contributed service, restitution, fines, loss of privileges, no contact directive, disciplinary probation, deferred suspension, interim suspension, suspension, and/or expulsion.

Sanctions/corrective actions for faculty or staff Respondents are as follows: 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, and/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.

#### Investigation and Hearing Process to be used for Student-on-Student Prohibited Conduct

The University will assign a trained Investigator and a trained Hearing Officer to conduct an adequate, reliable, and impartial investigation and hearing in a reasonably prompt timeframe. The University reserves the right to utilize internal or external investigators and Hearing Officers (who will also serve as Decisionmakers).

Both Complainant and Respondent have the option to participate in the investigation and hearing, and both have the same rights during the resolution process including the right to an Advisor, to submit relevant witness names and evidence, and to review and respond to the evidence gathered by the Investigator prior to the finalization of the Investigation Report. Similarly, both Parties have the same rights in a hearing, including the right to review any evidence that will be considered by the Hearing Officer prior to the hearing.

Prior to the start of an investigation, the Complainant and Respondent will be provided a written Notice of Investigation communicating the initiation of an investigation. The notice will include, at a minimum:

- A copy of or a link to this Policy;
- Sufficient information available at the time to allow the Parties to respond to the allegations, including the identities of the Parties involved in the incident(s), a description of the facts alleged to constitute Prohibited Conduct, the type of Prohibited Conduct, and the date(s) and location(s) of the alleged incident(s), to the extent the information is available to the University;
- A statement that retaliation is prohibited;
- A statement that the Parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigation report that accurately describes the evidence;
- A statement that the Respondent is presumed not responsible for Prohibited Conduct until a determination is made at the conclusion of the resolution procedures. Prior to such a determination, the Parties will have an opportunity to

present relevant and not otherwise impermissible evidence to a trained, impartial Decisionmaker;

- A statement that the Parties may have an Advisor of their choice who may be, but is not required to be, an attorney; and
- A statement that the University prohibits knowingly making false statements or knowingly submitting false information during the resolution procedure.

Should additional allegations be brought forward, or information regarding location or date of the incident(s) change or become known, a revised written Notice of Investigation shall be provided to both Parties.

A Notice of Investigation is deemed to have been properly provided when written notification of the allegations and alleged Policy violation is sent to the assigned University email addresses of the Parties, or delivered via Certified Mail to the local or permanent address(es) of the Parties as indicated in official University records, or personally delivered to the Parties.

#### *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 are to be made, in writing, to the Vice President for Inclusive Excellence. Objections to the appointment of the Investigator are to be made in writing to the Director. All objections will be considered, and changes made as appropriate. If the objection is substantiated as to either the Director or the Investigator, that individual shall be replaced. Any change will be communicated to the Parties in writing.

#### *Written Notice of Interview*

The University will provide to a Party or Witness whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all interviews or proceedings with sufficient time to prepare to participate. Members of the University community are expected to provide truthful information in any report, interview, or proceeding under this Policy.

### *Timeline*

The University strives to complete the investigation process within ninety (90) days from the date of the Notice of Investigation, and complete the hearing within sixty (60) days of completion of the Investigation Report.

The timeline for any part of the resolution process 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 and/or hearing. Good cause reasons for extension may include, but are not limited to, ensuring availability of witnesses and other participants and ensuring participants have sufficient time to review materials.

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

The Investigator shall establish, and communicate in writing, deadlines for submission of names of relevant witnesses and submission of evidence.

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

### *Burden and Standard of Proof*

The University has the burden of conducting an investigation that gathers sufficient evidence to determine whether Prohibited Conduct occurred. This burden does not rest with any Party, and any Party may decide to limit their participation in part or all of the process, or to decline to participate. This does not shift the burden of proof away from the University and does not indicate responsibility. The standard of proof used in any investigation or resolution process is the preponderance of the evidence standard, which means more likely than not.

### *Individual Interviews*

The Investigator will hold individual interviews with Parties and Witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including

questions exploring credibility, and to request of the Parties the names of relevant Witnesses and relevant evidence.

Only the Investigator and the individual who is being interviewed may attend each individual interview, except as follows. A Party's Advisor may attend these meetings, subject to the rules described in this Policy. Additional attendees may be permitted at the discretion of the Director in connection with an approved disability-related accommodation.

All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further University discipline or action for failure to do so.

The Investigator will gather from Parties, Witnesses, and other sources, all relevant evidence. The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. The Investigator will determine, in their sole discretion, whether Parties and Witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which Parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

The University will share conduct expectations to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties and Advisors. The University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved Party, witness, or Advisor who does not comply with these expectations and any other applicable University rules.

#### *Investigator Determination of Relevance*

The Investigator will determine whether Parties and Witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine which Parties and witnesses to call to individual follow-up meetings.

The Investigator will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of

relevance. Character evidence is not relevant evidence, and therefore will not be considered.

### *Acceptance of Responsibility*

If a Respondent accepts responsibility for all or part of the Prohibited Conduct alleged, the Director will determine whether the investigation, or a part of the investigation, should proceed to a decision. If the investigation, or a part of the investigation, proceeds to a decision, the Decisionmaker will make the decision. The designated Sanctioning Officer will issue an appropriate sanction as to those violation(s) and continue processing any remaining allegations of Prohibited Conduct, if any.

### *Evidence Review*

At the conclusion of all fact-gathering, the Investigator will provide each Party and their Advisor the opportunity to review all relevant and not impermissible evidence gathered. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and to submit the names of any additional Witnesses with relevant information. This is the final opportunity to offer evidence or names of Witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, the University will facilitate this review in a secure manner. None of the Parties nor their Advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any Advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The Parties will have a minimum of five (5) business days to inspect and review the evidence and submit a written response to the Investigator. The Director shall have the

discretion to extend the evidence review period based on the volume and nature of the evidence or for other good cause.

When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the Parties and their Advisors. The Parties shall have five (5) business days to provide a response to the newly-gathered evidence. No additional new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the Parties' written responses before finalizing the investigation report.

### *Investigation Report*

The Investigator will prepare a written report (Investigation Report) summarizing all of the relevant evidence gathered and all steps taken during the investigation process. The Investigator will also make available all relevant evidence gathered during the investigation, as well as all interview notes.

### *Conclusion of Investigation, Notice of Hearing*

Once the Investigation Report is final, the report together with all attachments shall be made available to each Party and to their Advisor, if any, in a secure manner (e.g., by providing digital copies of the materials through a protected, "read-only" web portal).

Each Party shall have ten (10) days to provide a response. Each Party's response, if any, shall be provided to the Hearing Officer. Each Party shall be provided with a Notice of Hearing, which shall include information regarding the date of the hearing, the identity of the Hearing Officer, the process to be used at the hearing, of Witnesses, or questions to be reviewed by the Hearing Officer to ensure they are relevant to the allegations. The hearing shall be scheduled no less than ten (10) business days from the date of the Notice of Hearing.

Within three (3) business days of receipt of the Notice of Hearing, either Party may object to the Hearing Officer on the basis of a demonstrated bias or actual conflict of interest. Any objection is to be in writing and sent to the Director. Should the Director determine that there is an actual bias or conflict of interest, the Director shall remove the Hearing Officer and appoint another.

### *Hearing Procedures*

The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Director may determine that the hearing continue in the absence of the Complainant, Respondent, or any witness.

The University will appoint a Hearing Officer who will determine whether a violation of this Policy or other University policy has occurred. The Hearing Officer shall be an individual other than the Investigator or Director. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the Hearing Officer and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but shall be available for listening until the conclusion of the Appeals process to the Complainant, the Respondent, their respective Advisors, the Hearing Officer, and the Appeal Officer by contacting the Director.

The Complainant, Respondent, and the Hearing Officer all have the right to call Witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call Witnesses must submit the name of the witness at least seven (7) business days in advance of the hearing. Only Witnesses who participated in the investigation will be permitted to participate in the hearing, unless

the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the Witness did not participate in the investigation, the Party must also provide the reason the Witness was not interviewed by the Investigator, and what information the Witness has that is relevant to the allegations. The Hearing Officer will then determine whether the Witness has relevant information and if there is sufficient justification for permitting the Witness to participate. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered Witness prior to the hearing taking place.

A list of Witnesses approved by the Hearing Officer will be provided to the Parties at least five (5) business days prior to the hearing.

Three (3) business days prior to the hearing, each Party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other Party, or to a Witness. If the Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear, repetitive, or harassing of the Party or Witness being questioned will not be permitted. The Investigator must give a Party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

Each Party is entitled to be accompanied by one Advisor at the hearing. The role of the Advisor is to assist the Party with understanding and navigating the proceedings. The Advisor may not advocate for, respond for, or otherwise speak on behalf of, the Complainant or Respondent during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing and / or submit questions to be asked on behalf of the Party.

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

The Hearing Officer shall have the authority to maintain order at the hearing, including responding to disruptive or harassing behaviors, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an Advisor, the Hearing Officer will appoint another Advisor for the remainder of the

hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

Each Party is allowed to be present throughout the hearing and will be permitted to provide an introductory statement. Following introductory statements, the Hearing Officer will call Parties and Witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the Parties and Witnesses including the questions the Hearing Officer approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit followup written questions to the Hearing Officer for the Hearing Officer to pose to the other Party or witnesses. If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing, and offer an opportunity to the Party to reframe or resubmit the question. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Investigator must give a Party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, the question will be asked.

Only the Hearing Officer is permitted to ask questions of Parties and Witnesses. Neither Party may directly question the other Party or Witness. Advisors are not permitted to directly or indirectly question the other Party or Witness.

Following the questioning of Parties and Witnesses, each Party will be permitted to provide a closing statement.

#### *Hearing Officer's Determination and Written Determination Report*

Following the hearing, the Hearing Officer shall prepare a written determination report. All Findings shall be made by a preponderance of the evidence, meaning more likely than not. To the extent credibility determinations need to be made, such determinations shall not be based on a person's status as a Complainant, Respondent, or Witness. If the Hearing Officer determines that the Respondent engaged in Prohibited Conduct, the Hearing Officer will determine the Sanctions for the Respondent, following

consultation with the Associate Dean of students (or designee) and the Director. The Hearing Officer's written determination report will include:

- A description of the allegations of Prohibited Conduct; Information about the policies and procedures used to evaluate the allegations;
- An evaluation of the relevant and not otherwise impermissible evidence;
- Findings of fact for each allegation, with the rationale;
- The determination as to whether a violation of this Policy or any other University policy occurred, including which section(s) of this Policy or other University policy the Respondent has or has not violated, and the rationale for the determination;
- If the Hearing Officer determines that a violation of this Policy or any other University policy occurred, the Sanctions that the University will impose on the Respondent; whether remedies other than the imposition of Sanctions will be provided to the Complainant and, to the extent appropriate, other students identified by the University to be experiencing the effects of the Prohibited Conduct; and
- The procedures and permissible bases for the Complainant and Respondent to appeal.

The Hearing Officer's report shall be provided to the Director. The Director will communicate the findings to each Party and their Advisor (should the Party wish the Advisor to receive it), along with a copy of the Hearing Officer's written determination report and the procedures for appeal. The Director also will provide written communication to the Complainant regarding any remedies deemed appropriate by the Director. The details of any remedy will only be provided to the Respondent when necessary to implement the remedy.

#### Investigation Process to be used for Employee and Third-Party Prohibited Conduct When a Student is not a Party

The University will assign a trained Investigator who will also act as the Decisionmaker to conduct an adequate, reliable, and impartial investigation in a reasonably prompt timeframe. The University reserves the right to utilize internal or external investigators/Decisionmakers.

Both Complainant and Respondent have the option to participate in the investigation, and both have the same rights during the resolution process including the right to an Advisor and/or Support Person, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator/Decisionmaker making any Findings.

The process in Employee and Third-Party proceedings are largely the same as in cases of Student-on-Student prohibited conduct. The following section includes the language that differs from the process listed above.

Firstly, the Individual Interview section for Employee and Third-Party Prohibited Conduct is as follows:

#### *Individual Interviews*

The Investigator will hold individual interviews with Parties and Witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the Parties the names of relevant Witnesses and relevant evidence.

Only the Investigator and the individual who is being interviewed may attend each individual interview, except as follows. A Party's Advisor may attend these meetings, subject to the rules described in this Policy. Additional attendees may be permitted at the discretion of the Director in connection with an approved disability-related accommodation.

All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further University discipline or action for failure to do so.

The Investigator will gather from Parties, Witnesses, and other sources, all relevant evidence. The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. The Investigator will determine, in their sole discretion, whether Parties and Witnesses are likely to provide relevant information about the allegations, and has the sole discretion to determine

which Parties and witnesses to call to an interview. The Investigator may conduct follow-up interviews as they deem appropriate.

The University will share conduct expectations to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties and Advisors. The University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved Party, witness, or Advisor who does not comply with these expectations and any other applicable University rules.

Lastly, rather than the sections for *Investigation Report; Conclusion of Investigation, Notice of Hearing; Hearing Procedures; and Hearing Officer's Determination and Written Determination Report*, Employee and Third-Party process follows the following procedure:

*Determination, Investigation Report, and Notice of Outcome*

The Investigator will serve as the Decisionmaker. The Investigator/Decisionmaker shall evaluate the relevant and not impermissible evidence and make factual determinations regarding each allegation, and also determine whether a violation of the Policy occurred. The Investigator/Decisionmaker may choose to place less or no weight upon statements by a Party or Witness who refused to respond to questions deemed relevant and not impermissible.

The Investigator/Decisionmaker will not draw an inference about whether Prohibited Conduct occurred based solely on a Party's or Witness's refusal to respond to questions. The Investigator/Decisionmaker shall prepare a written report which shall include:

- A description of the allegations of Prohibited Conduct;
- Information about the policies and procedures used to evaluate the allegations;
- An evaluation of the relevant and not otherwise impermissible evidence;
- Findings of fact for each allegation, with the rationale;
- A determination as to whether a violation of this Policy or any other University policy occurred, including which section(s) of this Policy or other University policy the Respondent has or has not violated, and the rationale for the determination;

- The procedures and permissible bases for the Complainant and Respondent to appeal.

The report shall be provided to the Director. In the event that the Investigator/Decisionmaker has determined that a violation of University policy has occurred, the Director shall then provide the report to the appropriate Sanctioning Officer to determine the sanction, and the Director shall then determine the appropriate remedy(ies) for the Complainant and any impacted parties. The Director shall then provide the Parties and their Advisors, if any, with a written Notice of Outcome and a copy of the investigation report. The Notice of Outcome shall include:

- A statement of, and rationale for, any disciplinary sanctions the University imposed or will impose on the Respondent;
- A statement as to whether remedies will be provided to the Complainant;
- For the Complainant, a description of any remedies that apply to the Complainant. The details of any remedy will only be provided to the Respondent when necessary to implement the remedy;
- The University's procedures and the permitted bases for the Parties to appeal; and
- How to challenge participation by the Appeal Officer for bias or conflict of interest, which the Director will resolve in their sole discretion.

The determination regarding responsibility becomes final either on the date that the University provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

#### Investigation Process to be used for Student-on-Employee or Employee-on-Student Prohibited Conduct

The University will assign a trained Investigator who will also act as the Decisionmaker to conduct an adequate, reliable, and impartial investigation in a reasonably prompt timeframe. The University reserves the right to utilize internal or external investigators/Decisionmakers.

Both Complainant and Respondent have the option to participate in the investigation, and both have the same rights during the resolution process including the right to an

Advisor and/or Support Person, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator/Decisionmaker making any Findings.

The process in Student-on-Employee or Employee-on-Student proceedings are largely the same as in cases of Employee and Third-Party prohibited conduct. The following section includes the language that differs from the process listed above.

### *Individual Interviews*

The Investigator will hold individual interviews with Parties and Witnesses to ask relevant and not otherwise impermissible questions and follow-up questions, including questions exploring credibility, and to request of the Parties the names of relevant Witnesses and relevant evidence. Only the Investigator and the individual being interviewed may attend each individual interview, except as follows. A Party's Advisor may attend these meetings, subject to the rules described in this Policy. Additional attendees may be permitted at the discretion of the Director in connection with an approved disability-related accommodation. An employee who is a member of a collective bargaining unit may be accompanied by a union representative. All persons present at any time during any part of the investigation or resolution process are expected to maintain the privacy of the proceedings and not discuss or otherwise share any information learned as part of the resolution process, and may be subject to further University discipline or action for failure to do so.

The Investigator will then gather from Parties, witnesses, and other sources, all relevant evidence.

At the initial interview with each Party, the Investigator will invite the Party to provide, in writing and in advance of the individual interviews, questions to ask of the other Party(ies) and Witnesses that are relevant and not otherwise impermissible, including questions exploring credibility. Upon receiving the question list, the Investigator will determine whether a proposed question is relevant and not otherwise impermissible and will explain, in writing in advance of the individual interview, any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Investigator must give a Party an opportunity to clarify or revise any question that

the Investigator has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, the question will be asked.

The individual interviews may be conducted with all participants physically present in the same geographic location, or, at the University's discretion, with all participants joining virtually through a video conferencing option. The University will share conduct expectations to be observed at all times in any meeting or proceeding under this Policy. These expectations are applied equally to all Parties and Advisors.

The University has the discretion to remove, with or without prior warning, from any meeting or proceeding an involved Party, witness, or Advisor who does not comply with these expectations and any other applicable University rules.

Investigation and Hearing Process to be used for Sexual Harassment (Under the 2020 Title IX Regulations)

The University will assign a trained Investigator who will also act as the Decisionmaker to conduct an adequate, reliable, and impartial investigation in a reasonably prompt timeframe. The University reserves the right to utilize internal or external Investigators/Decisionmakers.

Both Complainant and Respondent have the option to participate in the investigation, and both have the same rights during the resolution process including the right to an Advisor, to submit relevant witness names and evidence, and to review the evidence gathered by the Investigator prior to the Investigator/Decisionmaker making any Findings.

A Formal Complaint (See Policy, Section VIII.E) is required in order to initiate an investigation and hearing process for incidents of Sexual Harassment (Under the 2020 Title IX Regulations).

The process in used for Sexual Harassment Under the 2020 Title IX Regulation is largely the same as for Student-on-Student and Employee and Third-Party prohibited conduct. The following section includes the language that differs from the process listed above.

### *Evidence Review*

At the conclusion of all fact-gathering, the Investigator will provide each Party and their Advisor the opportunity to review all relevant and not impermissible evidence gathered. This shall include evidence that is favorable to and unfavorable to the Complainant and the Respondent. In the event that an audio or audiovisual recording is shared, the recording will only be made available at an in-person and monitored meeting on campus, and will not otherwise be transmitted for review, so as to maintain the privacy of those participating in the process.

The purpose of the inspection and review process is to allow each Party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation, to submit any additional relevant evidence, and to submit the names of any additional Witnesses with relevant information. This is the final opportunity to offer evidence or names of Witnesses. Evidence not provided during the investigation process will not be considered by the Decisionmaker. Given the sensitive nature of the information provided, the University will facilitate this review in a secure manner. None of the Parties nor their Advisors may copy, remove, photograph, print, image, videotape, record, or in any manner otherwise duplicate or remove the information provided. Any student or employee who fails to abide by this may be subject to discipline. Any Advisor who fails to abide by this may be subject to discipline and/or may be excluded from further participation in the process.

The Parties will have a minimum of ten (10) days to inspect and review the evidence and submit a written response to the Investigator. The Director shall have the discretion to extend the evidence review period based on the volume and nature of the evidence or for other good cause.

When deemed appropriate by the Investigator, the Investigator shall then conduct any additional fact-gathering as may be necessary. If new, relevant evidence was submitted as part of evidence review, or is gathered during this second fact-gathering period, the new relevant evidence will be made available for review by the Parties and their Advisors. The Parties shall have five (5) business days to provide a response to the newly-gathered evidence. No additional new evidence will be accepted as part of any response, except that the Investigator shall have the discretion to accept relevant evidence that was not previously available or known to exist, and that was not previously discoverable with the exercise of reasonable diligence.

The Investigator will consider the Parties' written responses before finalizing the investigation report.

### *Hearing Procedures*

The purpose of a hearing is for a Hearing Officer to determine whether the conduct occurred as alleged, and if so, whether that conduct violates this Policy. The University expects that all individuals who participate in the hearing process do so truthfully and that all who have a responsibility for carrying out one or more aspects of the hearing process do so fairly and without prejudice or bias. Hearings may be conducted in person or via videoconferencing. The Director may determine that the hearing continue in the absence of the Complainant, Respondent, or any witness.

The University will appoint a Hearing Officer who will determine whether a violation of this Policy or other University policy has occurred. The Hearing Officer shall be an individual other than the Investigator or Director. The Hearing Officer shall have the authority to determine the relevance of evidence submitted, and of questions asked, to limit the time allotted to any phase of the hearing, and/or to limit the time allotted to the full hearing. The Hearing Officer shall not draw an inference about the determination regarding responsibility based solely on a Party's absence from the hearing or refusal to answer questions posed.

Each hearing shall be recorded by the Hearing Officer and this recording will be considered the only official recording of the hearing. No other individual is permitted to record while the hearing is taking place. The recording is the property of the University but shall be available for listening until the conclusion of the Appeals process to the Complainant, the Respondent, their respective Advisors, the Hearing Officer, and the Appeal Officer by contacting the Director.

The Complainant, Respondent, and the Hearing Officer all have the right to call Witnesses. Witnesses participating in the hearing must have information relevant to the allegations. Parties who wish to call Witnesses must submit the name of the witness at least seven (7) business days in advance of the hearing. Only Witnesses who participated in the investigation will be permitted to participate in the hearing, unless the witness was otherwise unknown or not known to have relevant information during the course of the investigation. If the Witness did not participate in the investigation, the Party must also provide the reason the Witness was not interviewed by the

Investigator, and what information the Witness has that is relevant to the allegations. The Hearing Officer will then determine whether the Witness has relevant information and if there is sufficient justification for permitting the Witness to participate. The Hearing Officer may instead send the case back to the Investigator to interview the newly proffered Witness prior to the hearing taking place.

A list of Witnesses approved by the Hearing Officer will be provided to the Parties at least five (5) business days prior to the hearing.

Three (3) business days prior to the hearing, each Party shall submit to the Hearing Officer a preliminary list of questions they wish to pose to the other Party, or to a Witness. If the Hearing Officer determines that any questions are not relevant or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing. Questions that are unclear, repetitive, or harassing of the Party or Witness being questioned will not be permitted. The Investigator must give a Party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, and the question is relevant, the question will be asked.

Each Party is entitled to be accompanied by one Advisor at the hearing. The role of the Advisor is to assist the Party with understanding and navigating the proceedings. The Advisor may not advocate for, respond for, or otherwise speak on behalf of, the Complainant or Respondent during the hearing. In the event that a Party does not appear for the Hearing, the Advisor for that Party may not participate in the hearing and or submit questions to be asked on behalf of the Party.

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

The Hearing Officer shall have the authority to maintain order at the hearing, including responding to disruptive or harassing behaviors, and when necessary to adjourn the hearing or exclude the disruptive person. In the event the Hearing Officer removes an Advisor, the Hearing Officer will appoint another Advisor for the remainder of the hearing. The Hearing Officer also has the authority to determine whether any questions are not relevant, abusive, intimidating, or disrespectful, and will not permit such questions.

Each Party is allowed to be present throughout the hearing and will be permitted to provide an introductory statement.

Following introductory statements, the Hearing Officer will call Parties and Witnesses for questioning. The order of questioning shall be determined by the Hearing Officer. The Hearing Officer will pose questions to the Parties and Witnesses including the questions the Hearing Officer approved to be asked that were submitted by each Party prior to the hearing. Each Party will then be provided an opportunity to submit followup written questions to the Hearing Officer for the Hearing Officer to pose to the other Party or witnesses.

At the hearing, the Hearing Officer must permit each Party's Advisor to ask the other Party and any Witnesses all relevant and not impermissible questions and follow-up questions, including those challenging credibility. Such cross-examination at the hearing must be conducted directly, orally, and in real time by the Party's Advisor and never by a Party personally. If a Party or Witness does not submit to cross-examination at the hearing, the Hearing Officer must not rely on any statement of that Party or Witness in reaching a determination about responsibility. The Hearing Officer cannot draw an inference about the determination about responsibility based solely on a Party's or Witness's absence from the hearing or refusal to answer cross-examination or other questions.

If the Hearing Officer determines that any questions are not relevant to the allegations, or seek otherwise impermissible evidence, the Hearing Officer shall exclude the question and explain the reason for the exclusion of the question at the hearing, and offer an opportunity to the Party to reframe or resubmit the question. Questions that are unclear or harassing of the Party or Witness being questioned will not be permitted. The Investigator must give a Party an opportunity to clarify or revise any question that the Investigator has determined is unclear or harassing and, if the Party sufficiently clarifies or revises a question, the question will be asked.

Following the questioning of Parties and Witnesses, each Party will be permitted to provide a closing statement.

## Obtaining a University-Issued No Contact Directive

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 order under University policy, individuals may also seek to obtain a restraining order under California State law. A restraining order (also called a “protective order”) is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. For more information, please visit the [Superior Court, County of Alameda](#) Self Help website.

Advocates from the YWCA Berkeley/Oakland and Victim-Witness Assistance are available to assist any student, employee, faculty member, or staff member seeking a Family Court order of protection or any other available remedy under state, federal, or tribal law. Victims may also go directly to Superior Court of Alameda County at 2233 Shoreline Drive to request the order of protection or may request assistance from the University. Santa Clara University is committed to protecting victims from any further harm and will honor such requests and comply with these orders.

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

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

The Campus Sexual Assault Victims' Bill of Rights exists as a part of 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 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.
- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is defined as 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 means 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**

**Sexual Assault** is defined as any of the crimes described in Section 243.4, 261, 264.1, 286, 287, or 289, or former Sections 262 and 288a, of the Penal Code, assault with the intent to commit any of those crimes, or an attempt to commit any of those crimes (California Code Civil Procedure 340.16(b)).

**Sexual battery** occurs 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).

**Rape** (California Penal Code 261) 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.

**Rape in Concert** occurs when a person, acting in concert with another person, by force or violence and against the will of the victim, committed an act described by California Penal Code Section 261 or 289 (Rape or Sexual Penetration using a Foreign Object), either personally or by aiding and abetting the other person (California Penal Code 264.1).

**Sodomy** is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy (California Penal Code 286).

**Oral Copulation** is the act of copulating the mouth of one person with the sexual organ or anus of another person (California Penal Code 287).

**Sexual Penetration using Foreign Object** occurs when any person commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person. "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object. "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ. "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body (California Penal Code 289).

Sexual consent is defined as **affirmative consent**. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that 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 mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent (California Education Code 67386(a)).

**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 their safety, or the safety of their immediate family (California Penal Code 646.9(a)).

**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)).

### **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, Berkeley Police Department, or other local law enforcement agency. 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).**

Information about registered sex offenders subject to public disclosure is available through the California Department of Justice's Megan's Law website. For assistance accessing this resource, contact Campus Safety Services. This registry is available on the [California Megan's Law website](https://meganslaw.ca.gov/Disclaimer) at <https://meganslaw.ca.gov/Disclaimer>.

## Annual Campus Fire Safety Report

The Higher Education Opportunity Act (HEOA) [Public Law 110-315] requires 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 JST-SCU 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 |
|------------------------|-----------|----------------------------|----------------|---------------------------|---------------|
| 2600 Virginia St.      | 19        | No                         | Smoke / CO     | Yes                       | No            |
| 2564 Virginia St.      | 19        | No                         | Smoke / CO     | Yes                       | No            |
| 2466 Virginia St.      | 25        | No                         | Smoke / CO     | Yes                       | No            |

**CO = Carbon Monoxide.**

### Housing and Residence Life 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.

## **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.

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

Failure to evacuate for an alarm is a violation of city and state ordinances and will be treated as a serious violation of the Student Conduct Code. Please see the University Building Evacuation and Fire Safety policy for more information.

Fire 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 Berkeley City Ordinance.

## **Health and Safety Policies in Residential Facilities**

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 Student Conduct System. Violation of many of these standards is also punishable by local and state law.

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

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

**Decorations:** Decorations consisting of sheets, nets, curtains, or large pieces of material hung or draped from the ceiling and walls are not permitted due to the combustion hazard they present. Paper decorations should not exceed 80 percent of Resident room doors. Pieces of any material covering more than 50% of the total wall or ceiling area or fabric above the bed in any residential space is prohibited. Room decorations should not be hung from the ceiling T-bar metal framing that supports the ceiling tiles. Walls and/or ceilings in common areas should not be more than 10% covered by combustible material like paper or fabric.

**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. Resident room doors cannot be completely covered and must be recognizable as a door to emergency responders. Residence room numbers must be clearly visible and unobstructed at all times on all doors for security and safety reasons.

Door handles/hardware, name tags, room numbers, etc., cannot be covered. Room doors must remain in the closed position at all times unless (1) a person is actively moving through the doorway in order to gain entry or exit the room, (2) the door can be held open using a University-installed magnetic door hold device, and (3) the room door opens onto an outside corridor.

**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, ceiling tiles, 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 University housing expulsion and

possible suspension from the University. The Santa Clara Fire Department may also investigate such activity and may prosecute offenders.

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

**Neighborhood Unit Large Gatherings:** Students should be aware that all means of exit should remain free and clear of all obstructions as it is never known when these may be needed during an emergency. Overcrowding can also hinder access to and use of these same exits. Controlling or regulating the number of students who attend social functions at off-campus housing facilities must be considered.

Neighborhood Unit residents are responsible for making sure gatherings do not cause a safety issue. Residents must be aware that having a large number of guests on the premises may create safety problems when exiting the building or the area outside the property.

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

- 8 persons may be present in any standard double residence hall room
- 6 persons in any suite or apartment bedroom
- 6 persons in a studio apartment
- 8 persons in a one bedroom apartment (including those in the bedroom)
- 10 persons in a two bedroom suite or apartment (including those in bedrooms)
- 20 persons in a four bedroom suite or apartment (including those in bedrooms)

**Prohibited items:** SCU Residence Life Staff, Campus Safety and/or Environment Health and Safety reserve the right to confiscate, ban, or remove any item that may pose an immediate health and safety risk to the residence hall community:

Appliances: Appliances are permitted as long as they pose no undue safety risk, include no exposed heating elements, or do not unnecessarily overutilize building utilities (single-serve coffee brewers, microwave ovens, sous vide devices, etc. are

approved for use). The University reserves the right to require the use of Energy Star rated appliances. Appliances with exposed heating elements, including candle warmers, deep fryers, drip-style coffee makers, electric skillets, George Foreman style grills, griddles, hot plates, panini press, electric fondue pots, waffle makers, etc.; Appliances that operate under high internal pressure, including stovetop & electric pressure cookers, as well as multifunction cookers with a pressure cooking setting (Instant Pot, Ninja Foodi, Crock-Pot Express, etc.). Refrigerators must be Energy Star certified and 4.5 cubic feet or smaller. Popcorn makers must be hot air style only. Fans must not include a heating element. Personal care items must be used at vanity counters and unplugged after use (blow dryers, clothing irons, hair straighteners/irons, etc.).

Appliances that operate at higher heat, require supervision, or pose a greater spill risk such as air fryers, bread makers, electric kettles, food dehydrators, rice cooker/steamers, slow cooker/crock pots, toasters, etc are permitted only in Casa Italiana, Sobrato Hall, University Villas, Graduate and Law Housing and Neighborhood Units, provided they meet listed requirements and use follows manufacturer guidelines.

Electronics: Electronics with high power draw or those that create an electrical hazard, including air conditioners of any kind (window or stand-alone, regardless of size), electric blankets or mattress warmers, extension cords without surge protection or any power strips "daisy-chained" together, gaming PCs or mining rigs, space heaters, etc. are prohibited. Power strips are permitted only if they are UL listed (certified for safety).

Fuel Sources: Fuel Sources including any items designed to contain an open flame (candles, incense, smudging products, grills, portable fire pits, tiki torches, lanterns, oil lamps, kerosene lamps, fire bowls, camping stoves, etc), fuels and combustible liquids (alcohol-based fuels, charcoal, gasoline, lighters and lighter fluid, propane, Sterno cans, and chafing fuel, etc.) as well as fireworks and pyrotechnic (sparklers, fireworks, smoke bombs, etc.). All violations of this policy are considered to be serious, as open flames pose the largest single safety threat to University housing facilities.

Lamps and Bulbs: Lamps must use LED bulbs only. Lamps and bulbs with excessive surface temperatures (i.e. torchiere halogen, incandescent, lava lamps, oil) are not permitted in any University housing facility.

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.

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.

SCU is always seeking to discover ways to make the campus a safer place for students, employees, and guests. As such, there is a fire safety improvement plan from Environmental Health and Safety to expand fire extinguisher training. Any department on campus that participates in fire safety procedures or training may initiate changes and new processes, if deemed necessary by the institution.

## **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 and Safety Education**

The Jesuit School of Theology does not conduct scheduled fire evacuation drills at its residential facilities. During the 2025 calendar year, zero (0) fire evacuation drills were held at the 2600 Virginia St., 2564 Virginia St., and 2466 Virginia St. student apartments.

To ensure residents are educated on safety protocols, the University utilizes Environment, Health and Safety (EHS) residence hall cooking-safety resources. When fire safety incidents or policy violations occur, residents are assigned a targeted educational assignment. This process requires the student to review the materials, complete basic scenario questions, and submit a brief reflection on unattended cooking risks, prevention, and what to do in a small cooking fire.

### **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: Fire Statistics For Residential Facilities**

For the following Residential Facilities, there were no reported fires in the three most recent calendar years (2023-2025):

| <b>Residential Facility</b> | <b>Address</b>                              | <b>Year 2023</b> | <b>Year 2024</b> | <b>Year 2025</b> | <b>Nature of Fire</b> | <b>Injuries</b> | <b>Deaths</b>  | <b>Value of Property Damaged</b> |
|-----------------------------|---------------------------------------------|------------------|------------------|------------------|-----------------------|-----------------|----------------|----------------------------------|
| Student Apartments          | 2600 Virginia Street<br>Berkeley, CA 94709  | No Fires         | No Fires         | No Fires         | Not applicable        | Not applicable  | Not applicable | Not applicable                   |
| Student Apartments          | 2564 Virginia Street<br>Berkeley, CA 94709  | No Fires         | No Fires         | No Fires         | Not applicable        | Not applicable  | Not applicable | Not applicable                   |
| Student Apartments          | 2466 Virginia Street,<br>Berkeley, CA 94709 | No Fires         | No Fires         | No Fires         | Not applicable        | Not applicable  | Not applicable | Not applicable                   |

## **Appendix B: 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.

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 Berkeley Police Department.

## Primary & Stop Campus Hazing Act Crimes Statistics

2023-2025

|  | Crime                                     | Year | On Campus<br>Excluding student<br>residential units | Student<br>Residences<br>Subset of On<br>Campus | Non-<br>Campus | Public<br>Property | Total<br>On Campus+Student<br>Residences+Non-Ca<br>mpus+Public Property | Unfounded      |
|--|-------------------------------------------|------|-----------------------------------------------------|-------------------------------------------------|----------------|--------------------|-------------------------------------------------------------------------|----------------|
|  | Murder /<br>Non-Negligent<br>Manslaughter | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  | Manslaughter by<br>Negligence             | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  | Robbery                                   | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  | Aggravated Assault                        | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2024 | 1                                                   | 0                                               | 0              | 0                  | 1                                                                       | 0              |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  | Burglary                                  | 2023 | 0                                                   | 1                                               | 0              | 0                  | 1                                                                       | 0              |
|  |                                           | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  | Motor Vehicle<br>Theft <sup>2</sup>       | 2023 | 0                                                   | 0                                               | 0              | 2                  | 2                                                                       | 0              |
|  |                                           | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  | Arson                                     | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |
|  | Hazing <sup>3</sup>                       | 2023 | Not applicable                                      | Not applicable                                  | Not applicable | Not applicable     | Not applicable                                                          | Not applicable |
|  |                                           | 2024 | Not applicable                                      | Not applicable                                  | Not applicable | Not applicable     | Not applicable                                                          | Not applicable |
|  |                                           | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0              |

<sup>2</sup> The statistics have been updated to include all self-propelled vehicles that run on land surfaces and not on rails. This includes electronic motorized devices, such as e-bikes, e-scooters, e-skateboards, etc.

<sup>3</sup> Hazing became a Clery-reportable crime as of 2025; therefore, there are no statistics available for 2023 and 2024.

## Alcohol, Drug, and Weapons Violations Statistics

### 2023-2025

|                                                 | Crime | Year | On Campus<br>Excluding student<br>residential units | Student<br>Residences<br>On Campus | Non-<br>Campus | Public<br>Property | Total<br>On Campus+Student<br>Residences+Non-Ca<br>mpus+Public Property | Unfounded |
|-------------------------------------------------|-------|------|-----------------------------------------------------|------------------------------------|----------------|--------------------|-------------------------------------------------------------------------|-----------|
| Liquor Law Violation:<br>Arrests <sup>4</sup>   |       | 2023 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2024 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2025 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
| Liquor Law Violation:<br>Referrals <sup>5</sup> |       | 2023 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2024 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2025 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
| Drug Law Violation:<br>Arrests                  |       | 2023 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2024 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2025 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
| Drug Law Violation:<br>Referrals                |       | 2023 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2024 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2025 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
| Weapons Violation:<br>Arrests                   |       | 2023 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2024 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2025 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
| Weapons Violation:<br>Referrals                 |       | 2023 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2024 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |
|                                                 |       | 2025 | 0                                                   | 0                                  | 0              | 0                  | 0                                                                       | 0         |

<sup>4</sup> "Arrests" refer to any person processed by arrest, citation, or summons for a violation of law.

<sup>5</sup> "Referrals" include incidents where any person is referred to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction. Referrals must be a violation of law, not only university policy.

## Sex Offenses & Violence Against Women Act (VAWA) Crimes Statistics

### 2023-2025

| Crime             | Year | On Campus<br>Excluding student<br>residential units | Student<br>Residences<br>Subset of On<br>Campus | Non-<br>Campus | Public<br>Property | Total<br>On Campus+Student<br>Residences+Non-Cam<br>pus+Public Property | Unfounded |
|-------------------|------|-----------------------------------------------------|-------------------------------------------------|----------------|--------------------|-------------------------------------------------------------------------|-----------|
| Rape              | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
| Fondling          | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
| Incest            | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
| Statutory Rape    | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
| Domestic Violence | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
| Dating Violence   | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
| Stalking          | 2023 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2024 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |
|                   | 2025 | 0                                                   | 0                                               | 0              | 0                  | 0                                                                       | 0         |

## Hate Crimes Statistics

2023-2025

There were **zero** hate crimes reported in 2023-2025.

There were **zero** unfounded hate crimes in 2023-2025.

## Crime Definitions

- **Criminal Homicide:**

- 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.

- **Sex Offenses:**

- 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 their age or because of their temporary or permanent mental incapacity.
- 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.)

- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of 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:** 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.
- **Arrests and Referrals for Disciplinary Actions:**
  - Liquor Law Violation: The violation of state or local laws or ordinances prohibiting the manufacture, sale, transportation, possession or use of alcoholic beverages, not including driving under the influence.
  - 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.
- **Hate Crimes:** A criminal offense that manifests evidence that 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.

- Race: A performed negative opinion or attitude toward a group of people who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Black, White, Asian or Pacific Islander, etc.)
- Gender: A performed negative opinion or attitude toward a person or group of people based on their actual or perceived gender (e.g., man or woman).
- Gender Identity: A performed negative opinion or attitude toward a person or group of people based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals). Gender non-conforming describes a person who does not conform to the gender-based expectations of society (e.g., a woman dressed in traditionally male clothing or a man wearing makeup). A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person, but may be perceived as such.
- Religion: A performed negative opinion or attitude toward a group of people who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- Sexual Orientation: A performed negative opinion or attitude toward a group of people based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual individuals.
- Ethnicity: A performed negative opinion or attitude toward a group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that race refers to a grouping based mostly upon biological criteria, while ethnicity also encompasses additional cultural factors.

- National Origin: A performed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- Disability: A performed negative opinion or attitude toward a group of people based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

Hate crimes include criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, and arson, plus the crimes of larceny-theft, intimidation, destruction/damage/vandalism, and simple assault, that are motivated by the perpetrator's bias against the victim.

- 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.

- **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.
  
- **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. (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.)
  
- **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.

- **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.

## 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.