



Campus Crime and Safety Report & Policies
(Updated October 2016)

1. Introduction

San Francisco Theological Seminary (SFTS) highly values the individual and collective security of its faculty, staff and students. This is so not only because it cares about individual safety, but also because safety is a pre-requisite for the creation of an academic community devoted to research, learning and teaching.

In addition, the Congress and Department of Education have established many requirements for campus crime policies and reporting. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), codified at 20 U.S.C. 1092(f) as part of the Higher Education Act of 1965 (HEA), and the Higher Education Opportunity Act (HEOA) of 2008 require that the GTU disclose policy information and crime statistics as part of a campus security report published annually. Title IX and the SAVE Act further require the reporting of crime statistics with regard to specified sexual offenses.

This report serves as the campus security report for the Seminary for the academic year 2015-16.

At SFTS, the Security Officer has the responsibility for gathering statistics, identifying reportable crimes and providing them to the Department of Education and the public, and for the preparation of this report. The campus security report can be viewed on the SFTS website and copies of it may be obtained from the office of the Security Officer.

Campus Security Officer:

Dean Hansen

Montgomery Hall Rm G 1

415 451-2806

dhansen@sfts.edu

2. What to do in case of an Emergency

In the event of an emergency SFTS will activate the GTU-Alert system. If you are new to SFTS or if you have not set up your alert system please take a moment to do so. The Seminary will use this system to notify you of an emergency (see 4.3.1 for guidance on how to sign up.)

2.1 Prepare for an Earthquake

Learn evacuation routes in the event of a serious earthquake. Make sure you have three days of emergency food and water in your apartment or home.

3. Missing Student Notification Policy

The school has developed a policy regarding the reporting, investigating and emergency notifications necessary in the event any resident student is believed to be missing. The policy provides that school officials be notified that a member of the SFTS community is or is suspected of being missing.

Upon notification that a member of the school community may be missing, the Office of the Dean of Students will conduct an investigation to determine facts regarding the report. If the investigator determines that the student may in fact be missing, the investigator will notify the school campus security officer and the Town of San Anselmo Police Department.

The Town of San Anselmo Police Department will make the determination that the student is missing. If the police department has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the school will attempt to contact the emergency contact in accordance with the student's designation.

If the student is under 18 years of age and is not emancipated, the school will attempt to notify the student's custodial parent or guardian and any other designated contact person.

4. Campus Safety

SFTS informs students and employees annually about campus security procedures and practices through dissemination of this report and through dissemination of the SFTS Emergency Procedures.

SFTS does not have a campus law enforcement or safety staff. No employee of SFTS has, within the scope of his or her SFTS employment, police powers or the authority to arrest individuals.

Since SFTS does not have its own safety staff, SFTS urges persons affiliated with the school to make use of the extensive safety resources at the Town of San Anselmo Police and Fire Departments. SFTS encourages students and employees to be responsible for their own safety and the security of others. You can do this by informing yourself about safety procedures and crime avoidance tips available from the Central Marin Police Authority. You may access this information at the following websites:

Central Marin Police Authority: <http://www.centralmarinpolice.org/>

Ross Valley Fire Department: <http://www.rossvalleyfire.org/>

4.1 The Seminary's Main Security Provisions

4.1.1 Contacting the Police Department

Since SFTS does not have a police department or any individual with police authority, it relies on the Police Department of the Town of San Anselmo. You are encouraged to contact this department immediately in the event of a security emergency by calling 9-1-1. For non-emergency calls please call 415-927-5150.

4.1.2 Restricted Access to Buildings

Most buildings at SFTS are not open to the public, but are intended for use by faculty, students, staff, vendors and others with legitimate business with the school. Access to these buildings is intended for the use of these people only.

4.1.3 Major Campus Emergency Notification

SFTS is part of the system maintained by the GTU: 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. You will be asked to provide your contact information, specifying whether you would like to be alerted by phone (cell, home, office TTY) or via text message or e-mail. SFTS or 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. All personal information provided remains private.

SFTS and the GTU test this system on a regular basis to ensure that it is functioning properly. The Security Officer and the 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.

A full statement of emergency & evacuation procedures is set forth in the emergency procedures posted in the Policies pages of the SFTS website.

4.2 Access to the Seminary Campus and Buildings

Access to all space on the SFTS campus is limited to the official occupant of that space and that occupant’s officers, employees, students, guests and/or invitees. All non-residential areas of the SFTS campus are closed between the hours of 10:00 p.m. and 7:00 a.m., except for special events, and unless specific arrangements are made with Conference Services and the Maintenance Department. In all campus public spaces, children under the age of 18 must be supervised at all times by a parent or other responsible adult.

Keys allowing entry to SFTS buildings and offices are issued by the Facilities Department. The Facilities Department maintains a list of persons holding keys and access cards. Unauthorized copying or lending to unauthorized persons, of keys or access cards is expressly forbidden by SFTS. Violations of this policy may result in the loss of access privileges.

4.3 Security of SFTS Campus Buildings

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

The Director of Facilities has responsibility for close control of the activities of persons engaged in any form of maintenance or repair anywhere on the campus.

4.4 Procedures to Report Criminal Activity and Emergencies

Members of the SFTS community, or any other person authorized to be present on the SFTS 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.

- If immediate danger is not present, call the Central Marin Police Authority's non-emergency number, 415-927-5150 , to report criminal activity.

In all cases, report the incident to the SFTS Security Officer or other senior administrator. You may use the attached Crime Incident Report or obtain a Crime Incident Report form from the SFTS Business Office.

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

SFTS urges that all crimes be reported. Since SFTS does not have a campus law enforcement staff, a report should be made to the Central Marin Police Authority. After such a report is made, the crime should be reported to the SFTS Security Officer.

Incidents that may or may not be crimes may also be reported to "campus security authorities" defined as, in addition to the Security Officer, those with responsibility for controlling access to buildings or facilities and officials having significant responsibility for student and campus activities. Licensed counselors and campus clergy are exempt from reporting requirements except as required by law. SFTS encourages counselors and clergy, if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the Campus Security Report.

4.5 Informing the Community about Safety Procedures and Practices

The Seminary provides entering students with security and emergency procedures and policies during orientation. Those policies are provided in print format, and are also available on the Policies pages of the Seminary's website. The policies are introduced and explained in one of the new-student orientation informational sessions, which emphasize the shared community responsibility to create a safe space for learning and living. Periodic updates on security procedures and issues are provided to the community by email. Periodic informational sessions are also provided by the Facilities, Human Resources, and/or Student Services staff to address specific concerns.

4.6 Information about Registered Sex Offenders

Information about registered sex offenders under section 17010(j) of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S. Code 14071(j), may be obtained from the Central Marin Police Authority. The Central Marin Police Authority can be located in San Anselmo at 525 San Anselmo Ave, San Anselmo CA 94960 and may be reached by phone at 415-927-5150 .

Federal law requires persons who must register as sex offenders to provide notice to the state if they are employed by or a student at an institution of higher education. Since SFTS does not have a campus police department, sex offenders must register with the chief of police of the Town of San Anselmo. They must notify the chief of police within 5 days of moving to the Town of San Anselmo, or of being convicted of an offense qualifying them as sex offenders. The Family Educational Rights and Privacy Act (FERPA) does not prohibit institutions from disclosing information about registered sex offenders.

"Megan's Law" makes available to adults and organizations information on "serious" and "high-risk" sex offenders in their local community. The information on a registered sex offender includes: name and known aliases; age and sex; physical description, including scars, marks and

tattoos; photograph, if available; crimes resulting in registration; county of residence; zip code (based on last registration).

Viewing this information is free. In December 2004 the State of California created a website that provides detailed information about registered sex offenders that can be viewed by going to <http://meganslaw.ca.gov/>.

Another means to obtain information on California's serious sex offenders. A computer database is available for public viewing and provides the following information about high risk and serious sex offenders: registrant's name; aliases; photograph (if available); sex; physical description, including scars, marks, and tattoos; registered sex offenses; county of residence; and ZIP code (based on last registration). No exact addresses are listed.

To view the Database, you must:

- be 18 years of age or older;
- provide a California driver's license or identification card;
- sign a statement that you are not a registered sex offender; that you understand the purpose of the release of information is for the public to protect themselves and their children from sex offenders; and that it is illegal to use the information to harass, discriminate or commit a crime against any registrant;
- state a distinct purpose for viewing the database, if required by local law enforcement.

5. Drug Free Community

SFTS prohibits the unlawful possession, use, or distribution of illicit drugs and alcohol on SFTS property and/or in connection with any SFTS program or activity. Those who use illegal drugs or who illicitly use legal drugs— including but not limited to alcohol—are in violation of the law and of SFTS regulations. SFTS further prohibits the abusive use of alcohol on seminary property and/or in connection with any SFTS program or activity. Students, faculty, and staff are required to notify the seminary of any criminal drug statute conviction for a violation occurring anywhere on campus no later than five days after the conviction.

All members of the seminary community are accountable to the law and to SFTS regulations. Pursuant to applicable disciplinary procedures, the seminary will impose sanctions under its policies for violations of these standards of conduct. For students, violations of this policy may result in disciplinary sanctions up to and including suspension and/or dismissal from the seminary, pursuant to the disciplinary procedures set forth in the Student Handbook. For employees of the seminary, violations of this policy may result in disciplinary sanctions up to and including termination, pursuant to the provisions of the Employee Handbook.

Anyone involved in dealing or providing illegal drugs is subject to immediate suspension or termination from the Seminary. The President, the Dean, and the Chief Personnel Officer shall have the authority to remove individuals from SFTS housing and/or to terminate them from the employment of SFTS when they believe there is a threat to the safety, health, or well-being of the Seminary community or a member thereof.

In disciplinary proceedings, the association of drugs with problem behavior will be seen as an exacerbating factor, not a mitigating one, and will not constitute an acceptable excuse for such behavior.

In addition to these disciplinary sanctions, those reported as being involved in drug possession, use, or distribution may also be required to meet with a counselor for evaluation, for factual

advising, and/or for counseling as appropriate.

Legal Sanctions

Members of the seminary community should also be aware that the unlawful possession, use, or distribution of illicit drugs and alcohol can subject them to legal sanctions under federal, state, and local law, including substantial fines and/or imprisonment. Information on federal criminal penalties can be found at the website for the U.S. Drug Enforcement Agency (DEA) <https://www.dea.gov/druginfo/ftp3.shtml> and at <https://www.fas.org/sgp/crs/misc/RL30722.pdf> (a summary of drug penalties prepared by the Congressional Research Service). Information on criminal penalties under California state law can be found at <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11350-11356.5> and <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=11001-12000&file=11550-11555>. With regard to alcohol, under California law, alcohol may be legally served and sold only to individuals 21 years of age or older. The law forbids misrepresenting one's age for the purpose of purchasing and consuming alcoholic beverages.

Health Risks of Substance Abuse

SFTS prohibits the use of illegal drugs and the abuse of alcohol not only as a matter of law, but also out of concern for public and personal health. Drug abuse carries with it a number of health risks, including impaired judgment, addiction, and damage to both physical and mental health. The National Institute on Drug Abuse offers comprehensive information on the specific health impacts of drug abuse at <https://www.drugabuse.gov/related-topics/medical-consequences-drug-abuse>

How to Get Help for Substance-Abuse and Addiction Issues

A number of resources are available – both at SFTS and in the broader community – to help with substance-abuse and addiction issues. Education, counseling, and referral services are available for those who are troubled by the use of legal or illicit drugs—their own and that of others.

Members of the seminary community may access confidential counseling and referral services through Pastoral Care Associate Lucas Walker, who has a background in social work and crisis counseling. The Pastoral Care Associate can direct individuals to specialized community resources for dealing with substance-abuse and addiction issues. Seeking confidential help from or being referred to those services will not, by itself, result in disciplinary action; individual privacy will be respected in the counseling process.

Members of the community may also seek support through the Chaplain's Office, and students may access further counseling services through the seminary's subsidized voucher program. The seminary's voucher program (described in the Student Handbook) supports students' access to counselors, a number of whom practice at the nearby Interfaith Counseling Center: <http://interfaithcc.org/>

There are also a number of drug and alcohol counseling, treatment, and rehabilitation programs in the area, including those identified in the following directories:

Marin: <http://www.addicted.org/directory/category/marin-county.html>

East Bay: <http://www.addicted.org/directory/category/alameda-county.html>

San Francisco: <http://www.addicted.org/san-francisco-addiction-services.html>

In addition, those seeking help with substance-abuse issues may call Marin County Teleservice at 415-499-0400 for referral to an Alcoholics Anonymous program near you, or 877-612-STEP for the 24-hour Marin Narcotics Anonymous Help Line.

6. Responsibility for Compliance with Campus Security Act

The President has overall responsibility for compliance with Title II of the Crime Awareness and Campus Security Act of 1990.

The Security Officer shall:

- Prepare, publish, and disseminate all required policy statements, operating procedures and reports as required by law.
- Supervise and oversee the execution of all established policies and procedures.
- Supervise and oversee the gathering and reporting of all statistics as required by law.
- Oversee the supervision of campus security and night watch programs.
- Provide timely warning to the SFTS campus community of any occurrences of crimes listed in the section titled Reportable Offenses of this report.
- Assign primary responsibility to respond to and to take appropriate action on reports of criminal actions and other emergencies.

The Dean of Students shall disseminate reports prepared by the Security Officer to students and prospective students, and arrange student participation in all programs mandated by campus security laws.

7 Crime Statistics

7.1 Reportable Offenses

Under the federal “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, formerly the “Student Right to Know and Campus Security Act”, the Graduate Theological Union annually distributes statistics on the reported occurrences of the following offenses: Criminal Homicide including murder and nonnegligent manslaughter and negligent manslaughter; Robbery; Aggravated Assault; Forcible and Nonforcible Sex Offenses; Burglary; Motor Vehicle Theft; Arson. Title IX and the SAVE Act further require the reporting of sexual offenses, including Rape, Sexual Assault; Domestic Violence; Dating Violence; and Stalking.

Separately by category of prejudice, each crime listed above or others involving bodily injury that shows evidence of prejudice based upon race, gender, religion, sexual orientation, ethnicity, or disability (hate crimes); Arrests or persons referred for disciplinary action for liquor law violations, drug abuse violations, and illegal weapons possession.

In addition to these offences SFTS also reports crimes that manifest evidence that the victim was intentionally selected because of the victim’s actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. SFTS reports these crimes, regardless of if there was bodily injury or not, including crimes of larceny-theft, simple assault, intimidation, and destruction, damage or vandalism of property.

7.2 Report Categories

These offenses are reported according to their occurrence in the following location categories:

Campus (1) Buildings or property owned or controlled by SFTS within the same reasonably contiguous geographic area and used by the school in direct support of, or in a manner related to, SFTS 's educational purposes, including residence halls; and (2) buildings or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the GTU but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Non-Campus 1) Buildings or property owned or controlled by a student organization that is officially recognized by the institution; or (2) buildings or property owned or controlled by SFTS that is used in direct support of, or in relation to, the SFTS's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. SFTS has no Non-Campus buildings or property.

Public Property All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. Public property statistics are compiled and supplied by the Town of San Anselmo Police Department.

Students of SFTS frequently attend classes, visit professors or otherwise make use of the facilities of the University of California at Berkeley. Since the University of California reports crimes separately from SFTS, those statistics are not provided in this report. University of California at Berkeley crime statistics may be obtained at <http://police.berkeley.edu/>.

7.3 Sources of Data

SFTS relies on the Central Marin Police Authority to provide statistics on crimes committed on campus, non-campus and public property as defined in the section of this report titled Report Categories.

SFTS also relies on crimes reported to "campus security authorities." Although every effort is made to avoid duplication between Police Department and campus security authority incidents, individual incidents may be reported multiple times within the same calendar year. "Campus security authorities" includes the Security Officer, as well as officials of SFTS who have significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.

7.4 Crime Statistics for San Francisco Theological Seminary

Campus Offense Categories	Calendar Year		
	2013	2014	2015
Homicide	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Forcible Sex Offenses	0	0	0
Non-Forcible Sex Offenses	0	0	0

Rape	0	0	0
Sexual Assault	0	0	0
Domestic Violence	0	1	1
Dating Violence	0	0	0
Stalking	0	0	0
Burglary	1	2	2
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
<i>Arrests</i>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0
Non-Campus	Calendar Year		
Offense Categories	2013	2014	2015
Homicide	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Forcible Sex Offenses	0	0	0
Non-Forcible Sex Offenses	0	0	0
Rape	0	0	0
Sexual Assault	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
<i>Arrests</i>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0
Public	Calendar Year		
Offense Categories	2013	2014	2015
Homicide	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Forcible Sex Offenses	0	0	0
Non-Forcible Sex Offenses	0	0	0
Rape	0	0	0
Sexual Assault	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0
Burglary	0	0	3
Motor Vehicle Theft	0	0	1

Arson	0	0	0
Hate Crimes	0	0	0
<i>Arrests</i>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	1	
Illegal Weapons Possession	0	0	0

8. Sexual Assault and Rape

SFTS prohibits sexual violence and misconduct, including specifically rape, sexual assault, domestic violence, dating violence, and stalking. This section of the Safety Report and Policies forth that policy in detail, describing the prohibited conduct, explaining several ways to report sexual violence and misconduct, and providing information about available resources. The full policy (including the detailed process for investigation of complaints and for disciplinary/corrective proceedings) can be found on the Policies page of the SFTS website. That policy also has been distributed to students, staff, and faculty.

I. INTRODUCTION

(a) Notice of Nondiscrimination.

As a participant in certain federal programs, San Francisco Theological Seminary (SFTS) is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 *et seq.* ("Title IX"), which prohibits discrimination on the basis of sex in educational programs or activities, admission, and employment. Under certain circumstances, Sexual Misconduct (as defined below) constitutes sexual discrimination prohibited by Title IX. Inquiries concerning the application of Title IX may be referred to SFTS’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights.

San Francisco Theological Seminary’s Title IX Coordinator is Scott Clark (Associate Dean of Student Life), and the Associate Title IX Coordinator is Kathleen Waters (Director of Human Resources), referred to in this policy collectively as “the Title IX Coordinator.” Their contact information is as follows:

Rev. Scott Clark
 Office: 106 Montgomery Hall
sclark@sfts.edu
 415-451-2833

Kathleen Waters
 Office: 313 Montgomery Hall
kwaters@sfts.edu
 415-451-2819

The Seminary's Title IX compliance team includes the Vice President for Finance and Operations, the Associate Dean of Student Life, the Director of Human Resources, the Director of Student Services, and the Campus Security Officer.

(b) Overview of this Policy.

SFTS is committed to creating and maintaining an environment free of all forms of gender-related harassment, violence, exploitation, and intimidation. Every member of the SFTS community should be aware that such behavior is prohibited by law and by school policy. SFTS will not tolerate sexual violence or misconduct in any form, including sexual assault, rape, domestic violence, dating violence, stalking, or other sexual violence or intimidation. SFTS will take appropriate action to prevent, correct, and discipline behavior that is found to violate school policy or laws proscribing such sexual violence and misconduct.

The Seminary is committed to providing programs, activities, and an educational environment free from sex discrimination and to fostering a community that promotes prompt reporting of all types of sexual violence and misconduct and timely and fair resolution of Sexual Misconduct Complaints. In furtherance of these commitments, this Policy states the Seminary's prohibition on sexual violence and misconduct (collectively referred to herein as Sexual Misconduct) (II), describes prohibited conduct (II), explains the several ways to report sexual violence and misconduct (III), sets forth available resources (IV), and establishes procedures for responding to and addressing complaints of sexual violence and misconduct (V-VII).

The Seminary will make this Policy and information about recognizing and preventing Sexual Misconduct readily available to all Students and other members of the Seminary community.

(c) Applicability of this Policy.

This Policy applies to any allegation of Sexual Misconduct made by or against a Student or an employee of the Seminary, regardless of where the alleged Sexual Misconduct occurred, if the conduct giving rise to the Complaint occurred at a Seminary facility, or if it occurred elsewhere is related to the Seminary's academic, educational, or extracurricular programs or activities. The Seminary's disciplinary authority, however, may not extend to third parties who are not Students or employees of the Seminary. Additionally, although there is no geographical limitation to invoking this Policy, Sexual Misconduct that is alleged to have occurred at a significant distance from the Seminary and/or outside of Seminary property may be more difficult for the Seminary to investigate. This policy applies to students enrolled at SFTS and other members of the SFTS community (including faculty, administration, staff, and residents of student housing). Students enrolled at other Graduate Theological Union member schools should also contact their school for policies on sexual violence and misconduct.

In the case of allegations of Sexual Misconduct, this Policy supersedes and applies in place of all other procedures and policies set forth in the Seminary's Faculty Handbook, Employee Handbook, Student Handbook, and any other document containing Seminary policies and/or procedures.

(d) Period of Limitations.

A Complaint of Sexual Misconduct may be filed at any time, regardless of the length of time between the alleged Sexual Misconduct and the decision to file the Complaint. However, the Seminary strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding. A delay in filing a Complaint may compromise the subsequent investigation, particularly if neither the Complainant nor the Respondent is employed by the Seminary or is enrolled as a Student at the time the Complaint is made.

II. STATEMENT OF POLICY AND RELATED DEFINITIONS

(a) **Prohibition on Sexual Violence and Misconduct and Definition of Affirmative Consent.**

The Seminary prohibits sexual assault, rape, domestic violence, dating violence, stalking, and any other sexual violence or intimidation. These prohibited offenses are defined as follows:

Rape is defined to include all acts of sexual intercourse involving penetration without affirmative consent (as defined below), including acts of sexual intercourse imposed under the following circumstances:

- where the complaining party is incapable, because of a mental, developmental, or physical disability, of giving legal consent and this fact is known or reasonably should be known to the person committing the act;
- where such an act is accomplished against a person's consent by means of force, coercion, duress, violence, or reasonable fear of harm to the complaining party or another;
- where the complaining party is prevented from resisting or giving consent as a result of intoxication, or is unconscious at the time of the act, and this fact is known to the person committing the act;
- where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat; and/or
- any other circumstances constituting rape under California law.

The definition of rape as prohibited by this policy includes what commonly may be referred to as "acquaintance rape," sexual intercourse undertaken by a friend or acquaintance without the consent of the student. "Acquaintance rape" is rape, and it is prohibited by this policy.

Sexual assault is defined as the imposition of non-consensual sexual conduct (other than rape), including but not limited to oral copulation, penetration by a foreign object, or caressing, fondling, or touching of a person's genitalia, buttocks, or breasts.

Domestic violence is abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. Under California law, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Domestic violence includes physical battery and bodily injury, as well as threats of injury.

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. The existence of such a relationship is determined by consideration of the totality of the circumstances including length and type of relationship and the frequency of interaction between the persons involved in the relationship.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Stalking conduct can include willfully, maliciously and repeatedly following or harassing, or making a credible threat such that a reasonable person would fear for their safety.

Consent means "affirmative consent," which 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 of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the determination of whether consent was given to sexual activity, it shall not be a valid excuse to an alleged lack of affirmative consent that the person whose conduct is at issue ("Respondent") believed that the person who experienced the Respondent's conduct ("Complainant") consented to the sexual activity under either of the following circumstances:

1. The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
2. The Respondent did not take reasonable steps, in the circumstances known to them at the time, to ascertain whether the Complainant affirmatively consented.

In the evaluation of complaints under this Policy, it shall not be a valid excuse that the accused believed that the Complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

1. The Complainant was asleep or unconscious.
2. The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
3. The Complainant was unable to communicate due to a mental or physical condition.

(b) **Prohibition on Retaliation.**

The Seminary prohibits any type of retaliation against any person for filing, supporting, or providing information in good faith in connection with a Complaint of Sexual Misconduct. Violations of this prohibition will be addressed through this Policy and/or other Seminary disciplinary procedures, as deemed appropriate in the Seminary's discretion. Any person who feels that he or she has been subjected to retaliation should make a report to the Assigned Title IX Coordinator (or, if such designation has not yet been made, the Title IX Coordinator).

(c) **Prohibition on Providing False Information.**

Any individual who knowingly files a false Complaint under this Policy, who knowingly provides false information to Seminary officials, or who intentionally misleads Seminary officials who are involved in the investigation or resolution of a Complaint may be subject to disciplinary action.

(d) **Confidentiality.**

The Seminary will make efforts to preserve the confidentiality of and prevent the disclosure of the identities of the parties involved in a Sexual Misconduct matter. However, information regarding alleged Sexual Misconduct must be handled in accordance with applicable state and federal laws. Individuals should understand, for example, that under conditions of imminent harm to the community, the Seminary may be required by federal law to inform the community of the occurrence of the incident(s) of Sexual Misconduct. In addition, information regarding alleged Sexual Misconduct may be shared among Seminary administrators as appropriate and necessary. And the Seminary cannot always control confidentiality violations by Students or third parties.

Complainants, alleged victims (if not the Complainant), and Respondents may request that the Seminary treat information regarding alleged Sexual Misconduct as confidential. The Seminary takes such requests seriously; however, such requests may limit the Seminary's ability to investigate and take reasonable action in response to a Complaint.¹ In such cases, the Seminary will evaluate the request(s) that a Complaint remain confidential in the context of the Seminary's commitment to provide a reasonably safe and non-discriminatory environment.

In order to make such an evaluation, the Assigned Title IX Coordinator (or, if such designation has not yet been made, the Title IX Coordinator) may conduct a preliminary

¹ For example, a Respondent has a right to know the name of the accuser and information regarding the nature of the allegations in order to defend against the Complaint; thus, the Complainant may not be able to both pursue the Complaint and maintain his or her confidentiality during that process. That said, as explained later in this Section, if the Complainant insists on confidentiality, the Seminary will still take action to limit the effects of the Sexual Misconduct and prevent its recurrence to the extent warranted and practicable.

investigation into the alleged Sexual Misconduct and may weigh the request(s) with the following factors:

- i. the severity of the alleged Sexual Misconduct;
- ii. the Complainant's age;
- iii. whether there have been other Complaints of Sexual Misconduct against the Respondent;
- iv. the Respondent's right to receive information about the allegations if the information is maintained by the Seminary as an "education record" under FERPA; and
- v. the applicability of any laws mandating disclosure.

The Assigned Title IX Coordinator (or, if such designation has not yet been made, the Title IX Coordinator) will inform the person requesting confidentiality if the Seminary cannot ensure confidentiality.

Even if the Seminary cannot take disciplinary action against the Respondent because of a request for confidentiality from the Complainant or victim (if not the Complainant), to the extent possible and appropriate the Seminary will nevertheless take prompt and effective action to limit the effects of the alleged Sexual Misconduct and to prevent its recurrence to the extent warranted and practicable. For instance, the Seminary may issue a "no-contact" order or take other appropriate interim measures to ensure an individual's safety even in the absence of a formal proceeding.

(e) **Related Misconduct.**

The Hearing Panel may hear allegations of, and impose sanctions for, alleged misconduct that is related to the Sexual Misconduct at issue, even if such related misconduct is not, when standing alone, governed by this Policy.

(f) **Individuals with Disabilities.**

The Seminary will make arrangements to ensure that individuals with disabilities are provided appropriate accommodations, to the extent necessary and available, to participate in the steps and procedures outlined in this Policy.

III. HOW AND WHERE TO FILE A COMPLAINT ALLEGING SEXUAL VIOLENCE AND MISCONDUCT

Any student (or other member of the SFTS community) has several options for seeking help and for filing a complaint based on sexual violence or misconduct.

Individuals may file a complaint with the Seminary under this policy and procedure.

Individuals may also file a complaint and seek the assistance of local law enforcement officials.

Individuals may file a complaint with either or both the Seminary and local law

enforcement. (Individuals may also decline to file a complaint with either or both.)

The Seminary encourages individuals to consider reporting alleged Sexual Misconduct promptly to both campus officials and to law enforcement authorities, where appropriate, because Sexual Misconduct may in some instances constitute both a violation of Seminary policy and criminal activity, and because the Seminary grievance process is not a substitute for instituting legal action.

In addition to their responsibilities as to any Complaint brought under the Seminary's policy and procedure, Seminary officials are also available to help an individual file a report or complaint (or otherwise seek assistance) from local law enforcement.

Individuals may file a Complaint at any time, but the Seminary strongly encourages individuals to file Complaints promptly in order to preserve evidence for a potential legal or disciplinary proceeding.

For information about seeking medical assistance and emotional support, as well as important contact information, see section I of this Policy, as well as Appendix A to the Policy Prohibiting Sexual Violence and Misconduct.

(a) Filing a Complaint with Local Law Enforcement:

Individuals are strongly encouraged to inform law enforcement authorities about instances of sexual violence or misconduct. Individuals may file a complaint directly with San Anselmo law enforcement, the **Central Marin Police Authority**, by dialing **911** or **415-927-5150**.

Individuals may contact any of the following Seminary officials for assistance in filing a complaint with law enforcement:

- (i) the Seminary's Title IX Coordinator,
- (ii) the Associate Dean of Students,
- (iii) the Director of Student Services,
- (iv) the Director of Human Resources, or
- (v) the Dean of the Seminary.

Individuals may inform law enforcement authorities about Sexual Misconduct and discuss the matter with a law enforcement officer without making a formal criminal complaint (or a Seminary Complaint). Individuals who make a formal criminal complaint may also choose to pursue a Seminary Complaint simultaneously.

A criminal investigation into the matter does not preclude the Seminary from conducting its own investigation (nor is a criminal investigation determinative of whether Sexual Misconduct, for purposes of this Policy, has occurred). However, the Seminary's

investigation may be delayed temporarily while the criminal investigators are gathering evidence. In the event of such a delay, the Seminary may take interim measures when necessary to protect the alleged victim and the Seminary community.

(b) Filing a Complaint with Seminary Administration:

Any Student may file a Complaint against other Students or employees of the Seminary. In addition, a Seminary employee may file a Complaint against Students or other employees of the Seminary. Students and employees of the Seminary may also file Complaints against third parties who are not enrolled at or employed by the Seminary if the conduct giving rise to the Complaint is related to the Seminary's academic, educational, or extracurricular programs or activities. The Seminary may not have jurisdiction to discipline third parties, but it can provide a Student or employee with support services and, if appropriate, it will conduct an investigation of the incident to ensure that it does not represent a pattern of Sexual Misconduct occurring at the Seminary or involving its Students or employees. Finally, third parties may file a Complaint against Students or employees of the Seminary under this Policy if the conduct giving rise to the Complaint is related to the Seminary's academic, educational, or extracurricular programs or activities. The Complaint should be set forth on the Complaint Form attached to this policy as Exhibit B.

Anyone wishing to make a Complaint under this Policy should contact one of the following individuals or offices:

- (i) the Seminary's Title IX Coordinator,
- (ii) the Associate Dean of Students,
- (iii) the Director of Student Services,
- (iv) the Director of Human Resources, or
- (v) the Dean of the Seminary.

If any of the parties designated above are the Respondent or are otherwise at issue in a Complaint, or if an individual is otherwise uncomfortable making a complaint to one or more of the parties listed above, he or she may report alleged Sexual Misconduct to any other party or office listed above.

If any employee of the Dean's Office, the Student-Services team, or Human Resources receives a report of alleged sexual violence or misconduct, that employee must promptly notify the Seminary's Title IX Coordinator.

Individuals may also file anonymous reports by calling the SAVE line at 415-451-2862. Individuals who choose to file anonymous reports are advised that it may be very difficult for the Seminary to follow-up or take action on anonymous reports, where corroborating information is limited. Anonymous reports may be used for Clery Act data collection purposes.

If an individual reports alleged Sexual Misconduct to a faculty or staff member other than

those referenced above, the individual should identify it as such a report and ask the faculty or staff member who receives such a report or who otherwise has knowledge about a known or suspected incident of Sexual Violence or Misconduct (other than health-care professionals and other individuals who are statutorily barred from reporting) to report the incident to one of the Seminary officials designated above, in which case the employee must do so. No employee is authorized to investigate or resolve Complaints without the involvement of the Seminary's Title IX Coordinator or an Assigned Title IX Coordinator. No member of the Seminary community may discourage an individual from reporting alleged incidents of Sexual Misconduct.

The Seminary may start an investigation even in the absence of a filed Complaint if information about Sexual Misconduct comes to the attention of the Seminary. In addition, the Seminary may notify appropriate law enforcement authorities if required or warranted by the nature of the allegations in the Complaint.

IV. OTHER RESOURCES AVAILABLE TO INDIVIDUALS WHO HAVE EXPERIENCED SEXUAL VIOLENCE AND MISCONDUCT

The primary concern of the Seminary is the safety and well-being of its Students and all other members of the Seminary community. In addition to the resources listed elsewhere in this Policy, if any member of the community experiences sexual violence or misconduct, the following community resources are also available to help:

(a) Local Law Enforcement – the Central Marin Police Authority: **911 (emergency)** or **415-927-5150 (non-emergency)**.

(b) Medical Assistance –

- Emergency help: 911;
- Marin General Hospital, 250 Bon Air Rd, Greenbrae, CA 94904, 415-925-7000; and
- Kaiser San Rafael Medical Center, 99 Montecillo Rd, San Rafael, CA 94903, 415-444-2000.

(c) Counseling, mental health and other services:

- Psychiatric Social Worker at Marin General Hospital. The person answering the line may be able to tell you if the person needs to be brought in immediately, or can help you know what to do next. **24 hour line: 415-925-7000, ex. 50321 or pager # 313;**
- Lucas Walker, Pastoral Care Associate, a trained crisis counselor and experienced social worker, is working as a part of the Chaplain's Office: 980-691-0977;
- The person's own medical or mental health provider (for example, the individual's doctor or therapist).

These professionals expect to receive emergency calls:

- Community Violence Solutions or Marin (formerly Rape Crisis Center), 30 North San Pedro Road #170, San Rafael, CA 94903, 415-259-2850

24-Hour Crisis Hotline: 1-800-670-7273

- California Counseling Institute, 2220 Cedar Street, Berkeley 510-704-8046;
- Bay Area Women Against Rape, 470 27th Street, Oakland 510-845-7273;
- Highland Hospital, Highland Sexual Assault Response Team, 1411 E. 31st Street, Oakland 510-534-9290 or 510-437-4019;

Men Overcoming Violence, 1385 Mission Street, Suite 300, San Francisco 415-626-6683.V.
 PROCEDURES APPLICABLE TO COMPLAINTS OF SEXUAL VIOLENCE AND MISCONDUCT

The Seminary has detailed procedures for investigating complaints, for formal resolution and hearing of complaints, and for an optional informal resolution process. These procedures can be found on the Policies page of the SFTS website in the full Title IX Policy Prohibiting Sexual Violence and Misconduct. Those procedures include the following:

- Options available to a complainant to pursue or not pursue a complaint;
- Interim measures available, where appropriate, to protect members of the community;
- Procedures for investigating complaints;
- Formal resolution and hearing process; and
- Optional informal resolution process, available only with consent of the complainant/victim.

For the details of these procedures, please refer to the full policy set forth on the Policies page of the SFTS website.

The Seminary provides prevention and awareness programs as a part of its commitment to creating and maintaining a safe campus. In 2015, staff were trained on the enhanced Title IX policy during a full meeting of staff, and all students were required to participate in online prevention and awareness training offered through EduRisk. That awareness program focuses on the prevention of sexual violence and intimidation, as defined and described in the Violence Against Women Act (VAWA). Similar training is being required for all staff in 2016. All new students and new employees are required to participate in this online training. Additionally, with each implementation, the Seminary offers and makes available other training units related to risk reduction and healthy boundaries.

9. Crime Report & Internal Investigation Form

SFTS Crime Incident Report Form (To be completed by a Campus Security Authority)

Please use this form (complete **both** pages), if you are an individual identified as a “campus security authority,” to report the required information about specified crimes (listed below) pursuant to the federal Clery Act. The information collected from these forms is used to prepare a compilation of statistical crime information for inclusion in the school’s Annual Campus Crime Report.

SFTS policy provides that victims and witnesses to crime must be made aware of their right to report criminal acts to the police, and to report school policy violations to the appropriate office (e.g., student conduct violations to the Dean of Students). However, if a reporting person requests anonymity, this request must be honored to the extent permitted by law. Accordingly, no information should be included on this form that would personally identify the victim without his or her consent. The legislation requires that records or actions related to the crime or incident statistic be retained for seven years.

SFTS will use this form to determine the category of the crime or incident and the location under which the incident should be reported according to the requirements of the Clery Act. Please forward this completed form to the Security Officer.

Name of Campus Security Authority:

Phone Number: _____

Date of report: _____

Report made by:

_____ Victim

_____ Third Party (specify relationship to victim) _____

Type of incident: ... Homicide ... Sex Offense ... Robbery ... Aggravated Assault ... Burglary
... Motor Vehicle Theft ... Arson ... Drug/Alcohol/Weapon . . . Sexual Offense

Description of the incident or crime:

Did the victim or other involved party make a police report? _____ Yes _____ No

Location of the incident or crime (be as specific as possible):

The location where this incident or crime occurred was:

- On the SFTS campus, but not in student housing
- On SFTS student housing
- Off SFTS campus but on affiliated property (member school property)
- Off SFTS campus public property immediately adjacent to campus
- Off SFTS campus not affiliated or adjacent to SFTS property
- Unknown

Sex Offenses

Examples of sex offenses are rape, sodomy, sexual assault, fondling, incest, statutory rape, domestic violence, dating violence, or stalking

Was this crime a sexual offense? Yes No

Was it a rape or attempted rape? Yes No

If yes to either, were the victim and the assailant acquainted? Yes No

If yes, were either the victim or the assailant under the influence of alcohol or drugs?

Victim: Yes, alcohol Yes, drugs Assailant: Yes, alcohol Yes, drugs

Hate Crimes

Hate crime information is required to be reported for criminal homicide, sex offense, robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury.

Was this crime motivated by hate or bias? Yes No

If yes, identify the category of prejudice:

- ... Race ... Ethnicity ... National Origin
- ... Religion ... Disability ... Sexual Orientation

If yes, provide a brief explanation of the determination:

Alcohol, Drug and Weapons Law Violations:

Check all that apply

... Alcohol ... Drugs ... Weapons

If alcohol, drugs or weapons were involved, provide a brief description:

Number of individuals arrested or referred for SFTS disciplinary action: _____

10. Student Housing and Fire Safety Report

SFTS publishes a fire policies statement and report for its student housing. This report is available on the SFTS Website and may also be obtained by contacting SFTS at 415-451-2806.

11. Emergency Plan

SFTS publishes an emergency procedures plan, including instructions on evacuation, fire prevention, earthquake safety and other topics regarding emergency planning. This report is available on the SFTS Website and may also be obtained by contacting SFTS at 415-451-2806. SFTS tests this plan on a regular basis to ensure that it is functioning properly.