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 their students, staff and faculty. The University community can only remain safe and secure through the cooperation of community members.

The Annual Security and Fire Safety Report and the appropriate crime statistics for JST-SCU in Berkeley are also maintained by SCU Campus Safety Services and are found on the JST-SCU website (www.scu.edu/jst/) or by contacting SCU Campus Safety Services at (408) 554-4441. The Fire Safety Report for JST-SCU is maintained by SCU and can be found in this report.

JST-SCU is a member of a consortium of nine theological seminaries and eleven centers and affiliates called the Graduate Theological Union (“GTU”). Where noted, some policies of JST-SCU are developed and maintained by the GTU.
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JESUIT SCHOOL OF THEOLOGY OF SANTA CLARA UNIVERSITY CAMPUS SAFETY

JST-SCU does not have an on-campus safety staff. JST-SCU urges faculty, staff, students, and guests to make use of the extensive resources of the City of Berkeley Police and Fire Departments and the University of California at Berkeley Department of Public Safety. JST-SCU encourages students and employees to be responsible for their own safety and security. There are numerous safety procedure and crime avoidance tips available from the City of Berkeley and the University of California. This information may be accessed online via:

City of Berkeley Police Department: http://www.ci.berkeley.ca.us/Police/
City of Berkeley Fire Department: http://www.ci.berkeley.ca.us/fire/
University of California, Berkeley Department of Public Safety: http://publicsafety.berkeley.edu/

The University of California operates a night escort service called BearWALK that JST-SCU students may use. The service provides escorts who will walk you to your car, a shuttle bus, public transportation, or home if you live nearby. Call 510-642-WALK after dark until 5:30 AM while UC Berkeley is in session. Boundaries for the service are Vine Street to the north, Derby Street to the south, Milvia Street to the west and Prospect to the east. For more information go to: http://police.berkeley.edu/

PROCEDURES FOR REPORTING CRIMES AND OTHER EMERGENCIES AT JST-SCU

Members of the GTU community, including students studying at JST-SCU, or any other person authorized to be present on the JST-SCU campus, should report any suspected criminal activity or other emergency that poses a threat to life or property.

- If immediate danger to life or property exists, dial 911 from a land line or (510) 981-5911 from a cell phone.
- If immediate danger is not present, call the Berkeley Police Department at (510) 981-5900 to report criminal activity.

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

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

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

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

Crime Alerts – JST-SCU

The GTU maintains an alerting and warning service designed to contact faculty, students, staff and other interested parties to warn of situations on or near campus that may pose an immediate threat. The "GTU-Alert" system provides urgent and important information and instructions in other emergencies. This is an opt-in service. Members of the campus community must visit http://www.gtulink.edu and follow the instructions to activate the service. They will be asked to provide their contact information, specifying whether they would like to be alerted by phone (cell, home, office, TTY), text message, or e-mail. All personal information provided remains private.
The GTU will activate this system in the event of an immediate threat to safety, in a serious emergency, or on the occasion of an urgent situation.

The GTU tests this system on a regular basis to ensure that it is functioning properly. The Vice President for Administration and Finance and the consortial IT staff are authorized to determine the content of the emergency communication and to initiate the system in the event of an emergency. If the emergency notification system is initiated, all those who have registered for its use by completing the enrollment steps will be notified.

Sex Offender Information
The Office of The Attorney General for the State of California maintains a website with the California State Sex Offender Registry. This registry is available at http://meganslaw.ca.gov/. Registered sex offenders who are employed, carry on a vocation, or are students at Santa Clara University are required under the Campus Sex Crimes Prevention Act of 2000 to notify the University that they are registered sex offenders. In the State of California, convicted sex offenders are required to register with the police department of the city in which he/she lives.

CAMPUS SAFETY SERVICES LAW ENFORCEMENT AUTHORITY
Since JST-SCU and the GTU do not have a police department or any individual with police authority, the entities rely on the Police Department of the City of Berkeley. Campus community members are encouraged to contact this department immediately in the event of a security emergency by calling 9-1-1 from a land telephone and (510) 981-5911 from a cell phone. For non-emergency calls please call (510) 981-5900.

CAMPUS ACCESS, SECURITY, AND MAINTENANCE
Most buildings at the GTU and JST-SCU are not open to the public, but are intended for use by faculty, students, staff, vendors and others with legitimate business with JST-SCU. Access to these buildings is intended for the use of these people only.

Members of the JST-SCU community are charged with responsibility for safeguarding the spaces under their control, maintaining custody of the keys and ACCESS cards to which they have been entrusted, and reporting promptly the loss of any such keys or cards.

Individuals who live in University housing have secured access to the residence hall and their room. Guests of residents are welcome in University residence halls. A guest is defined as any person who is not contracted to live in the residence hall. This definition includes JST-SCU students who live in other residence halls or who live off-campus. Students must accompany their guests while their guests are in the residence halls.

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

ALCOHOL AND OTHER DRUG USE POLICY

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

The Alcoholic Beverage Policy is set in the context of the legal requirements governing the sale, consumption, and distribution of alcoholic beverages and in the context of community expectations for not only upholding the laws but also sharing responsibility for the safety and welfare of other members of the community. The University will not tolerate disregard for the law, or behaviors and practices that counter the education of the whole person, compromise rigorous and imaginative scholarship, inhibit moral and spiritual development, and constrain the University’s fundamental values. Consequently, the University does not condone underage drinking and considers intoxication, disorderliness, or offensive behavior deriving from the use of alcoholic beverages to be unacceptable, regardless of a person’s age or on-campus or off-campus status. To cultivate a campus environment consistent with the stated goals and purposes of an educational institution, the University has adopted the following policies and procedures for the use of alcoholic beverages.

1. The service and consumption of alcoholic beverages on the University campus and at University-sponsored events off campus shall be done in compliance with applicable municipal, state, and federal laws and regulations, and in accordance with University policies and procedures. All persons on the University campus or at any University-sponsored event off campus where alcoholic beverages are being served or consumed are expected to abide by and respect all such laws, regulations, policies, and procedures. (Copies of applicable laws are available from the Office of Student Life. See the end of this section for a partial listing of laws.)

2. Alcoholic beverages at events held on campus shall be supplied and sold only by the University food service provider or another designated, licensed agent of the University, except in situations covered by No. 5 of this policy. No other individual person or private party shall supply or sell alcoholic beverages at on-campus events or hold the license for the sale of alcoholic beverages on campus.

3. Alcoholic beverages shall not be served or consumed in public areas of the University except at authorized University events. Public areas include all indoor and outdoor spaces on the campus except individual residences and private departmental work areas and offices.

4. Alcoholic beverages shall not be served or consumed at any University-sponsored intercollegiate or club sport athletic event or recreational sports activity.

5. The sponsorship of events by alcoholic beverage companies or distributors is limited to cash donations; donated products (other than those that directly promote or advertise alcoholic beverages) in support of fundraising or other special events as approved by the appropriate vice president, vice provost, or dean; and materials for University educational programs. The use of donated products for events that are held in Benson Memorial Center must also be approved by the University liaison to the food service contractor.

6. Alcoholic beverages may be served at on-campus events sponsored by University-affiliated student organizations whose membership is predominantly 21 years of age or older, provided that University operating funds are not used to purchase the alcohol for the event.

7. The service of alcoholic beverages at all events on campus shall be in accordance with the Office of Student Life’s Alcohol Management Plan, which should be submitted and approved by the Vice Provost for Student Life or designee.

8. For student organization-sponsored events off campus that include the service of alcoholic beverages and that require University approval of the contract or agreement with the off-campus facility, an Addendum to Agreement must be signed by the service provider and received by the Vice Provost for Student Life or designee. (Copies of this addendum are available in the Center for Student Leadership.)

Responsible Hosting of Events Where Alcohol Is Served
The event manager for events where alcoholic beverages are served is responsible for implementing the following practices:
1. A University-affiliated student organization must identify an event manager responsible for planning and managing the event. The event manager must be present throughout the entire event and must remain alcohol-free prior to and during the event. The event manager and the manager of the facility or his/her designee will work together to ensure that all University event planning requirements are met.
2. An appropriate crowd management and security plan shall be developed for the event to monitor excessive drinking, control disorderly behavior, and as appropriate, implement the Responsible Guest Policy.
3. The location used for the event should have controllable points of ingress and egress.
4. Alcoholic beverages should not be the primary focus of an event (i.e., progressive drinking party, kegger, happy hour). Alcoholic beverages shall not be used as an inducement to participate in an event.

Alcohol Policy within the Residence Halls
Students of legal drinking age (21 years or older) may consume alcoholic beverages in the privacy of their own rooms in the residence halls and apartments, provided the space is not shared with an underage roommate. Students hosting guests, including fellow SCU students and non-SCU guests, are responsible for their guests’ adherence to the policy. Any person under the age of 21 who is in possession of alcohol or is in a room where alcohol is knowingly or unknowingly present will be assumed to have been consuming alcohol as it is difficult to determine who was drinking and who was not.

Possession and/or consumption of alcoholic beverages in public areas is prohibited. Public areas are all areas other than individual living spaces. Rooms with open doors, rooms with closed doors to which public attention is attracted by excessive noise, hallways, lounges, restrooms, and outdoor areas are considered public areas.

No kegs, beer bongs, or other equipment for the sole use of consuming alcohol will be allowed in the residence halls or apartments. Empty alcohol containers and/or packaging within a student’s room will be considered the property of the student.

Students and guests can be held in violation of the Alcohol Policy if empty containers and/or packaging are in the students’ rooms.

Drug and Alcohol Abuse
Individuals who are not Santa Clara University employees, but who perform work at the University for its benefit (e.g., independent contractors, temporary employees provided by agencies, visitors engaged in joint projects at Santa Clara University, volunteers, and so forth) are required to comply with the University’s Drug and Alcohol policy. Such individuals who unlawfully manufacture, distribute, dispense, possess, or use controlled substances or unlawfully use, possess, or distribute alcohol in the Santa Clara University workplace may be barred from further work for and at Santa Clara University.

GETTING HELP: DRUG AND ALCOHOL PROGRAMS

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

Students who are concerned about substance use, abuse, and rehabilitation are urged to contact the Wellness Center, Counseling and Psychological Services, or Cowell Health Center. The Wellness Center offers BASICS—Brief Alcohol Screening and Intervention for College Students. This program is appropriate for any student who uses alcohol and/or other drugs, whether a student is concerned about his/her drinking or drug use or just curious to learn about how his/her use compares to others. BASICS provides a structured opportunity to assess a student’s risk, identify potential changes, and helps individual students to reduce the risk of developing future problems. Successful completion of an appropriate rehabilitation program, including participation in aftercare, may be considered as evidence of eligibility for reinstatement of student status.
Other outside sources for Faculty, Staff, and Students
Find a Treatment Center in Your Community (Nationwide)
http://alcoholism.about.com/cs/pro/a/blpro.htm

Several drug and alcohol counseling, treatment, and rehabilitation programs are available to JST-SCU faculty, students and employees. Merritt Peralta Institute's (MPI) Chemical Dependency Department may be reached at (510) 869-7000 for help in dealing with a drug or alcohol dependency problem. The initial consultation is free and includes an assessment of the problem and the recommendation of a treatment plan. A local Alcoholics Anonymous program may be reached at (510) 839-8900 and a local Narcotics Anonymous program may be reached at (510) 444-4673.

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

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

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

Violations will result in disciplinary action up to and including termination of employment for faculty and staff or expulsion of students. Disciplinary processes outlined in the Faculty Handbook, Staff Policy Manual, and Student Handbook, will be followed as appropriate. Disciplinary action may also include the completion of an appropriate rehabilitation program. Violations may also be referred to the appropriate authorities for prosecution.

The policy information is distributed on an annual basis to all faculty, staff and students. New staff employees are given a copy during the New Employee Orientation. New faculty employees are given a copy during the New Faculty Orientation. The policy is reviewed at least biennially by the Office of Student Life, the Provost's Office, the Sponsored Projects Office, the Affirmative Action Office, the Financial Aid Office, and the Department of Human Resources.

Medical Marijuana Policy
Students who qualify under California Proposition 215 to use marijuana for medical reasons are encouraged to inform the Office of Student Life for the purpose of notifying Santa Clara University of their use as authorized within the law. For students who live in University housing, the Office of Student Life informs the appropriate personnel in Residence Life. Santa Clara University does not permit the use of marijuana for any purpose on University property. Students who qualify under California Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on University-owned or controlled property (including but not limited to residence halls, academic buildings, athletic facilities, and parking lots), or during a University-sanctioned activity regardless of the location. Students who fail to follow this policy are in violation of the Student Conduct Code and are subject to disciplinary action.
The University is committed to educating the student community about sexual and gender-based misconduct. The Wellness Center is the home of a student peer health educator program, called the Violence Prevention Program, that address the issue of sexual assault. The emphasis of this program is to educate Santa Clara University students about sexual assault and prevention so they are able to recognize such behavior, report instances of sexual assault, offer support to sexual assault survivors, and refer them to appropriate University and off-campus resources. In addition to the programming done throughout the year by both of these organizations, all freshmen must attend a mandatory prevention and education program about sexual assault at the beginning of the year.

The University disciplinary proceedings for cases involving sexual misconduct are detailed in the Student Handbook. The disciplinary procedures for reviewing allegations of sexual misconduct allow for the respondent and the complainant to have another community member with them during the judicial proceedings. Both the respondent and complainant are informed of the outcome of the judicial process. A student, who is held accountable for a first offense sexual misconduct violation, and any subsequent violation, is subject to the full range of judicial sanctions, including expulsion, independent of the outcome of any criminal proceedings in the state courts. Student complainants have the right to academic and living accommodations if such changes are reasonably available.

What follows is the complete text of the University’s Sexual Assault and Misconduct Reporting Protocol. The protocol is published annually on the University website and applies to all undergraduate and graduate students. Students at JST-SCU should see the directory information at the end of this document for a list of on and off campus resources, such as law enforcement, counseling, and medical assistance, in the Berkeley and Alameda County area.

**SEXUAL AND GENDER-BASED MISCONDUCT POLICY**

**Purpose Statement**
Santa Clara University upholds a zero tolerance policy for sexual and gender-based misconduct and does not discriminate on the basis of sex in its educational programs. When an allegation of misconduct is brought to an appropriate administrator’s attention, and a respondent is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. It applies on campus and it may apply off campus if the conduct negatively affects a victim’s school experience or the overall school environment. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

The University seeks to provide a consistent, caring, and timely response when sexual and gender-based misconduct occurs within the University community. Sexual misconduct includes sexual harassment, sexual assault (non-consensual sexual contact and non-consensual sexual intercourse), and sexual exploitation. Gender-based misconduct includes violent actions, discrimination, hazing, bullying, domestic violence, dating violence, and stalking when such behaviors are perpetrated because of one’s gender. Members of the University community, guests and visitors have the right to be free from sexual and gender-based misconduct and the University prohibits such behavior. Sexual and gender-based misconduct can occur between people of different sex or gender or of the same sex or gender. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

This policy was created to:

- Increase the safety of the campus community;
- Clarify expectations of behavior;
- Cultivate a campus environment that both expedites and encourages the prompt reporting of sexual and gender-based misconduct;
● Cultivate a climate of community involvement in sexual and gender-based misconduct prevention;
● Adjudicate cases through the University Judicial System;
● Facilitate the recovery of a victim by providing prompt and compassionate support services;
● Ensure accurate reporting of crime statistics; and
● Maintain compliance with Title IX which is federal legislation that protects against sex discrimination, inclusive of sexual harassment and sexual assault, in education programs that receive federal funding, and other related legislation: the Campus Sexual Violence Elimination Act, Campus Sexual Assault Victims’ Bill of Rights, Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and the Violence Against Women Act.

Individuals are encouraged to report all instances of sexual and gender-based misconduct. Complainants who have engaged in alcohol or other drug use at the time of the misconduct will not be subject to disciplinary action for such use. Every effort will be made to ensure that students are informed of rights and resources, including options for reporting through the University and/or the appropriate police department.

Overview of Policy Expectations with Respect to Physical Sexual Misconduct

The expectations of our community regarding sexual misconduct can be summarized as follows: Prior to engaging in and during sexual activity, there must be consent. Consent is clear, knowing and voluntary permission. Consent can be given by word or action. However, non-verbal consent is not as clear as talking about what one wants sexually and what one doesn’t want. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence--without actions demonstrating permission--cannot be assumed to show consent. Additionally, there is a difference between coercion and seduction. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex and/or any sexual act.

Engaging in any sexual act with someone whom one knows to be or should have known to be incapacitated (mentally or physically) is a violation of this policy. Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if that person cannot fully understand the details of a sexual interaction (Who, What, When, Where, Why, and How) because the individual lacks the capacity to reasonably understand the situation. An awareness of all six must be present. Any time sexual activity takes place where the alleged victim did not understand any one of these six conditions, incapacity is at issue. Under this policy, “No” always means “No,” and “Yes” may not always mean “Yes,” therefore, anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a “No.” Additionally, silence is not consent. The absence of resistance is not consent. In other words, “The absence of some form of a ‘No’ is not the presence of a ‘Yes.’”

Overview of Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of applicable sections of the faculty/staff handbooks.

The University does not wish to interfere with private choices regarding personal relationships when these relationships do not interfere with the goals and policies of the University. Because of the potential for exploitation, favoritism, and conflicts of interest, the University prohibits any consensual dating, romantic, or sexual relationship between an employee and a student over whom that employee has any instructional, supervisory, advising, or evaluative responsibility. This policy applies to faculty, staff, and student employees. Employees who violate this policy are subject to sanctions for misconduct under the policies of the Faculty Handbook, Staff Policy Manual, or Student Employment Handbook, as appropriate to their employment status. Employees or students with questions about this policy should contact the Office of
Affirmative Action or the Department of Human Resources.

**Sexual Misconduct Offenses Include, But Are Not Limited To:**
1. Sexual Harassment  
2. Sexual Assault: Non-Consensual Sexual Contact (or attempts to commit same)  
3. Sexual Assault: Non-Consensual Sexual Intercourse (or attempts to commit same)  
4. Sexual Exploitation

1. **SEXUAL HARASSMENT:**

   Sexual Harassment is
   - unwelcome, gender-based (including sexual orientation based) verbal or physical conduct that is,
   - sufficiently severe, persistent or pervasive that it,
   - unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the University's educational program and/or activities, and
   - is based on power differentials (quid pro quo), or the creation of a hostile environment, or retaliation.

   Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to unwelcome sexual attention; to punish a refusal to comply with a sexual-based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

2. **SEXUAL ASSAULT: NON-CONSENSUAL SEXUAL CONTACT:**

   Non-Consensual Sexual Contact is
   - any intentional sexual touching,
   - however slight,
   - with any object,
   - by any person upon another person,
   - that is without consent and/or by force.

   Examples include: Intentional contact with the mouth, breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

3. **SEXUAL ASSAULT: NON-CONSENSUAL SEXUAL INTERCOURSE:**

   Non-Consensual Sexual Intercourse is
   - any sexual intercourse
   - however slight,
   - with any object,
   - by any person upon another person,
   - that is without consent and/or by force.

   Examples include: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

4. **SEXUAL EXPLOITATION**

   Occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior
Examples include, but are not limited to:

- invasion of sexual privacy;
- non-consensual video (including photographs) or audio-taping of sexual activity;
- going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex); engaging in voyeurism;
- failure to disclose to a sexual partner one’s STI or HIV infection;
- exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
- sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Campus Sexual Assault Victims’ Bill of Rights
In compliance with the Campus Sexual Assault Victims’ Bill of Rights, sexual misconduct victims have the right to be informed:

1. About notifying appropriate law enforcement authorities with the assistance of University personnel if requested;
2. About existing on- and off-campus counseling, mental health, or other services;
3. That the University will change academic and living situations after an alleged report if those changes are requested by the victim and are reasonably available;
4. That the victim and the accused are entitled to the same opportunities to have others present during a University disciplinary proceeding and to any related meetings; and
5. About the outcome of the University disciplinary proceeding and the opportunity to request an appeal.

The rights specified in items 1 through 3 are applicable to any victim regardless of whether the accused is a student at Santa Clara University. If the accused is not a student at Santa Clara University, then items 4 and 5 are not applicable because there is no basis for a University disciplinary proceeding.

Gender-Based Misconduct
The behaviors listed below are misconduct offenses that fall under this policy if they are based upon gender which is inclusive of gender identity, gender expression, and sexual orientation. If any of these behaviors are not gender-based, then the Student Conduct Code applies and the matter is processed and adjudicated through the University Judicial System.

1. Violent actions, defined as, threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by the University, which is likely to cause serious bodily injury, psychological harm, or social ostracism, to any former, current, or prospective student.
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
6. Domestic violence, defined as a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.
7. Dating violence, 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 is dating violence. The existence of such a relationship shall be determined based on a consideration of the following factors:
   - The length of the relationship
The type of relationship
• The frequency of interaction between the persons involved in the relationship

8. Stalking, defined as, a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear.

Federal Statistical Reporting Obligations
The University seeks to provide accurate and timely information to the campus community related to public safety. In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, certain campus officials have a duty to report sexual assault and other identified crimes for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on- or off-campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

The campus officials with a duty to report include, but may not be limited to, faculty and staff members in the Division of Student Life, Campus Safety Services, Athletics and Recreation, Human Resources, Campus Ministry, advisors to student organizations, and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the complainant and may be done anonymously.

Federal Timely Warning Reporting Obligations
In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, University administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. Federal law prohibits the University releasing a victim’s name. Consistent with the federal regulations, the University will provide information for community members to make safety decisions in light of the danger. Campus Safety Services is the campus department responsible for issuing timely warnings. Student Life, Campus Safety Services, Athletics and Recreation, Human Resources, Campus Ministry, advisors to student organizations, and any other officials with significant responsibility for student and campus activities are responsible for informing Campus Safety Services of information that may warrant a timely warning.

SEXUAL AND GENDER-BASED MISCONDUCT REPORTING PROTOCOL
If you are the victim of sexual and gender-based misconduct, your personal safety is most important. You are encouraged to go to a safe place if you are somewhere you do not feel comfortable. If or when you are comfortable, share what has occurred with someone you trust. Sharing as much specific information as you can remember, along with any physical evidence, with this individual may help in the event that you decide you want to report the incident to University officials and/or the police.

If you are a victim of this type of misconduct, and particularly if you are a victim of sexual assault...

Preserve Evidence
Do what you can to preserve any evidence, even if you are not certain you want to file a report with the police department or the University. Preserving evidence now will give you options should you decide to report later. It is best for any physical evidence to be collected within the first 24 hours.

If you can avoid it, do not wash your face or hands, bathe, brush your teeth, drink or eat, douche, or change clothes. If you must change your clothes, place each garment in a separate paper (not plastic) bag.

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1 Students at the Jesuit School of Theology in Berkeley, CA should see the directory information at the end of this document for a list of on and off campus resources, such as law enforcement, counseling, and medical assistance, in the Berkeley and Alameda County area.
**Access On and Off Campus Counseling Services**

You are encouraged to seek out the support of family, friends, and/or a counselor.

We encourage you to make an appointment with Counseling and Psychological Services, located in the Cowell Center at Santa Clara University, 408-554-4501. If you do not want to wait, you can request to see the on-call counselor for the day. Except in cases when students are under the age of 18, Counseling and Psychological Services is not required to report incidents of sexual assault.

The YWCA Rape Crisis Hotline is available as a resource and support for you. The confidential hotline is open 24 hours a day, 7 days a week and can be contacted at 408-287-3000. You do not need to be in crisis in order to contact a counselor from the hot line. Counselors on the hotline are trained to help victims and offer support and information about legal, medical, and mental health resources. The hotline is also available to anyone providing support to a victim of sexual misconduct.

**Tend to Your Physical Health**

You are encouraged to be examined by medical staff as soon as possible for injuries you may not be able to see and other health implications. You might also want to preserve evidence this way. Medical health care providers are required to report crimes such as sexual assault to the police.

If you are interested in an evidence exam, go to Santa Clara Valley Medical Center located at 751 S. Bascom Avenue in San Jose, CA or contact the Santa Clara Police Department, 408-615-4700. This is the forensic medical facility in the area. It is a specially trained nursing facility. If you want to have an evidence exam conducted, go to the emergency room and tell them you have been sexually assaulted. If you would like, Campus Safety Services can arrange, at no cost, transportation to Santa Clara Valley Medical Center. Campus Safety Services can be contacted at 408-554-4441.

You can have a medical-only (non-evidence) exam to treat cuts, infections, and internal injuries, but no evidentiary documentation will be done with a “medical exam only”. It is important to know that you will lose the opportunity to collect evidence at this time. Before making this decision, consider talking to a rape crisis counselor through the YWCA Rape Crisis Hotline at 408-287-3000.

Student Health Services provides pregnancy, STD testing, or baseline HIV testing. Student Health Services does not prescribe emergency contraception and does not collect evidence.

**Learn About the Campus Advocate Program and Academic and Living Accommodations**

The Office of Student Life, located in Benson Center, Room 205, or at 408-554-4583, can assist you by informing you of 1) your rights, 2) on- and off-campus resources, 3) reporting options, and 4) your options through the University Judicial System. The on-campus resources include the Campus Advocate Program. A Campus Advocate is a trained staff or faculty member who is available to support you through the University reporting process. You can also choose to request assistance with academic and living accommodations. The person you meet with will inform you of the law enforcement reporting process and your options regarding filing a criminal complaint. More detailed information about University and local resources are available through the Office of Student Life.

**Understand Reporting Requirements** – (Also see “Reporting Options”)

University personnel on campus have different reporting responsibilities and different abilities to maintain confidentiality, depending on their roles at the University, University policy, and applicable laws.

When consulting campus resources, all parties should be aware of confidentiality, privacy and mandatory reporting in order to make informed choices. On campus, some resources can offer you confidentiality, sharing options and advice without any obligation to inform others unless you want them to do so. Other resources are expressly there for you to report crimes and policy violations and they will take action when you report your victimization to them. It is possible for a victim to seek assistance from University officials without starting a formal process that is beyond the victim’s control, or goes against her/his desire for privacy.
University Personnel Not Required to Report

Unless there is a statutory duty to do so, University personnel who are not required to report include:

1. clergy and professional counselors when acting in those roles (though note the sentence that follows after item 3),
2. faculty who do not advise student groups, and
3. clerical or support staff.

In some instances, there is a statutory duty on the part of clergy to report knowledge of a sexual assault (e.g. when such information is received outside of the context of sacramental confession, though not limited to that context). The director and assistant director of the Wellness Center and students who serve in the Wellness Center’s peer violence prevention and education program are not required to report to Campus Safety Services or law enforcement.

Psychologists and counseling trainees, such as those in Counseling and Psychological Services, are not required by law to notify law enforcement if they have reason to believe or know that a client has been sexually assaulted. However, if the client is believed to be a danger to him/herself or others, or gravely disabled (as a result of a mental disorder, one is unable to care for him/herself and no one else able to care for him/her) then the psychologists and counseling trainees are required to notify law enforcement.

University Personnel Required to Report

Faculty and staff who have significant responsibility for student and campus activities are required to inform Campus Safety Services of allegations of sexual and gender-based misconduct. When this happens, Campus Safety Services will notify the Office of Student Life. If preferred, faculty and staff can contact the Office of Student Life to assist with the process of notifying Campus Safety Services. University personnel who are required to report include, though are not limited to, Office of Student Life, Residence Life (including Community Facilitators, Assistant Resident Directors, Neighborhood Representatives, and Assistant Area Coordinators), Resident Ministers, Housing, Athletics and Recreation, Center for Student Leadership, Drahmann Center, Disability Resources, Career Center, Campus Ministry, Affirmative Action, and Campus Safety Services. Faculty and staff are encouraged to consult with the Office of Student Life about accessing campus resources to support student victims.

Supervisors of student employees are required to report to the Office of Affirmative Action allegations of sexual and gender-based misconduct that happened in the context of employment.

University Personnel Required to Report to Law Enforcement Only

Licensed medical professionals, such as those in the Student Health Services, are required by California law to notify local law enforcement if they have reason to believe or know that a patient has been sexually assaulted. Staff in Student Health Services who are licensed medical professionals include the medical doctor, physician assistant, nurse practitioners, registered nurses, psychiatrist, nutritionist, and student EMTs (when they are acting in their official capacity). The medical assistants, who function as clerical staff for Student Health Services, are not licensed medical professionals and therefore are not required by law to notify local law enforcement.

Under California law, the staff in Student Health Services, who are mandated to notify local law enforcement of a reported or potential sexual assault, cannot inform anyone else except local law enforcement. The licensed medical professionals in Student Health Services will inform the patient of campus resources and off-campus resources so the patient is aware of the various resources, services, and options that she/he can access. (See “To Report for Statistical Purposes” – the licensed medical professional will inform Campus Safety Services of the incident for statistical purposes, but will not identify the individuals involved.)

REPORTING OPTIONS

To Report Confidentially

If you prefer that details of the incident be kept confidential, you should speak with on-campus psychologists and counseling trainees, such as those in Counseling and Psychological Services, or off-campus rape crisis...
resources who can maintain confidentiality. The on-campus psychologists and counseling trainees in Cowell Counseling and Psychological Services are available to help you free of charge, and can be seen on an emergency basis. In addition, you may speak with on- and off-campus members of the clergy, provided the information is shared with them in a context by which clergy can maintain confidentiality. In some instances, there is a statutory duty on the part of clergy to report knowledge of a sexual assault (e.g. when such information is received outside of the context of sacramental confession, though not limited to that context).

**To Report Anonymously**

The University provides EthicsPoint for persons who want to file a report anonymously with the University. EthicsPoint is an anonymous reporting system for reporting suspicious behavior, misconduct, or situations of concern, including but not limited to, sexual harassment. To do so, go to www.EthicsPoint.com, click on “File a Report” and enter “Santa Clara University” as the name of the organization. From there, you can submit a detailed report and maintain your anonymity. The campus official(s) who receives the report will act promptly to appropriately pursue the matter. EthicsPoint includes the capacity for the campus official(s) to communicate with you via email for purposes such as acknowledging the receipt of the report, clarifying information, or relaying, as appropriate, the disposition of the report.

**To Report for Statistical Purposes**

Even if one is not required to report a crime, everyone at a minimum is encouraged to report instances of sexual and gender-based misconduct for the purpose of collecting accurate statistics. These reports can be made without identifying the victim. In such instances, the report of the incident, when applicable, will be included in the University's Annual Disclosure of Crime Statistics in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Statistical reports can be filed with the Office of Student Life, Office of Affirmative Action, Campus Safety Services, or via EthicsPoint.

**To Report for Criminal or University Judicial Action**

There are two types of reports: a police report and a University report. If you decide to submit either type of a report, you will be asked to give a detailed account of what has occurred. This can be a difficult process and you are encouraged to bring a friend or advocate for support. YWCA advocates can support you with off-campus proceedings and Campus Advocates can assist you with on-campus proceedings. Campus Advocates are trained staff and faculty who volunteer to assist complainants with the University procedures. When these reports are received, only persons who need to know will be told, and information will be shared only as necessary with investigators, the complainant, the respondent, witnesses, campus officials, and with others as lawfully permitted.

1. **Filing a Police Report**
   If you are interested in filing a police report, call 911 for immediate response, or call the police department in the city where the sex crime occurred. If the sex crime occurred in the city of Santa Clara, contact the Santa Clara Police Department, located at 601 El Camino Real or at 408-615-4700. An officer can meet you at your residence or somewhere else on campus such as at the Campus Safety Services office. Part of the investigation, with your permission, may include a medical and forensic exam at Santa Clara Valley Medical Center (see the previous “Physical Health” section for more details). You have a legal right to have a YWCA advocate present during your interviews and interactions with the police department. The YWCA is the recognized advocate provider for Santa Clara County.

2. **Filing a University Report**
   You are encouraged to speak to members of the Office of Student Life, Office of Affirmative Action, and/or Campus Safety Services to make a report with the University. Notice to them is official notice to the University. You have the right, and can expect to have, reported incidents of sexual and gender-based misconduct taken seriously by the University, and to have those incidents investigated and properly resolved through administrative procedures. If you do file a University report, only persons who need to know will be told, and information will be shared only as necessary with investigators, witnesses, the accused individual, and campus officials.
In cooperation with the Santa Clara Police Department to provide for the safety and welfare of the community, the University notifies the Santa Clara Police Department of reports of sex crimes. The Office of Student Life and/or Campus Safety Services will assist you with this process or will provide the report on your behalf. You may choose to either participate or not participate in a criminal investigation. If you choose not to participate, it is highly unlikely the police will file criminal charges.

You can begin the process for filing a report through any of the following departments:

Call Campus Safety Services at 408-554-4444 to file a report, even if the incident took place off-campus. Campus Safety can also connect you to the appropriate police department to file a report.

Call the Office of Student Life (408-554-4583) in Benson Center, Room 205, to schedule an appointment or request a same day appointment. You may simply state that you want to meet with a Student Life staff member to discuss a “student welfare matter.” The Office of Student Life will introduce you to a Campus Advocate, if you agree to meet with one, who can support you through the campus reporting process, explain the resources available to you, including the University Judicial System, and if applicable, arrange for you to file a report with Campus Safety Services and/or local law enforcement.

In addition to contacting the Office of Student Life or Campus Safety Services, if the perpetrator is a staff or faculty member, you can also report the incident to the Office of Affirmative Action (room 223), located at 475 El Camino Real, Santa Clara, CA 95053 or at 408-554-4178. Faculty/staff should report any sexual and gender-based misconduct committed in the context of University employment by another member of the University community to the Office of Affirmative Action.

If during the reporting process you decide that you want your report to be confidential and for the University to not take any action, the University may still be required to investigate and take reasonable action regarding the allegation. Your request for confidentiality and no action may limit the University’s capacity to investigate and take any additional action. If you insist 1) on confidentiality, or 2) that there is not an investigation, the University reserves the right to undertake an appropriate inquiry, issue a no-contact order, and take interim measures to ensure the safety of the campus community.

Your request for confidentiality and no action will be weighed against the following factors:

1. The circumstance of the alleged sexual violence (e.g. was it perpetrated with a weapon, or any threats by the accused student to repeat the sexual violence);
2. Whether there have been other complaints against the same accused student; and
3. The risk of the alleged student committing additional acts of sexual violence (e.g. any threats for further sexual violence).
4. Such other circumstances which may pose a threat to individuals or the campus community.

If it is determined that confidentiality cannot be maintained, you will be informed.

UNIVERSITY RESPONSE TO SEXUAL AND GENDER-BASED MISCONDUCT

As authorized by the Board of Trustees and the University president, the vice provost for student life or designee will adjudicate a charge of sexual and gender-based misconduct under the Student Conduct Code. Sexual or gender-based misconduct cases are adjudicated under sections 5, 6, 7, and 10 of the Student Conduct Code in the context of the Sexual and Gender-Based Misconduct Policy.

Section 5: Disorderly, lewd, indecent, or obscene conduct; excessive or prolonged noise; behavior that interferes with the orderly functioning of the University, or interferes with an individual’s pursuit of an education on University-owned or controlled property or during an authorized University class, field trip, seminar, competition or other meeting, or University-related activity.
Section 6: Detention, physical abuse, or conduct that threatens imminent bodily harm or endangers the physical well-being of any person, including harm to self.

Section 7: Nonconsensual physical contact of a sexual nature such as sexual misconduct, sexual assault, and rape.

Section 10: Hazing, harassing, threatening, degrading language or actions, including bullying, stalking, or any practice by a group or individual that degrades a student or employee, endangers health, jeopardizes personal safety, or interferes with an employee's duties or with a student class attendance or a person's educational pursuits.

In certain circumstances, other sections of the Student Conduct Code may be applicable.

The University reserves the right to review all student conduct that occurs on and off campus when such behavior is inconsistent with the Student Conduct Code.

Violations of the Student Conduct Code do not necessarily constitute violations of the law. A report of sexual and gender-based misconduct filed with the University is evaluated according to University standards through a University process and is separate from a criminal investigation. Any sanction within the full range of disciplinary action, including expulsion, may be imposed upon a student who is found responsible for committing a violation.

Disciplinary sanctions for findings of sexual misconduct will be imposed regardless of whether the nonconsensual sexual activity was preceded or followed by consensual sexual activity. Additionally, sexual and gender-based misconduct can occur between people of different sex or genders or of the same sex or gender. For reference to the pertinent state statutes on sex offenses, see California Penal Code 243.4 and 289 et. seq.

The use of alcohol and other drugs can blur the distinction between consensual and nonconsensual sexual activity. If the accused person knew or reasonably should have known that the victim was incapable of providing consent due to the use alcohol or another drug, the accused person is in violation. The accused person's use of alcohol or other drugs does not diminish his or her responsibility for committing the sexual misconduct. Use of alcohol or other drugs is not a defense to a violation of this policy.

After a report is made, the University will provide reasonable protection against further acts of misconduct, harassment, or retaliation as needed, as well as services and resources to allow the continued equal access to an education at Santa Clara University.

The complainant may request, or the University may impose, communication and contact restrictions to prevent further potentially harmful interaction. A complainant may request a change in academic or living situation after a report of sexual misconduct by speaking with the Office of Student Life. Upon request the University will inform the complainant of the options, and will accommodate the request if those changes are reasonably available. In some cases the University may carry out these changes without a request.

In some cases involving a student complainant and student respondent, the complainant or the respondent may pursue a temporary restraining order. This is a civil proceeding independent of the University. If a court order is issued the University will, to the extent possible, assist the protected person in benefitting from the restrictions imposed by the court, and also to the extent possible will facilitate the restricted person in complying with the order. The court enforces the order through law enforcement. The University does not enforce the order. The University will abide by the court to the degree possible. The University will not serve notice of restraining orders on the behalf of a student.

It is important to note that a civil court order may, unless the court is fully informed, prevent the University from conducting a hearing in which students who are subject to the order want to be present and provide information. A student can always return to the court to request modification of the order.
University Investigation
When the University receives information alleging sexual and gender-based misconduct, an investigation will be conducted by a professional staff member (herein referred to as “investigator”) who has received training in these types of cases. The role of the investigator is to be a neutral fact-finder. Ordinarily, an administrative investigation will include a review of statements obtained from either party, interviews with both parties, interviews with witnesses as appropriate, and review of relevant documentary evidence. The complainant and respondent have the same opportunity to present witnesses for the investigator to interview. The investigator has the right to forgo interviewing a witness if the investigator determines that the person does not have information that is relevant to the proceedings. The University does not allow individuals who function as character witnesses to participate in this process.

The completed investigative report will contain summaries of the interviews and any related evidence including, though not limited to, relevant reports filed by Campus Safety Services, Residence Life, Office of Student Life, and law enforcement.

The investigator will also determine whether there is good cause to grant a hearing. If a hearing is recommended, the investigator will list which sexual and gender-based misconduct or student conduct policies may allegedly have been violated. The hearing officer or the members of the Sexual and Gender-Based Misconduct Board are provided a copy of the investigator’s report prior to the hearing.

In University judicial proceedings, the University never assumes a student is in violation of University policy. Campus hearings are conducted to take into account the totality of all evidence available, from all relevant sources.

The University reserves the right to take whatever measures it deems necessary in response to an allegation of sexual and gender-based misconduct in order to protect students’ rights and personal safety. Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of misconduct will be deemed to be equally serious offenses, and the University reserves the right to impose different sanctions, ranging from warning to expulsion, depending on the severity of the offense. The University will consider the concerns and rights of both the complainant and the respondent.

Advisor of One’s Choice or University Support Person
The complainant and the respondent are each entitled to have one advisor present for any meetings about the allegation(s) including the judicial proceedings. The role of the advisor is limited to support and consultation. The advisor is permitted to speak privately with the party being advised. The advisor is not permitted to speak on the behalf of the individual, comment, or ask questions. In addition to this, during the disciplinary proceedings, the advisor is not permitted to question or address any party involved in the proceedings.

Violation of this expectation will result in the advisor being removed from the meeting or judicial proceeding at the discretion of the presiding officer or student conduct administrator. In the interest of conducting this process in an expeditious fashion, meetings will not normally be delayed if an advisor is unavailable.

The Office of Student Life can provide a University Support Person. This person is an employee who can offer emotional support and assist with connecting the student to campus resources throughout this process. This person does not provide legal advice.

Retaliation:
Although the University acknowledges that extreme emotions and stress may be involved in these incidents, the University does not condone any person on either side of the incident engaging in any type of retaliation and views complaints of retaliation with great seriousness. Retaliation may include continued abuse or violence, other harassment, and slander and libel. This conduct may be by the accused or others. A reporting party is strongly encouraged to report any concerns about retaliation to the Office of Student Life or Campus Safety Services.
Sanction Statement
Any sanction within the full range of disciplinary action, including expulsion, may be imposed upon a student who is found responsible for committing sexual misconduct. This range of sanctions is inclusive of a no contact directive which is an official notice to a student that he/she is not permitted to have any type of contact with an identified person(s). This includes, but is not limited to, person-to-person contact, contact through a third party, and contact by way of mail, email, telephone, voice mail, text messaging, etc. For a detailed description of the full range of disciplinary action, see the Student Handbook.

● Any student found responsible for violating the policy on Nonconsensual physical contact of a sexual nature such as sexual misconduct [Non-Consensual or Forced Sexual Contact (where no intercourse has occurred)] will likely receive a sanction ranging from probation to expulsion, depending on the severity of the incident, and taking into account any previous student conduct code violations.*

● Any student found responsible for violating the policy on Nonconsensual physical contact of a sexual nature such as sexual assault or rape (Non-Consensual or Forced Sexual Intercourse) will likely face a recommended sanction ranging from deferred suspension to expulsion, depending on the severity of the incident, and taking into account any previous student conduct code violations.*

● Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous student conduct code violations.*

*The hearing officer/board reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregiously offensive behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

The range of sanctions for gender-based misconduct (violent actions, discrimination, intimidation, hazing, bullying, domestic violence, dating violence, and stalking) covered by this policy are subject to the full range of disciplinary action, inclusive of a warning to expulsion. This range of sanctions is inclusive of a no contact directive which is an official notice to a student that he/she is not permitted to have any type of contact with an identified person(s). This includes, but is not limited to, person-to-person contact, contact through a third party, and contact by way of mail, email, telephone, voice mail, text messaging, etc.

STUDENT JUDICIAL SYSTEM

University Investigation and Judicial System
Sexual and gender-based misconduct involving students, regardless of whether the misconduct has been reported to a police agency, should also be reported to the University for investigation and resolution through University processes. The Affirmative Action Office addresses student sexual and gender-based misconduct reports that occur in the context of employment. The Office of Student Life addresses student sexual and gender-based misconduct reports outside of the context of employment. The University addresses instances of sexual and gender-based misconduct that occur on and off campus if the conduct negatively affects a person’s school experience or the overall school environment.

If the investigator determines that there are no reasonable grounds to believe that a violation occurred, the matter under this policy is closed, but the investigator may refer the complaint to another University office for resolution.

If the evaluation indicates that this policy may have been violated, the investigator will notify the complainant of available options, including informal or formal complaint resolution. Informal complaint resolution is not used for cases of alleged non-consensual sexual intercourse.

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Informal Complaint Resolution
After reviewing the investigative report, the complainant may opt for an informal resolution to the case by informing the investigator or the Office of Student Life. Participation in the informal process does not require face to face interaction between the complainant and respondent. At any time prior to a hearing the respondent may claim responsibility for the alleged sexual and gender-based misconduct. In either situation, the Vice Provost for Student Life & Dean of Students, or designee, will propose a resolution and sanctions to the complainant and respondent.

If both the complainant and the respondent agree to the proposed sanctions, then the complaint is resolved without a hearing and without any further rights of appeal by either party.

If either the complainant or the respondent disagrees with the proposed sanctions, then a hearing will take place in order to determine the sanction(s).

Formal Complaint Resolution
For formal complaint resolutions the investigator prepares a report for a hearing officer or the Sexual and Gender-Based Misconduct Board, with or without the cooperation of the complainant, to determine if the student respondent committed a violation. Participation in the informal process does not require face to face interaction between the complainant and respondent.

Each case is evaluated on its own unique circumstances. The hearing officer or Sexual and Gender-Based Misconduct Board bases the determination of responsibility on all of the relevant information presented at the hearing. Whether consent was given or obtained is a key factor in determining responsibility for a violation of the Sexual and Gender-Based Misconduct Policy. The University evaluates whether consent was provided using the following guidelines:

1. Was the complainant informed about the sexual act? Did the complainant understand the Who, What, When, Where, Why, and How with respect to the sexual activity?
2. Was the complainant incapable of providing consent because the person was incapacitated (physically or mentally)? Should it have been reasonably apparent to the respondent that the complainant was incapacitated? (The use of alcohol or other drug by the accused is not a valid defense to this policy.)
3. Was the complainant coerced? Was permission freely and actively given?
4. Was permission provided by way of mutually understandable words or actions to engage upon the sexual activity in question?

All of these considerations do not need to be present to determine responsibility for a violation by the respondent.

If the information presented at the hearing does not support a determination of responsibility for a violation of the Sexual and Gender Based Misconduct Policy based on the standard of more likely than not (preponderance of evidence), the hearing office or board may still determine responsibility for a related violation of the Student Conduct Code. Complainants who have engaged in alcohol or other drug use at the time of the assault will not be subject to disciplinary action for such use.

Judicial Procedures for Incidents of Alleged Sexual and Gender-Based Misconduct
The dean from the Office of Student Life who meets with the complainant will discuss potential options for resolving the complaint. A complainant may request the University initiate student conduct and/or University judicial proceedings against the accused student. The decision to conduct a judicial hearing or take other measures is within the University’s discretion. The University investigator, in consultation with the Office of Student Life, will consider all the facts of the case, including a complainant’s request, and determine if a hearing is the most appropriate response to resolve the situation.

The complainant and respondent (presuming the respondent was notified of the complaint) will be informed
of the decision regarding a hearing request. If a hearing is not held, the reporting party will be provided with an explanation and if applicable an alternate means of resolving the complaint. Whether a hearing is held or alternative means are used to determine responsibility for a violation of the University's Sexual and Gender Based Misconduct Policy, the University bases its decision on the preponderance of the evidence. This means that the University weighs the evidence and determines whether it is more likely than not that a violation has occurred.

The investigator prepares a written report of the incident for the hearing officer or Sexual Misconduct Board. In some instances, the University may, in its discretion, choose to initiate a disciplinary complaint on its own. Information obtained through the administrative investigation will be used for consideration in the hearing, with or without the cooperation of the complainant.

During the hearing, evidence regarding a respondent's past sexual conduct will ordinarily not be permitted, except in those instances where there was a prior sexual relationship between the complainant, or another person, and the respondent and the testimony may be relevant to the issue of consent. If the respondent is found responsible for the conduct alleged in the complaint, his or her past sexual misconduct, if any, may be considered in determining the appropriate sanction.

For sexual and gender-based misconduct student judicial cases the complainant and respondent will:
1. Receive equivalent notice of the hearing process;
2. Be provided the same opportunity to review the investigator's report; (Neither party is provided a copy of the report for their own keeping.)
3. Have the same opportunity to be present throughout the entire hearing, but not for the hearing officer's or board's deliberations regarding responsibility and sanctioning;
4. Be provided options for reasonable alternative arrangements if he or she does not want to be present in the same room as the complainant or respondent during the hearing;
5. Be entitled to the same opportunity for an advisor or University Support Person to be present;
6. Have the same opportunity to submit to the hearing officer or the board a written impact statement; (See “Impact Statement” in the section below.)
7. Be informed in writing of the outcome of the hearing;
8. Have the same opportunity to request an appeal of the hearing outcome.

Impact Statement
In the event the hearing officer/board rules that the respondent is in violation of the Sexual and Gender-Based Misconduct Policy and/or the Student Conduct Code, the complainant and respondent are entitled to submit in writing a statement of how this incident has impacted his/her life. This statement may include one's opinion regarding the potential sanction(s) in response to the violation(s).

Appeal Process for Sexual and Gender-Based Misconduct Cases
1. The outcome of the initial judicial hearing is subject to one request for appeal. In cases involving an allegation of sexual and gender-based misconduct, the request can be initiated by the respondent and/or the complainant. If both parties file a request, and if one or both of the requests are granted, that constitutes the one allotted appeal request. A request for appeal will be granted only if one or more of the following criteria are met:
   A. The disciplinary action appears to be grossly disproportionate to the conduct infraction.
   B. The procedures provided for in the Student Handbook were not followed in the hearing.
   C. New relevant information is available that was not available at the time of the hearing.
   D. The decision is not supported by substantial information.
2. The request for appeal form, available in the Office of Student Life, must be completed by the student and returned to the Office of Student Life within five (5) business days of the date on the hearing.

The Office of Student Life can provide a University employee who can offer emotional support and assist with connecting the student to campus resources throughout this process. This person does not provide legal advice.
summary. The request for appeal must include answers to the questions on the form in accordance with the criteria described in No. 1 above.

3. The request for appeal, along with other pertinent information, is reviewed by the Vice Provost for Student Life, or designee, to determine the validity of the request for appeal in accordance with the criteria described in No. 1 above. In general, a request for appeal is granted only when there is a preponderance of evidence that a procedural or substantive error occurred at the original hearing that effectively denied the student a fair and reasonable hearing in accordance with the intent of the Student Handbook.

4. The respondent and complainant must be informed of the decision pertaining to the request for appeal within five (5) business days of submitting the request. In exceptional circumstances, the five (5) business days notification requirement may be extended to allow adequate consideration of the request for appeal. If this is the case, the student(s) are notified.

5. If the request for appeal is granted, the case may be referred back to the original judicial officer, the original judicial board, a new judicial officer (who could be the Vice Provost for Student Life), or a new judicial board. The Vice Provost for Student Life, or designee, may also choose to modify the sanction(s) without granting a second hearing.

6. All appellate hearings are conducted in accordance with the general student rights and other required procedures, including determination of responsibility and sanctioning if appropriate.

7. A request for appeal may only be filed one time by either the respondent or the complainant. If a request for appeal is denied, a second appeal cannot be filed. If a request for appeal is granted, the outcome of any subsequent proceedings may not be appealed by either the respondent or the complainant.

Time Frames for Sexual and Gender-Based Misconduct Cases
The time frames listed here are guides and may be extended because of circumstances. Each case is unique and the process for handling the incident will be impacted by factors such as the complexity of the investigation and situation, the parties' schedules and availability, and the academic calendar. Generally speaking, the University will complete the investigative stage within 30 calendar days of receiving a report. If a judicial hearing or other student conduct processes are used, that will occur within 30 calendar days of the end of the investigation. Parties will be notified of the final outcome within seven calendar days of the hearing or other action which concludes the complaint process. The University will attempt to provide parties with periodic status updates. In no case will these time frames delay the University from providing services or enacting other measures to assist the reporting party.

In exceptional circumstances, the Vice Provost for Student Life may suspend the normal structure of the University Judicial System, including the University Investigation and Judicial System for Sexual and Gender-Based Misconduct, and establish an appropriate procedure for the particular needs of the pending case.

Questions, Concerns, and Oversight
The University Title IX Coordinator is responsible for oversight of response to reports and complaints of sexual and gender-based misconduct. This includes ensuring compliance with the regulations of Title IX, providing assistance and support to Deputy Title IX Coordinators (University employees who respond to reports or complaints and addressing concerns about the University's handling of reports and complaints). The University Title IX Coordinator is Charles Ambelang, the Interim Assistant Vice-President for Human Resources. This office is located at 475 El Camino Real, Santa Clara, CA 95053. The Title IX Coordinator can also be reached at 408-554-4178 or cambelang@scu.edu.

The University Title IX Coordinator and Deputy Coordinators may only discuss a specific case with investigators, the complainant, the respondent, witnesses, campus officials, and with others as lawfully
permitted. Inquiries concerning the application of Title IX may be referred to the Title IX Coordinators or the Office of Civil Rights via www.ed.gov.

All of the previously listed resources at Santa Clara University at the Santa Clara campus are available to Jesuit School of Theology (JST) students. In addition to this, the Assistant Dean of Students, (510) 549-5029, is the designated campus resource at the JST campus.

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

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

Medical Services and Sexual Assault Response Team (SART). Alameda County has two hospitals that provide both forensic exams and medical care:

1. Highland Hospital – 1411 East 31st Street, Oakland, CA
2. Washington Hospital – 2000 Mowry Ave, Fremont, CA

The other hospitals in the county provide medical care only given they are not designated as forensic exam facilities.

Local Law Enforcement
To file a police report, contact the law enforcement agency in the municipality where the assault happened:
Berkeley Police Department – (510) 981-5900 or Oakland Police Department – (510) 777-3333

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

The Higher Education Opportunity Act (HEOA) [Public Law 110-315] became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire related on-campus housing statistics. The following public disclosure report details all information required by this law as it relates to JST-SCU.

Fire statistics for JST-SCU are found in Appendix B. If you smell smoke or detect a fire, activate the nearest alarm and call 911 immediately from a safe location on or off campus. If you find evidence of an extinguished fire that has not been addressed by the University, please contact the University Fire Protection Technician at (408) 554-4742 or the Assistant Dean of Students at (510) 549-5029.

### Jesuit School of Theology of Santa Clara University
### Residence Halls and Supporting Fire Life Safety Systems

<table>
<thead>
<tr>
<th>Name of Residence Hall</th>
<th># of Beds</th>
<th>Sprinkler/Fire Suppression</th>
<th>Detection Type</th>
<th>Fire Alarm Sound</th>
<th>Strobe Lights</th>
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</table>

**Relevant Student Conduct Code Sections**

The following acts may subject students to disciplinary action:

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

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

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

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

Specific procedures are:

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

Fire alarms and fire-safety equipment are located in each building to save lives and property. Initiating a false alarm or tampering with fire-safety-equipment is a violation of University policy Berkeley Fire Code.
Residence Hall Policies, Procedures and Standards

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

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

**Approved Appliances**
- Clocks
- Computers
- Desk Lamps
- Fans
- Hair Dryers
- Hot pots with non-exposed coils
- Microwaves
- Refrigerators (energy star certified)
- Televisions

**Unapproved Appliances**
- Air Conditioners
- Ceiling Fans
- Space Heaters
- Torchiere halogen lamps
- Window appliances (humidifiers, etc.)
- Sun Lamps
- Toaster
- Hot Plates

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

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

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

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

Furniture
Furniture, other than University issued, must adhere to all California state fire codes. All furniture must be flame-retardant. Upon checking out, students are required to return furniture to its original configuration. Water beds are not permitted inside University residence halls at any time. All University issued furniture must remain in designated rooms or apartments.
Halogen-Bulb Lamps
Halogen-bulb lamps have been the cause of multiple residence hall fires around the country. To promote the safety of students living in residence halls, torchiere halogen-bulb lamps (i.e., floor lamps) are not permitted in any University housing facility.

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

Room Alterations
Decorations for your room consisting of sheets, nets, curtains, or large pieces of material hung or draped from the ceiling and walls is not recommended due to the combustion hazard they present. Pieces of any material covering more than 50% of the total wall or ceiling area of any residential space are prohibited. Room decorations should not be hung from the ceiling T-bar metal framing that supports the ceiling tiles. Additional information regarding room decoration guidelines can be found at www.scu.edu/housing.

Painting is done by Facilities personnel. Because a great deal of effort is expended in repainting rooms, residents are not permitted to paint their rooms or apartments. Students will be held responsible for any and all damage done to walls, windows, doors, or furniture.

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

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

Smoking Policy
The purpose of the smoking policy is to promote and foster the health, comfort, and safety of all members of the Santa Clara University community.

Santa Clara University has adopted a nonsmoking policy. Smoking is prohibited at all times in University facilities that house offices, work areas, classrooms, or residence rooms. Members of the community who choose to smoke must maintain a distance of 25 feet from any building openings (balconies, doors, windows, air intakes).

Building Evacuations and Fire Safety
The following standards are for the safety of all residents and nonresident 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.

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

Detailed emergency procedures have been developed for the JST-SCU campus that address the following hazardous situations: fire, earthquake, medical emergency, building evacuation, criminal/violent behavior, hazardous materials, lockdown, etc. Information on these procedures can be communicated by a variety of means, including training sessions, signs, posters, etc.
APPENDIX A

ANNUAL DISCLOSURE OF CRIME STATISTICS

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Campus Safety Services prepares and publishes the Annual Crime Disclosure of Crime Statistics. The report is available on the JST-SCU website or by calling (408) 554-4441 to request a copy. This report is prepared in cooperation with representatives of the Graduate Theological Union in Berkeley, the City of Berkeley Police Department, and the Office of Student Life. No Hate Crimes were recorded in 2011 – 2013.

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<thead>
<tr>
<th>CATEGORY</th>
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<th>TOTAL 2011</th>
<th>TOTAL 2012</th>
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### ANNUAL DISCLOSURE OF CRIME STATISTICS

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<th>CATEGORY</th>
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* Violent crimes are defined by the FBI/UCR as murder, forcible rape, robbery, and aggravated assaults. Santa Clara University has also added simple assault into this category.

** KEY TO HATE CRIMES NOTATIONS (No hate crimes 2011 - 2013)
Type of Bias or Prejudice - Race=ra, Gender=g, Religion=re, Sexual Orientation=s, Ethnicity=e, Disability=d

*** This category includes all on-campus incidents, including those listed in the category below, “In dormitories or other residential facilities.” Therefore, the two categories are not cumulative, but duplicative.

**FERPA:** Clarification of the interplay between the disclosures required under the Clery Act and the prohibition against the disclosure of information from education records contained in the Family Education Rights and Privacy Act (FERPA) provides no barrier to compliance with the disclosures under Clery Act. The reporting of crime statistics by an institution of the occurrence of crimes on campus does not violate FERPA. FERPA protects the nonconsensual disclosure of personally identifiable information from education records. FERPA does not protect statistical information. FERPA does not preclude an institution’s compliance with timely warning provision of the Clery Act. Information can, in case of an emergency, be released without consent when needed to protect the health and safety of others (3rC.F.R. Section 99.31(b)(6) &99.36). The Clery Act amended FERPA to allow an institution to disclose to the victim of an alleged crime of violence the results of a disciplinary proceeding brought against a student accused of the crime without prior consent of the accused. This disclosure is limited to the alleged victim who should be informed that the information may not be disclosed to the general public (20 U.S.C. Section 1232g(b)(6).

**NOTE:** With the 1998 amendments, the Student-Right-to-Know and Campus Security Act was formally renamed the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, or more simply “The Clery Act”
### ANNUAL DISCLOSURE OF CRIME STATISTICS

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<th>CATEGORY (Arrests-Selected Violations)</th>
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**NO HATE CRIMES RECORDED**
## APPENDIX B

**JESUIT SCHOOL OF THEOLOGY OF SANTA CLARA UNIVERSITY**  
Statistics and Related Information Regarding Fires in Residential Facilities  

### 2011-2013

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<tr>
<th>Residential Facilities</th>
<th>Total Fires in Each Bldg</th>
<th>Fire Number</th>
<th>Cause of Fire</th>
<th>Number of Injuries that Required Treatment at a Medical Facility</th>
<th>Number of Deaths Related to Fire</th>
<th>Value of Property Damage Caused by Fire</th>
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