



**SOUTHERN CALIFORNIA UNIVERSITY
OF HEALTH SCIENCES**

Annual Security Report

2015

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Message from Campus Safety:

We would like to welcome all new and returning faculty, staff, and students to SCU's Hayward ISP Program, a satellite location housed inside Building D of The Hayward Center for Education and Careers (HCEC), part of the Hayward Unified School District, located at 22100 Princeton St., Hayward, CA 94541. Given that the location is owned and controlled by a public school district and also that SCU's primary business operations function from their Whittier campus, there are differences with respect to safety and security policies. However, as members of our shared campus community, each of us has the responsibility to promote and maintain a safe and secure environment. Ensuring the viability of such an environment is the chief concern of the SCU's Campus Safety Department.

We are always here to serve you remotely from our Whittier campus 24/7, 365 days a year with professional officers who are ready to assist with everyday tasks and questions.

Should you have any questions or concerns, please contact us at (562) 902-3333 or email us at CampusSafety@scuhs.edu. More information about our department can be found on the "Campus Safety" page at [MySCU](#).

Sincerely,

The Campus Safety Department

The Jeanne Clery Act and Violence Against Women Re-Authorization Act:

Originally known as the Campus Security Act, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. The Act is enforced by the Department of Education's (DoE) Office for Civil Rights (OCR) and requires institutions to: publish an Annual Security Report, maintain a crime log, issue timely warnings about crimes which poses a serious or ongoing threat to the students and employees, devise an emergency response notification and testing policy, disclose criminal statistic concerning incidents related to the campus proper, the public area surrounding the campus, and at certain non-campus buildings.

More information on the Clery Act can be found at: <http://clerycenter.org/summary-jeanne-clery-act>

Additionally, Section 304(b) of the Violence Against Women Re-Authorization Act of 2013 (VAWA) (Pub. Law 113-4), signed by President Obama in March of 2013, adds three new crime classifications that must be reported in an institution's Annual Security Report. These new definitions are: "dating violence," "domestic violence," and "stalking." Section 304 and the Final Regulations of VAWA also amend certain portions of the Annual Security Report related to sexual assault and requires that all institutions report the contact information for their lead Title IX coordinator in the Campus Safety and Security Survey as well as the Annual Security Report (ASR). Additionally, the final regulations require institutions to report how many crimes are found to be "unfounded" in both the ASR and on the Campus Safety and Security Survey beginning with 2014 calendar year statistics.

More information on VAWA & Section 304(b) can be found at: <http://www.ifap.ed.gov/dpclatters/GEN1515.html>

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1.0 Timely Warnings

In accordance with Clery Act requirements, the University will issue timely warnings in the event that a situation arises, either on or off campus that, in the judgment of the Campus Safety office, University Administration, and/or local law enforcement, constitutes an ongoing or continuing threat. The warning will be issued through the University email system, MySCU portal, and the HCEC PA system. In the event a given incident jeopardizes the technological infrastructure, a hard copy of the warning will be posted throughout the campus. Timely warnings are usually issued for arson, burglary, robbery, aggravated assault, criminal homicide, motor vehicle theft, sex offenses, hate crimes, arrests/referrals for disciplinary actions, and any other crimes as deemed necessary. The primary goal of timely warnings is to aid in the prevention of additional occurrences and – if issued – will withhold the names of victims (if there are any) as confidential. Anyone with information warranting a timely warning should immediately report the circumstances to the Campus Safety office, by phone (562 902-3333).

Reports documenting timely warnings issued by the University (for crimes defined by the Clery Act and all other incidents) are available on the “Campus Safety” page of MySCU and at the Whittier Campus Safety office.

2.0 Preparation of Annual Disclosure of Crime Statistics and Availability of Annual Security Report

Each trimester the Campus Safety department requests information from University CSAs (Campus Security Authorities) concerning the reporting of crimes and policy violations. The information gathered from the CSAs is combined with the Incident Reports recorded by members of the Campus Safety department throughout the year as well as any incidents communicated via the “[Report It](#)” tool on MySCU. The Campus Safety Lieutenant, Executive Director of Auxiliary Operations and Physical Plant, and Assistant Director of Auxiliary Operations review and classify the information contained within the reports to determine the crime statistics for the campus. Once the statistics have been determined, the Executive Director of Auxiliary Operations and Physical Plant drafts the Annual Security Report itself, which is then approved for distribution by the Vice President for Administration and Finance/CFO.

The Annual Security Report is made available by October 1st each year to all members of the campus community. The ASR is available on the “[Annual Security Reports and Daily Crime Log](#)” page on MySCU. Hard copies of the Annual Security Report are provided upon the first day of class for each new block of students given that the Hayward site exclusively hosts an accelerated 4 week curriculum. At all times, hard copies can be attained at the office of the ISP Coordinator, located in the front Registration Office.

In addition, all credible documentation that substantiates the institution’s crime statistics are housed inside the Campus Safety Office located in F Bldg. at the Whittier Campus.

3.0 Reporting Crimes or other Incidents & Campus Security Authorities

The University encourages all campus community members to report any criminal activity or suspicious behavior to the Campus Safety office or to either The Hayward Center’s Campus Supervisor, School Resource Officer, or Security officer. Please preserve all evidence if possible so as to allow for an effective investigation.

Campus Safety officers can be reached at (562) 902-3333 or individuals may utilize the “[Report It](#)” tool located on the “Campus Safety” page on MySCU. Additionally, HCEC safety staff can be reached inside the front Registration office, by calling (510) 706-0513 or (510) 784-2600 x 72824.

Crimes can be reported voluntarily by any member of the campus community or the general public and may be done so confidentially. However, it should be noted that the University cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully and, where warranted, take disciplinary action.

The procedure for victims or witnesses to report crimes on a voluntary and confidential basis is to utilize the “[Report It](#)” tool (mentioned above) and simply type in the crime or incident into the text box and hit submit. The tool is intentionally designed to submit information confidentially by default. In order to have your contact information made available to University officials, victims or witnesses would need to check the box marked “Check To Include Your SCU E-Mail” before pressing submit.

Further, a list of CSAs (Campus Security Authorities) is provided below. These individuals provide information for the annual crime report and work with the Campus Safety department and law enforcement (when appropriate) to issue timely warnings and provide resources to victims.

Title	Name	Contact Information
VP of Administration and Finance; Title IX Coordinator	Tom Arendt	tomarendt@scuhs.edu ; 562-902-3355
Executive Director of Auxiliary Operations & Physical Plant; Title IX Deputy Coordinator	Joseph Eggleston	josepheggleston@scuhs.edu ; 562-947-8755 x 515
ISP Coordinator – North (Hayward)	Bijan Mofidi	bijanmofidi@scuhs.edu ; 562-947-8755 x 318

4.0 Security, Access, and Maintenance of Campus Facilities

The location of the SCU Hayward site and HCEC campus is patrolled by roving security officers from the Hayward Unified School District 24 hours a day, seven days a week. From 10pm-7:30am, the campus is closed.

Each building on campus has an alarm system; security cameras are deployed throughout the campus as well.

The HCEC maintenance department is responsible for the general maintenance of the campus. SCU and HCEC personnel may make reports to the maintenance department concerning maintenance issues related to safety (i.e. aisle way lights, exit signs, etc.).

The SCU's Campus Safety department or designee's from HCEC may, on their own or by request, conduct security and/or safety surveys of buildings and offices located on the campus.

5.0 Campus Law Enforcement

SCU's Campus Safety department is staffed by associates from a third party security vendor and supervised by the Executive Director of Auxiliary Operations & Physical Plant. They represent the on-site security force for the Whittier campus, but do not have the privileges of law enforcement personnel such as the ability to make an arrest. Their primary mission is to ensure the safety of all campus community members by reporting safety/security issues; conducting investigations, and monitoring security cameras. Campus Safety can be contacted by dialing (562) 902-3333.

Additionally, HCEC has two full time day Campus Supervisors, one part-time evening Campus Supervisor, a School Resource officer, and roving security officer to assist with the safety of students and employees. HCEC safety staff can be reached inside the front Registration office, by calling (510) 706-0513 or (510) 784-2600 x 72824.

The local law enforcement entity is the Hayward Police Department (510) 293-7272. The Police work closely with HCEC staff and our Campus Safety department when incidents arise. The University does not have a formal written MOU or MOA with the Hayward Police Department.

6.0 Prompt and Accurate Reporting of Crimes

The University and HCEC intend to provide a safe environment consistent with that required in an academic institution. Consequently, the Campus Safety department and HCEC staff communicate openly with the Hayward Police Department concerning any crimes witnessed or reported to them (for more information on the Campus Safety department, see 5.0 above). Even though the University and HCEC take such efforts to provide for a secure and safe environment, it must be recognized that ultimately each individual is also responsible for his or her own safety and security. Within these guidelines, the following protocols are encouraged:

- Report all crimes immediately to Campus Safety at (562) 902-3333 or HCEC safety staff by calling (510) 706-0513 or (510) 784-2600 x 72824.
 - *Prompt reporting may assist in the apprehension and prevention of future crimes. Preserve all evidence.*
- Report all suspicious persons, circumstances, or situations to Campus Safety officers, HCEC safety staff, or CSAs (see 5.0 above) as soon as feasible.
- Utilize the "[Report It](#)" tool to confidentially report suspect, concerning, or criminal behavior.
 - Please provide as many specific details that may be relevant to the crime/incident/issue (who, where, what, when, etc.)

7.0 Counselors and the Reporting of Crimes

The University offers counseling resources through external institutions [Intercommunity Counseling Center (562-204-4180)] and encourages all counselors to, if and when they deem it appropriate, inform any individuals they are counseling about their right to pursue charges as well as the ability to report crimes on a voluntary, confidential basis. Consequently, only aggregate data provided by counselors is considered for the inclusion of the incident(s) in the annual publication of crime statistics. HCEC is bound by Educational Code to report any situations pertaining to child/adult abuse to law enforcement.

8.0 Advisement of Campus Security Procedures and Practices

During the start of each block, the ISP Coordinator and/or faculty make a presentation to incoming students regarding the services offered by the department, how to easily file a report of crime or other incident (via the “[Report It](#)” tool), specialized information on the campus’ sexual misconduct policy, emergency contact numbers, and the University’s emergency alert system. Students are encouraged to further explore the “Campus Safety” page on MySCU for other helpful information including the most recent [Annual Security Reports](#) and the [Daily Crime Logs](#) maintained by Campus Safety.

The Daily Crime Logs are created, kept, and maintained by Campus Safety personnel and include all crimes reported to them including: the nature, date, time, and general location of each crime; and the disposition of the complaint, if known. If new information about an entry becomes available to Campus Safety, then the new information will be recorded in the log within two business days from the time Campus Safety was made aware of the latest information. Entries on the Log are available for public inspection within two business days of the initial report being made; except where the disclosure of such information is prohibited by law or such disclosure would jeopardize the confidentiality of the victim (if this is one). Additionally, if there is clear and convincing evidence that the release of information from a Daily Crime Log would jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until that damage is no longer likely to occur from the release of such information.

Both students and employees have access to an optional training detailing the manner in which our Emergency Alert system operates and all new hires and incoming students and employees have a required training concerning Title IX which addresses sexual misconduct issues, prevention, and reporting.

Newly hired employees are also provided with a Campus Safety information document which details the department’s services, contact information, and procedures.

Additionally, as necessary, the Campus Safety department and Student Affairs may send out notifications via campus email concerning crime awareness and tips for prevention (i.e. an email alert notifying the campus of an increase in reported theft inside the lecture halls and reminders to properly store and protect their individual property).

9.0 Crime Prevention

The International Association of Campus Law Enforcement defines crime prevention as “the anticipation, the recognition, and the appraisal of a crime risk and the initiation of action to remove or reduce it.” Consequently, the University has created a new online program to address one of the most serious crimes facing educational institutions: the Active Shooter scenario. Given that there is yet no tangible way to preclude such an incident, the online program offers a training video and other resources focused on mitigating an individual’s personal exposure should such an incident occur. This program is made available to all students, staff, and faculty and is on the [Campus Safety Department](#) page at MySCU.

Further, the University has put in place a mandatory “Preventing Violence in the Workplace” training for all employees. This online training is part of the on-boarding process and is required annually thereafter. The training covers topics such as: types of violence, risk factors, red flags, dealing with volatile situations, and reporting procedures.

HCEC maintains a poster driver “We Tips” around campus to advise the community about various crime prevention best practices.

Direct advisement of less severe crime, frequency, and manners in which to prevent/preclude becoming a victim (such as petty theft, larceny, etc.) are distributed at the discretion of the Campus Safety department or at the request of HR or Student Affairs by email to students and employees.

10.0 Off-Campus Monitoring of Criminal Activity

SCU does not recognize any student organizations that operate off-campus locations. Student clubs that participate as chapters of larger regional or national organizations are operated from the main campus and are subject to the rules, regulations, and monitoring documented here as well as in the Student Code of Ethics (§6.5.1.3 and §2.2.1.1 of the *SCU Policy Manual*).

11.0 Possession, Use, and Sale of Alcoholic Beverages and Illegal Drugs

The University’s policies and California State Law regarding alcohol and drugs are covered in the Student Code of Ethics (§6.5.1.3 and §2.2.1.1 of the *SCU Policy Manual*). The possession, sale, or furnishing of alcohol on the University campus is governed by the above mentioned policies and California State Law. Laws regarding the possession, sale, consumption, or furnishing of alcohol are controlled by the California Department of Alcohol and Beverage Control (ABC). However, the enforcement of alcohol laws on-campus is the responsibility of the Campus Safety department and the HCEC safety staff. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the Campus Safety department and HCEC. Campus Safety and HCEC will assist any law enforcement agency conducting a narcotic or alcohol investigation on campus. Violators of the SCU policy on alcohol and drugs will be subject to various sanctions including termination or dismissal from the University.

The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of SCU Policy and HCEC policy for anyone to consume or possess alcohol in any private area of campus. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the SCU, HCEC, or local law enforcement.

12.0 Drug or Alcohol Abuse Education Programs

SCU's Drug and Alcohol Abuse Program includes minimally a written annual distribution to each student and employee stating the standards of conduct that clearly prohibits the unlawful possession or distribution of illicit drugs and abuse of alcohol by students and employees; a description of applicable legal sanctions under local, state or federal law; a description of health risks associated with the use of illicit drugs and the abuse of alcohol; a description of available drug or alcohol counseling, treatment or rehabilitation or re-entry programs; a clear statement of the disciplinary sanctions that the University will impose on students and employees; and a biennial review by the University of its program to determine its program effectiveness and to ensure that disciplinary sanctions are consistently enforced. This information is also available the Campus Safety MySCU page.

SCU has also established a referral resource for those employees or students who wish to avail themselves to any drug or alcohol counseling, treatment, rehabilitation, or re-entry programs. All inquiries are held in the strictest of confidence and will not affect an employee's job security or a student's participation in the University.

SCU does not subsidize any costs associated with such referral services or treatment programs. An employee may use sick leave to which he or she is entitled for the purpose of entering and participating in an alcohol or drug rehabilitation program. Once sick leave has been used, the employee may request a leave of absence as covered in the University's Leave of Absence Policy.

13.0 Disclosure of Disciplinary Procedure Outcomes

The University will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of Title 18, United States Code), or sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

14.0 Emergency Procedures Process

Each week, University administration issues an email documenting the upcoming week's designated Senior Administrator on Call (SAOC) to University Cabinet Members. This designation is per the Emergency Management Plan (Appendix 2.3.2 if the *SCU Policy Manual*). The SAOC takes primary responsibility for ensuring proper response to an incident. This may include the activation of all or part of the Campus Community Emergency Response Team during a crisis that will require multi-level decision-making.

The Campus Safety department as well as the Executive Director of Auxiliary Operations and Physical Plant, and the Executive Director of Information Technology collectively serve as the campus' first responders. It is their responsibility to contact the designated SAOC if required by a given incident or emergency.

Consequently, each of these individuals – as well as the ISP Coordinator and ISP Lead Faculty – is authorized to issue an emergency alert via the University's Emergency Notification System (Everbridge). If possible, the first responder will consult with the SAOC before issuing such an alert, however, if contacting the SAOC is not feasible given the situation or if – in the opinion of the first responder – members of the campus community are in immediate danger, an emergency alert may be issued independently and without delay. In the event the Emergency Notification System is utilized, all registered users of the system will be notified. For the purposes of maintaining the most accurate user database, the University automatically enrolls students upon matriculation and maintains their account until 6 months after they have graduated or left the University. Similarly, employees are registered upon date of hire and their accounts remain active until 6 months after their departure from the University.

In an emergency situation, information will be disseminated to the external public in a timely manner as it becomes available. The Communications & Brand Management department is responsible for all means of external communication related to an emergency incident. The primary form of distribution will be from the University's main web page, www.scuhs.edu.

In order to prepare for emergency situations or other such crises the University has placed emergency supplies in each office/building with necessary survival supplies and first aid kits. Additionally, each classroom on campus has a similar kit. The first aid kits are checked monthly and refilled by the ISP Coordinator, while the emergency supplies are checked and refilled annually. These office/classroom kits are purposely placed so as to be able to support individuals that may be trapped inside a building during and after an emergency situation.

At least annually, students and employees are communicated with via email concerning the University's emergency response and evacuation procedures; the most recent information is always available on the "Campus Safety" [MySCU](#) page. In the event of an evacuation, students and employees will be directed to safe locations away from the campus buildings. Evacuation drills are conducted twice each year by HCEC staff according to the guidelines set forth by the School District and in compliance with Education Code 32280-32289.

15.0 Sex Offenses

The University considers issues of sexual misconduct and discrimination (including harassment, rape, sexual assault, stalking, dating violence, and domestic violence) serious violations of campus policy and the law. As such, SCU has adopted a thorough "[Title IX: Policies and Procedures](#)" document which addresses issues regarding the reporting of such behavior, the University's investigation process, the grievance procedure, and steps related to taking action following any sexual violence/assault. The information is updated when appropriate to reflect the most current information possible

and is easily accessible to all members of the campus community on the “Campus Safety” page on [MySCU](#).

15.1 Sex Offense Definitions

Sex Discrimination

Sexual Discrimination is defined as inequitable treatment of individuals on the basis of gender; including both sexual harassment and sexual assault.

Sexual Harassment

Sexual Harassment is defined as unwanted or unwelcomed sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser.

Example(s)

- Offering employment or academic benefits in exchange for sexual favors
- Making or threatening reprisals after a negative response to sexual advances
- Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters
- Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes
- Verbal sexual advances or propositions
- Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations
- Physical conduct that includes touching, assaulting, or impeding or blocking movements
- Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
 - Submission to such conduct, communication, or solicitation is made either explicitly or implicitly a term or condition of an individual's employment or academic status or progress;
 - Submission to or rejection of such conduct, communication, or solicitation is used or threatened as the basis for employment, academic, or student life decisions; or
 - Such conduct, communication, or solicitation has the purpose or effect of unreasonably interfering with an individual's work

performance or creating an intimidating, hostile or offensive working or academic environment.

Sexual Violence/Assault

Sexual violence is defined as any physical sexual act perpetuated against a person's will or where the person is incapable of giving consent due to that person's mental faculties or use of substances. Sexual violence/assault may include: the intentional touching, either of the victim or when the victim is forced to touch, directly or through clothing, of another person's genitals, breasts, groin, or buttocks; sexual penetration or sexual penetration with an object. It should be noted that the lack of consent exists when force, intimidation or threat, temporary or permanent mental incapacity on the part of the victim, temporary or permanent physical helplessness on the part of the victim, or incapacity to consent due to the youth of the victim are factors.

Example(s)

- Rape
 - Definition:
 - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Federal Bureau of Investigation's (FBI) updated definition from *Uniform Crime Reporting (UCR) Summary Reporting System*.
 - Any nonconsensual sexual intercourse accomplished by means of threat, force, or fraud
 - *California Penal Code 261*
- Sodomy:
 - Definition
 - Oral or anal intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
 - Federal Bureau of Investigation's (FBI) updated definition from *Uniform Crime Reporting (UCR) Summary Reporting System*.
- Sexual Assault with An Object
 - Definition:
 - To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the

- Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse.
 - *California Penal Code 243.4*
- Drug Facilitated Sexual Assault
 - “Date Rape”
 - So called “date rape” is also known as “acquaintance rape” or “hidden rape” and usually occurs between individuals who know each other.
 - Substances can be willingly ingested or surreptitiously administered which can render an individual incapable of providing consent
- Sexual Coercion
 - Pressuring an individual to perform sexual acts after a date because individual feels that it is “owed” to them
 - Pressuring an individual to perform sexual acts after they have stated “NO”

Sexual Misconduct

Sexual misconduct is a broad term used to encompass unwelcome behavior of a sexual nature. Sexual misconduct may vary in its severity and consists of a range of behaviors including (but not limited to) sexual discrimination, sexual harassment, sexual violence/assault, sexual exploitation, and stalking. Sexual misconduct can occur in any sex and gender configuration (i.e. between the opposite sex or the same sex) regardless of sex and gender identity.

Sexual Exploitation

Sexual exploitation occurs when a person takes non-consensual, unjust, or abusive sexual advantage of another, for their own advantage or benefit, or for the benefit or advantage of anyone other than the one being exploited.

Example(s)

- Photographing or video/audio taping of sexual contact/activity without consent
- Observing someone involved in sexual contact/activity, sexual intercourse/penetration or in a state of undress, without their knowledge
- Inducing intoxication/incapacitation for the purpose of sexual activity

Stalking

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for their safety, the safety of others, or suffer substantial emotional distress.

Example(s)

- Intentionally following an individual
- Appearing at a person's home, class, or place of work
- Making frequent phone calls, emails, SMS messages, tweets, digital posts, etc. to an individual
- Leaving frequent written messages or objects for an individual
- Vandalizing an individual's property

Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and; where 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, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic violence is a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of California, or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of California.

15.2 Consent Summary

Under California Law, Penal Code Section 261-269, the word "consent" as it relates to sexual activity is defined as:

- *Positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and*

have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue...

Additionally, in 2014, California passed AB 967, known commonly as “Yes means Yes,” which established an affirmative consent standard concerning sexual activity. The term “affirmative consent” means:

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

Any sexual act that is without consent is considered sexual violence.

Below are some additional examples to aid in understanding the meaning of consent and when it has (or has not) been established:

- Consent is informed, freely, and actively given; it requires clear communication between all persons involved in the sexual encounter
- There is no such thing as “assumed” consent
- Silence, by itself, cannot constitute consent
- Consent can be communicated verbally or by actions, but in whatever way consent is communicated, it must be mutually understandable
- It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity
- Previous relationships or consent does not imply consent to future sexual acts

- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion
 - Coercion is unreasonable pressure for sexual activity
 - Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another
- Effective consent cannot be given by minors, mentally disabled individuals, or person's incapacitated as a result of drugs or alcohol
- If you have sexual activity with someone you know to be – or should know to be – mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy
 - Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction
 - This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the ingestion of substances

15.3 Title IX Coordinators

SCU has identified the following individuals as those responsible for addressing concerns, conducting investigations, and ensuring compliance concerning sexual misconduct, non-discrimination, and harassment policies. Each of the individuals listed below are openly available to meet with students and/or employees who believe that any of the above situations have occurred:

Title IX Coordinator

Thomas Arendt, Vice-President of Administration & Finance/CFO
tomarendt@scuhs.edu
 562-902-3355
 16200 Amber Valley Drive
 Whittier, CA 90604
 Building "A"

Title IX Deputy Coordinator (for Students)

Joseph Eggleston, Director of Auxiliary Services
josepheggleston@scuhs.edu
 562-947-8755 x515
 16200 Amber Valley Drive
 Whittier, CA 90604

Building “C”

Title IX Deputy Coordinator (for Employees)

Cindy Scheibel, Human Resources Coordinator

cindyscheibel@scuhs.edu

562-902-3309

16200 Amber Valley Drive

Whittier, CA 90604

Building “C”

Should the alleged perpetrator be either the designated Coordinator or one of the Deputy-Coordinators, a non-alleged Coordinator from the above list will handle the complaint.

Should neither of the Deputy Coordinators nor the Coordinator be eligible to handle the complaint because they are alleged perpetrators, SCU President, John Scaringe, will investigate and process the complaint.

15.4 Reporting Procedures

Southern California University of Health Sciences (SCU) considers all complaints seriously and will diligently strive to remedy the situation and ensure the safety of victims. SCU encourages those who have experienced or observed any form of sexual misconduct, discrimination, harassment, assault, stalking, dating violence, or domestic violence, regardless of whether the offense occurred at HCEC or elsewhere, to report the incident(s) immediately. Regardless of location, SCU resources are available to you at any time.

If the offense occurred on or near HCEC:

- Report the incident promptly
 - Available reporting options
 - If the victim is a student, report the incident to Deputy Coordinator Joseph Eggleston (contact information above)
 - If the victim is an employee, report the incident to Deputy Coordinator Cindy Scheibel (contact information above)
 - If neither Deputy Coordinator is available, report the incident directly to the Coordinator, Tom Arendt (contact information above)
 - Victims can also report incidents via the “[Report It](#)” tool located on the Campus Safety page at MySCU
 - Victims can call the on duty SCU Campus Safety Officer at 562-902-3333 or the HCEC safety staff by calling (510) 706-0513 or (510) 784-2600 x 72824 (victims have the right to not file a formal complaint with Campus Safety).
- Seek available *immediate* assistance

- Intercommunity Counseling Center Hotline (24 hour hotline)
 - 562-353-7702
 - www.iccwhittier.org
- Info Link Alameda County (24 hour hotline)
 - 2-1-1
 - www.211bayarea.org
- Victims of Crime Resource Center (24 hour hotline – over 200 languages)
 - 800-842-8467
 - www.1800victims.org
- National Domestic Violence Hotline (24 hour hotline)
 - 800-799-SAFE
- Peace Over Violence (24 hour hotline)
 - 310-392-8381
 - 213-626-3393
 - 626-793-3385
 - www.peaceoverviolence.org
- RAINN (Rape, Abuse, & Incest National Network) (24 hour hotline)
 - 800-656-HOPE
 - www.rainn.org
- Seek *ongoing* assistance
 - Health/Mental Health Counseling
 - Alameda County Social Services Agency
 - 510-795-2428
 - www.alamedasocialservices.org
 - Victim Advocacy
 - Crime Survivors, Inc.
 - 949-872-7895
 - www.crimesurvivors.org
 - National Center for Victims of Crime
 - 202-467-8700
 - www.victimsofcrime.org
 - Legal Assistance
 - Legal Aid Society/Employment Law Center
 - 415-864-8848
 - Alameda County Bar Association
 - 510-302-2222
 - www.acbanet.org
 - Visa and Immigration Assistance
 - United States Citizenship and Immigration Services (USCIS)
 - 800-375-5283
 - www.uscis.gov
 - Student Financial Aid and changes to academic situations
 - One Stop – SCU
 - 562-947-8755 x 303

- www.scuhs.edu
 - Protective Measures
 - Alameda County Superior Court, Hayward Hall of Justice
 - 24405 Amador Street, Hayward, CA 94544
 - 510-690-2700
 - www.alameda.courts.ca.gov
 - Living, Transportation, and Working Situations
 - Info Link Alameda County
 - Dial 2-1-1
 - www.211bayarea.org
- Pursue University conduct charges and policy violations
 - SCU Policy Manual Vol. II and Vol. XI
 - A hardcopy is available in the reference section of the Learning Resource Center
 - An electronic copy is available via the “Human Resources” page via [MySCU](#)
- Pursue criminal prosecution of the offender
 - Hayward Police Department
 - 510-293-7272
- File a formal complaint with the:
 - Office of Civil Rights (OCR)
 - 415-486-5555
 - Email: ocr.sanfrancisco@ed.gov
 - www.ed.gov/ocr
 - U.S. Equal Employment Opportunity Commission
 - 800-669-4000
 - www.eeoc.gov
 - California Department of Fair Employment and Housing (DFEH)
 - <http://esq5.houdiniesq.com/dfeh2/esq/reg/>
 - www.dfeh.ca.gov
 - 800-884-1684

A written copy of these resources is available at the ISP Coordinators Office located in the main Registration Building and well as the Whittier Campus Safety Office located in Bldg. F and the Human Resources Office located in Bldg. C.

If the offense occurred off campus/elsewhere:

- Report the incident promptly
 - Available reporting options
 - Call 9-1-1- or report to your nearest law enforcement
 - Use the 24-hour hotlines mentioned above
 - You may still use SCU Campus Safety as a resource to report a crime that occurred elsewhere. Campus Safety will direct you to the proper authority/resource in each case.
- Seek available *immediate* assistance

- Victims of Crime Resource Center (24 hour hotline – over 200 languages)
 - 800-842-8467
 - www.1800victims.org
- National Domestic Violence Hotline (24 hour hotline)
 - 800-799-SAFE
- Peace Over Violence (24 hour hotline)
 - 310-392-8381
 - 213-626-3393
 - 626-793-3385
 - www.peaceoverviolence.org
- RAINN (Rape, Abuse, & Incest National Network) (24 hour hotline)
 - 800-656-HOPE
 - www.rainn.org
- Seek *ongoing* assistance
 - Health/Mental Health Counseling
 - SCU can help by directing you to a counseling center in your area
 - Victim Advocacy
 - Crime Survivors, Inc.
 - 949-872-7895
 - www.crimesurvivors.org
 - National Center for Victims of Crime
 - 202-467-8700
 - www.victimsofcrime.org
 - Legal Assistance
 - Contact the local bar association for your area
 - Contact Legal Aid in your area
 - Contact a lawyer referral association in your area
 - Visa and Immigration Assistance
 - United States Citizenship and Immigration Services (USCIS)
 - 800-375-5283
 - www.uscis.gov
 - Student Financial Aid and changes to academic situations
 - One Stop – SCU
 - 562-947-8755 x 303
 - www.scuhs.edu
 - Protective Measures
 - Contact the local Superior Court location in the area the offense occurred
 - Living, Transportation, and Working Situations
 - Contact County Services for the County in which the offense occurred and/or in which you live and/or work

- Pursue University conduct charges and policy violations
 - SCU Policy Manual Vol. II and Vol. XI
 - A hardcopy is available in the reference section of the Learning Resource Center
 - An electronic copy is available via the “Human Resources” page via [MySCU](#)
- Pursue criminal prosecution of the offender
 - Contact the law enforcement agency that has jurisdiction over the area in which the offense occurred
- File a formal complaint with the:
 - Office of Civil Rights (OCR)
 - 415-486-5555
 - Email: ocr.sanfrancisco@ed.gov
 - www.ed.gov/ocr
 - U.S. Equal Employment Opportunity Commission
 - 800-669-4000
 - www.eeoc.gov
 - California Department of Fair Employment and Housing (DFEH)
 - <http://esq5.houdiniesq.com/dfeh2/esq/reg/>
 - www.dfeh.ca.gov
 - 800-884-1684

A written copy of these resources is available at the Whittier Campus Safety Office located in Bldg. F as well as the Human Resources Office located in Bldg. C. Further, copies can be obtained from the ISP Coordinator’s Office located in the front Registration Building of the Hayward location.

15.5 Rape, Sexual Violence, Domestic Violence, Dating Violence, and Stalking

Pursuant to adoption of Resolution No. 46 adopted September 8, 1987 by the California State Assembly, the University does hereby adopt a Rape and Sexual Assault policy (which includes the crimes of Domestic Violence, Dating Violence, and Stalking), which shall be incorporated into the disciplinary policies and practices of the University.

Appropriate disciplinary action shall be taken against students or members of the University community who participate directly or indirectly in rape or sexual assault that occurs on University property or at a University related function or activity.

Due process shall be guaranteed by the University to any individual accused of the crime of rape or sexual assault. Appropriate consideration shall also be given to the rights of victims pursuant to the specific requirements of Assembly Concurrent Resolution No. 46.

If discipline of the individual(s) accused of sexual assault is warranted, the actions to be taken by the University may include: required participation in counseling services, required participation in behavior education, issuance of no-

contact orders, designations of persona non grata, suspension, termination, or dismissal/expulsion from the University.

Students who are victims of rape or sexual violence are encouraged to report the crime to Campus Safety, HCEC safety staff, the appropriate Title IX Coordinator (*a list of Title IX Coordinators can be found on the “Campus Safety” page at [MySCU](#)*), and the local police department as soon as possible, as well as to preserve evidence which may be needed for presentation during criminal prosecution for the offense; however, victims are under no obligation to report the crime to either Campus Safety or local law enforcement. Victims may also report crimes related to sexual violence and rape to counselors at the Intercommunity Counseling Center who provide counseling resources for SCU. Additional resources for reporting crimes related to sexual violence can be found in Section 15.4, and in writing at the ISP Coordinators Office. Reports to counselors can be made confidentially at the discretion of the victim (see Section 7.0 above for more information).

The Office of Student Affairs will assist students in identifying and contacting medical assistance, the local police, counseling assistance, and reporting an offense, if such assistance is requested by the student.

In cases of rape or sexual assault, the University’s response will be equitable to both parties concerning procedural options and individual rights. In cases of confirmed rape or sexual assault, the University’s primary concern is the safety of the victim as well as other campus community members.

Rape and sexual assault are considered acts of violence; if committed by students, these acts constitute the most serious violations of the code of ethics.

The University’s policies prohibiting rape and sexual assault by students are stated in the Student Conduct Ethics (§6.5.1.15 and §2.3.2.9 of the *SCU Policy Manual*) and fall within the jurisdiction of the Vice President for Enrollment Management and Student Affairs and the Title IX Coordinator(s).

15.6 Grievance Procedure and Preliminary Investigation

The University’s Grievance Procedure is applicable for all complaint scenarios (student against student, employee against student, student against third party, etc.). The appropriate Title IX Coordinator or Deputy Coordinator will provide for the adequate, reliable, and impartial investigation of all complaints.

- Reporting incidents directly to the appropriate Title IX Coordinator or Deputy is the most efficient way of beginning the grievance procedure
 - Refer to 15.3 above for a list of responsible Coordinators and their contact information
 - Refer to Section 15.4 above for additional reporting options
- There is no time limit for the reporting of an incident of sexual discrimination or beginning the grievance procedure, however all incidents of sex discrimination, including sexual misconduct or retaliation, should be reported immediately
 - Timely reporting is essential for an efficient investigation and the prevention of any future discriminatory actions

- Employees are obligated to report any behavior they feel is in violation of this policy

SCU provides for both an informal and formal grievance procedure. Prior to either procedure, a preliminary investigation will be conducted by the relevant Title IX Deputy Coordinator of the Title IX Coordinator.

The preliminary investigation will be completed over the course of thirty (30) calendar days from the date the complaint was filed; however, if circumstances permit, more time may be required and an extension warranted. The purpose of this investigation is to establish whether there is a reasonable basis for believing that the alleged violation has occurred. The Title IX Coordinator or Deputy Coordinator responsible for the investigation shall promptly provide the person against whom the complaint is made with a copy of the formal complaint and shall notify the appropriate University officer or supervisor of the nature of the complaint and of the identity of the parties. In conducting the investigation, the Title IX Coordinator or Deputy Coordinator may interview the complainant, the person against whom the complaint is made, and any other persons believed to have relevant factual knowledge. At all times, the investigator shall make a demonstrated and documented effort to maintain confidentiality; however, the University cannot guarantee complete confidentiality where it would conflict with the obligation to investigate meaningfully and, where warranted, take disciplinary action. Additionally, the University will act to ensure that all participants involved maintain confidentiality to the degree possible.

If the investigation reveals that there is insufficient evidence to support the allegation, the complaint will be dismissed.

If, however, the Title IX Coordinator or Deputy Coordinator determines that there is sufficient evidence to support the allegation, said Coordinator will inform the complainant and accused of the rights and procedures concerning the appropriate grievance process.

In either case, the Title IX Coordinator or Deputy Coordinator will, based on the preponderance of the available evidence, issue a finding as to whether or not they, as a representative of the University, consider that the alleged conduct which necessitated the investigation did, or did not, occur. Both of the parties involved in the allegation are to be provided this finding along with the recommendation concerning evidence.

The Title IX Coordinator and/or Deputy Coordinators have the ability to investigate concerns related to sexual misconduct and sexual discrimination without the request of a formal inquiry.

Definitions:

Procedure: an act or manner of proceeding in any action or process; conduct; a particular course or mode of action; any given mode of conducting legal or other business

Finding: a decision or verdict after an inquiry

Result/outcome: something that happens as a consequence; a final product; a conclusion reached through a process of logical thinking.

15.7 Informal Grievance Procedure

- Informal resolution procedures are optional and may be used if the University determines that it is appropriate. The Informal Procedure is never to be applied in cases involving violence or non-consensual sexual intercourse and should further never imply that a complainant resolve issues/problems directly with the accused individual.
- Once a report of sexual misconduct has been made, informal resolution procedures will be pursued within fourteen (14) calendar days of the initial report. However, if circumstances permit, more time may be required and an extension warranted.
- An investigation into the report shall be conducted by the appropriate Title IX Coordinator or Deputy within fourteen (14) days of the report being made. However, if circumstances permit, more time may be required and an extension warranted.
- Once the informal resolution procedure is complete, written notification of the outcome shall be distributed to all parties by the responsible Title IX Coordinator or Deputy within three (3) days of the determination of the findings.
- The University shall take reasonable steps to prevent the recurrence of sexual misconduct and sex discrimination in any form. If such reoccurrence takes place, those responsible for such behavior may be subject to actions under the Student Code of Ethics (SCU Policy Manual Vol. XI) or the Employee Handbook (SCU Policy Manual Vol. III).
- The University will take all necessary steps to remedy the discriminatory effects on the affected party and others.
- Should the reporting party be unsatisfied with the outcome of the informal procedure, the formal procedure may be pursued.

15.8 Student Formal Grievance Procedure

The Student Formal Grievance Procedure for issues concerning sexual misconduct and/or sexual discrimination follows the disciplinary process below, based around the Student Code of Ethics breaches (SCU Policy Manual Vol. VI).

The designated SCU official(s) involved in the procedure are appropriately trained to handle complaints of this nature, and will be screened to confirm that they have no conflict of interest or bias for or against the accuser or accused.

Investigation

Upon receipt of a report or other information about alleged violation(s) of the student code of ethics to the Executive Director of Student Affairs (or designee), a University official may conduct an inquiry to determine whether the allegation(s) being reported appears to have merit. The person(s) filing the report, the person(s) alleged to be involved in the violation, and/or the person(s) who may have witnessed pertinent acts or who may have pertinent information about the incident may be summoned to provide information prior to judicial charges being issued. The accused and complainant are never to have direct interaction or exchange any communication during this process. A student who fails to appear when summoned during investigations may be charged with a violation of the Student Code of Ethics.

Judicial Charges

A student will be charged and summoned to a judicial hearing when there is reasonable basis to believe that the student may have committed a violation of the student code of ethics per the investigation by the University official. A written notice of charges shall be presented to the accused student by the Executive Director of Student Affairs (or designee). The written notice will specify the policy or regulation that the student or organization is alleged to have violated; state the time, date, and place of the occurrence; and include the possible sanctions that will be enforced if the student or organization is determined to have violated the policy or regulation. In addition, prior to and during the hearing, the student or organization shall be afforded reasonable access to review the "Case File" and will be provided with materials concerning their student rights. The "Case File" includes documents pertaining to the matter. The personal notes of faculty and staff members and privileged information of other students are not included in the Case File, and thus are not accessible.

Scheduling

Cases will be schedule for formal hearing, which shall be not less than three or more than fifteen business days after the accused student has been notified. Maximum time limits for scheduling hearings may be extended at the discretion of the Executive Director of Student Affairs (or a designee).

Judicial Hearings

All hearings shall be conducted in private and both parties are allowed advisors (including attorneys) to be present at the hearing; however, advisors are not allowed to participate in or disrupt the proceedings and can be removed from the proceeding should they fail to abide by these standards.

Judicial hearings will be governed by the following rules:

- In situations where more than one student is charged with an alleged violation, the Executive Director of Student Affairs (or designee) will determine whether to hold one hearing for all charged students or a separate hearing for each student.
- A student charged with alleged misconduct may offer documentary evidence for consideration prior or during the hearing. Evidence may include pertinent records, exhibits and other written statements.
- A student charged with alleged misconduct may offer names of witnesses to the Executive Director of Student Affairs (or designee), but must do so prior to the hearing.
- When a student denies responsibility for a violation of the rules governing student behavior, the Student Judicial Board or University official adjudicating the case shall assert the student's responsibility on the basis of preponderance of evidence, that is, if it more likely than not that the evidence supports the charged student violated the rule. If it is so determined, the student will be found responsible.
- When a student is charged with a violation and fails to attend the pertinent hearing, the Student Judicial Board or University official may proceed with the hearing despite the student's absence and shall base any determination upon the evidence received. If witnesses are unable to appear, a statement by the witness can be read into the record. The board can also choose to convene again when the witness(es) can appear.
- The Executive Director of Student Affairs (or designee) will inform the charged student in writing of the results of the judicial hearing. In cases where the violation involved an allegation of violence and a student is determined to be a victim of that act, the Executive Director of Student Affairs (or designee) will also inform the victim in writing of the results of the charged student's hearing and sanctions imposed, if any.
- All procedural questions are subject to the final decision of the Executive Director of Student Affairs.

Judicial Hearing Process

Introduction

- Prior to the hearing, the Judicial Board will conduct a pre-hearing review, to familiarize themselves with the facts of the case.
- The hearing shall be in private, to protect the confidentiality of those involved.
- The Judicial Board or University official shall provide an overview of the hearing process for the student and answer any questions the student may have about the process or the Student Code of Ethics.
- The accused student may challenge any member of the committee on the grounds of prejudice. The committee shall deliberate in private and determine, by majority vote (excluding the member

being challenged), whether the member should be replaced by an alternate committee member who will be designated by the University official.

- The student or organization shall have the right to be assisted by an adviser of the student or organization's choice. The adviser, upon request of the student or organization may:
 - Advise the student in the preparation of the student's or organization's presentation.
 - Accompany the student or organization's representative to the hearing, but not participate in or disrupt the hearing.
 - Advise the student or organization in the preparation of an appeal.
- The Chairperson shall read the alleged violations of the Code as identified in the notification letter to respondent and the letter of complaint. The honesty statement is also read to all participants.
- Witnesses are asked to leave the room.
- In the case of sexual misconduct, sexual harassment, sexual discrimination, rape, sexual assault, stalking, domestic violence, and dating violence, neither party will be present in room of the proceeding at the same time.

Discussion and Questioning

- After witnesses have left the room, the Chairperson will ask the complainant or respondent if they would like to make brief opening statements.
- The complainant is asked to make a narrative statement regarding the incident.
- The respondent is asked to provide a narrative account of the incident.
- Board members direct questions to either complainant or respondent, as needed.
- The complainant is asked to identify the witnesses to be called and the relevancy of their testimony. The Chairperson should be liberal in allowing relevant witnesses. Character witnesses for the complainant are not usually appropriate. The Chairperson will approve all witness before the start of the hearing.
- The respondent is asked to identify the witnesses to be called and the relevancy of their testimony. Again, the Chairperson should be liberal in allowing relevant witnesses.
- The complainant's witnesses are heard first as follows:
 - Each witness provides a narrative account. The specific charges may be shared with the witness.
 - Questions are asked by Board members, followed by the respondent and the respondent's representative, provided the questions are not redundant.

- The Board may ask additional questions, as necessary.
- The respondent's witnesses are heard last according to the same procedure outlined for the complainant.
- The respondent or the complainant is dismissed.

Deliberation

- When the Judicial Board or University official has gathered the pertinent information, the student's responsibility with each charge will be determined by a majority vote of the Judicial Board or by a University official, and any recommended sanctions to be imposed.
- No charge shall be found to be substantiated unless there is clear, convincing, and reliable evidence in support of the charge established in the hearing.
- The Judicial Board or University official may continue the judicial hearing on a future date, if needed.
- The Judicial Board or University official will inform the student about the opportunity to appeal any decision, and inform the student of the process to appeal.
- The Judicial Board or University official will inform the Executive Director of Student Affairs (or designee) of their recommended decision and recommended sanctions.
- The Executive Director of Student Affairs (or designee) will make a final decision based on the recommendations and will communicate in writing the final decision and sanctions to the student within five business days of the hearing.

Sanctions Recommendation and Determination

Any student found responsible for any violation of the student code of ethics may expect to receive sanctions. If discipline of the individual(s) accused of sexual assault is warranted, the actions to be taken by the University may include: required participation in counseling services, required participation in behavior education, issuance of no-contact orders, designations of persona non grata, suspension, termination, or dismissal/expulsion from the University.

- During the final part of the hearing, board members determine disciplinary sanctions to be recommended to the Executive Director of Student Affairs (or designee).
 - The Chairperson explains the possible sanctions available to the Board and the sanctioning process.
 - Board members ask questions of the respondent to attempt to determine motivation, sense of remorse, etc.
 - The participants are dismissed while the Board determines appropriate sanctions.
 - The respondent will be notified in writing of the decision once a final determination has been reached by the

Executive Director of Student Affairs (or designee). The respondent's right to appeal the decision and/or sanction will be included in the notification

- The Board deliberates and prepares a final sanction recommendation. The Chairperson prepares a case opinion which is submitted to the Executive Director of Student Affairs (or designee).

Appeals Process

Any decision recommended by the Student Judicial Board or University official and determined by the Executive Director of Student Affairs (or designee) may be appealed by the accused student (or by the complainant, if there is one) to the Executive Director of Student Affairs within five business days of the decision. Such appeals shall be in writing and delivered to the Executive Director of Student Affairs (or designee). A student's notice of appeal suspends the imposition of sanctions until the appeal is finally decided.

The basis for appeal shall only include the following:

- A claim that the original hearing was not conducted fairly in light of the charges and information presented.
- A claim that the decision reached was not based on substantial evidence.
- A claim that the sanction(s) imposed was/were not appropriate for the violation of the Student Code of Ethics.
- A claim that the student has new evidence to present that is sufficient to alter a decision or relevant facts that were not brought out in the original hearing.

If the Executive Director of Student Affairs (or designee) determines there is merit for an appeal, the facts of the incident will be reviewed with the student, typically in a personal meeting between the Executive Director of Student Affairs (or designee) and the student.

Appeals can result in one of the following ways:

- The student will be found not responsible for the violation of the Student Code of Conduct.
- The student's original sanction will be upheld.
- The student's original sanction will be modified.

The standard of preponderance of evidence (more likely than not) will be used in all decision-making. Once the Executive Director of Student Affairs (or designee) has rendered a decision, the student will receive a written notice of the outcome. If the student wishes to appeal the decision of the Executive Director of Student Affairs, they may submit a request in accordance with the "Final Appeal."

Final Appeal

If the resolution provided by the Student Appeals Board is not satisfactory to the student filing the complaint or the respondent, the student may file a request for reconsideration via a final appeal. Such a request must be submitted in writing within a 5-day period from the date of the initial grievance decision. A request for reconsideration shall be submitted to the Vice President for Enrollment Management and Student Affairs. If the respondent is the Vice President for Enrollment Management and Student Affairs, the President will appoint another University administrator to issue a decision.

The Vice President for Enrollment Management and Student Affairs shall review the information provided concerning the grievance, the request for reconsideration, and details regarding the grievant's desired remedy and issue a final decision with 14 calendar days of receiving the request for reconsideration. The Vice President for Enrollment Management and Student Affairs' decision may include one of the following options:

- To support the initial grievance resolution provided by the Student Appeals Board, designating that resolution to be fair and appropriate, based on the information reviewed; or
- To determine that an alternate decision is appropriate based on his/her review of the grievance case information. This shall supersede any previously made decisions.

The Vice President for Enrollment Management and Student Affairs shall provide the decision in writing and document his/her final decision for the University record.

The decision of the Vice President for Enrollment Management and Student Affairs shall be considered final.

15.9 Employee Grievance Procedure

No formal hearing process exists to resolve employee complaints of sexual misconduct and/or sexual discrimination. Upon the completion of the preliminary investigation described in 15.6 above, the University will take such action as is necessary and appropriate in light of the investigation's findings, consistent with the process specified in § 2.1.6 of the SCU Policy Manual. In addition, ADP (with whom SCU has a co-employment relationship with), at its discretion, may perform an independent investigation, separate from the investigation described above, which may influence the University's ultimate findings and decisions regarding appropriate corrective action.

15.10 Additional Considerations

Students and employees charged with violating the sexual assault policy may be interim suspended until the case is resolved. Both the complainant and

respondent student will be made aware of the outcome of the hearing regarding the charge.

If the accused individual is a faculty or staff member, on-campus procedures for resolving charges of misconduct will be handled through Human Resources. Students may – and are encouraged to – pursue criminal charges through the local law enforcement as well.

Counseling and other educational resources are offered through the Intercommunity Counseling Center. Furthermore, Student Affairs promotes Sexual Assault Awareness Month during April and the University as a whole participates in Denim Day as a way to demonstrate the community's commitment to awareness and prevention.

The University will make a good-faith effort to change a complainant's academic, transportation, working, and living situations after an alleged sex offense (including domestic violence, dating violence, and stalking) if requested by the complainant regardless of whether the complainant chooses to report the crime to campus safety or local law enforcement. The specific changes to the academic schedule will depend on numerous factors, but the resulting change will be beneficial to the complainant. If feasible and appropriate, the University may assist in altering a student's living, transportation, and working situations if requested, however the University operates no on-campus or off-campus student housing facilities and may have limited capacity to assist with a living situation change. Student participating in the Federal Work Study program on campus may be reasonably and equitably reassigned as part of this policy.

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act ([20 U.S.C. 1232g](#)), commonly known as the Family Education Rights and Privacy Act of 1974 (FERPA).

15.11 Sex Offender Registry

The Campus Sex Crime Prevention Act is a federal law that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The University does not operate a POST accredited police department and does not maintain a sex offender registry. This information is available at the Hayward Police Department, 300 W. Winton Ave, Hayward CA 94544; (510) 293-7272.

Additionally, individuals can access the United States Department of Justice's *National Sex Offender Public Website* at <http://www.nsopw.gov/>

17.0 Awareness & Prevention (Sexual Assault, Dating Violence, Domestic Violence, & Stalking)

17.1 Definitions

- *Awareness programs*

- Community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
- *Bystander Intervention*
 - Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- *Ongoing Prevention & Awareness Campaigns*
 - Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
- *Primary Prevention Programs*
 - Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
- *Risk Reduction*
 - Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

17.2 Ongoing Prevention and Awareness Campaigns

SCU prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. In an effort to inform our campus community about the prevention of these crimes, the University has developed the following ongoing prevention protocols and awareness campaigns:

- *Mandatory Online Training*
 - SCU's primary and most sophisticated program is our mandatory 30 minute online training for all students and employees upon matriculation or hire, and annually thereafter. The training is titled "Preventing Sexual Misconduct (Title IX)" and separate versions of the training exist for employees and students. While Title IX and Clery specifically are two separate pieces of legislation, the content of the training, which focuses on key laws and policies to

- The app is free of charge and allows individuals to connect with friends quickly and easily in order to stay safe and prevent violence before it happens.
- Students are also encouraged to add the direct line to the Campus Safety field radio as one of their 6 pre-programmed contacts in case they need immediate assistance while on campus.

17.0 Crime Statistics

Crimes Reportable Under the Clery Act				
Offense	Year	On Campus	Public Property	Unfounded*
Murder/ Non-Negligent Manslaughter	-			
	-			
	2014	0	0	0
Negligent Manslaughter	-			
	-			
	2014	0	0	0
Sex Offenses, Forcible	-			
	-			
	2014	0	0	0
Sex Offenses, Non-Forcible	-			
	-			
	2014	0	0	0
Robbery	-			
	-			
	2014	0	0	0
Aggravated Assault	-			
	-			
	2014	0	0	0
Burglary	-			
	-			
	2014	0	0	0
Motor Vehicle Theft	-			
	-			
	2014	0	0	0
Arson	-			
	-			
	2014	0	0	0
Arrests: Weapons: Carrying, Possessing, etc.	-			
	-			
	2014	0	0	0
Disciplinary Referrals: Weapons Carrying, Possessing, etc.	-			
	-			
	2014	0	0	0
Arrests: Drug Abuse Violations	-			
	-			
	2014	0	0	0
Disciplinary Referrals: Drug Abuse Violations	-			
	-			
	2014	0	0	0

Arrests: Liquor Law Violations	-			
	-			
	2014	0	0	0
Disciplinary Referrals: Liquor Law Violations	-			
	-			
	2014	0	0	0
Stalking	-			
	-			
	2014	0	0	0
Domestic Violence	-			
	-			
	2014	0	0	0
Dating Violence	-			
	-			
	2014	0	0	0

**Changes to the Clery Act per the VAWA Final Regulations now allow institutions the opportunity to remove reports of crimes that have been “unfounded” by law enforcement officials. In order for a crime to be classified as “unfounded” a sworn or commissioned law enforcement officer must make a formal determination that the crime in question is false or baseless. Additionally, an incident may be labeled “unfounded” only after a full investigation, but not, for example, when the victim refuses to cooperate with prosecution. The University must annually report in the ASR the number of crimes that were “unfounded” and subsequently withheld from their crime statistics.*

Federal law does require the reporting of fires that have occurred on campus, however this requirement is only for those universities with on-campus student housing; SCU has no such facilities at this time and does not officially document fires via this report; however, incident reports of on-campus fires are kept in the Campus Safety office.

17.1 Non-Campus Property/Buildings

SCU does not own or control any portion of the facilities at partner institutions where students may complete externships or clinical rotations. Students are encouraged to contact the partner institution for more information regarding incidents that occur at those facilities.

17.2 Hate Crimes

There were no reported hate crimes for the years 2014, 2013, and 2012 based on: race, religion, disability, ethnicity, ethnic origin, national origin, sexual orientation, or gender identity at SCU’s Hayward location.