



# USK | CLERY

Annual Security Report (2020)



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## **I.O Introduction and Preparation of the Annual Security Report**

The Annual Security Report – prepared by the Title IX Coordinator, in collaboration with various campus departments including the Facilities Office and the CFO – is intended to provide current and prospective members of the USK campus community with important information on campus crime and security that will help them make informed decisions about their own safety. It contains campus crime statistics for the last three years. The report is based upon reports of crime to the College and local law enforcement, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and campus policy statements.

The report (will be) published online under “Disclosures” on the University of Saint Katherine website, at which time an email notification is made by the Title IX Coordinator to all students, staff, and faculty members providing a link to electronic copies of the report. Additionally, paper copies are available by request from the Title IX Coordinator.

### **1.1 The Clery Act**

In 1990, Congress enacted The Crime Awareness and Campus Security Act as part of an amendment to the Higher Education Act of 1965. Later renamed The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of Jeanne Clery, a University student murdered in her dorm room, it requires all postsecondary institutions participating in federal student financial assistance programs to disclose certain information on campus crime and various safety and security-related policies. Further amendments in recent years have expanded the requirement to include information on fire safety, sexual assault, and missing students.

### **1.2 The Annual Fire Safety Report**

The Clery Act also requires publication of an Annual Fire Safety Report, which includes statistics on campus fires and information on fire prevention. The report is prepared by Campus Facilities and the Office of the President and made available online each October. Paper copies may also be requested from the Campus Facilities Office.

### **1.3 Geographical Location**

Campus property is the geographical area bounded by Rancho Santa Fe Road and Capalina Road. The main campus is located at 1637 Capalina Road with an adjacent building being 1645 Capalina Road.

## 1637 Capalina Road, Main Campus



Vehicular access to campus is accessed through entrance from Rancho Santa Fe Road or Capalina Road. The campus is currently located in an area with other commercial space and businesses. This allows the campus to be easily accessible to the public. While it is not ideal, especially in regards to safety, the campus is growing, and will ultimately obtain a significant portion of the surrounding land. This is a long term plan that will allow us to expand and change the overall security.

Currently, students are taught to notify personnel if there is anything suspicious to call 911 or the San Marcos Sheriff's Office at (760) 510-5200.

Campus Facilities maintains the College buildings, grounds, and roadways (when applicable) with a concern for safety and security. They inspect campus facilities regularly, make repairs affecting safety and security, and respond to reports of potential safety and security hazards, such as broken windows, broken locks, and inadequate lighting. Additionally, third parties are also outsourced to make assessments for the campus and recommendations for safety improvements. All members of the campus community are encouraged to report any safety or security hazards in or around campus buildings and grounds. Reports may be made to Campus Facilities at (760) 471-1316.

### **1.4 Non-Campus Properties and Student Housing**

At this time, the University of Saint Katherine does not offer student housing. Rental agreements are made and agreed upon with local recreation centers, high schools and public parks for use by our athletic teams.

## **2.0 Campus Crime Statistics**

Per the Clery Act, the crime statistics contained on the following pages are classified based on the Federal Bureau of Investigation's *National Incident-Based Reporting System* (NIBRS) edition of the *Uniform Crime Reporting Handbook* (UCR), the *Uniform Crime Reporting Hate Crime Data Collection Guidelines*, and *Training Guide for Hate Crime Data Collection*. 'Disciplinary referral' is defined as the referral of any person to any official who initiates a

formal or informal disciplinary action of which a record is kept and which may result in the imposition of a sanction. Only referrals for violations of applicable drug, alcohol, and weapons laws are counted.

## 2.1 CLERY CRIME STATISTICS 2016-2018

| OFFENSE                            | LOCATION        | 2016 | 2017 | 2018 | 2019 |
|------------------------------------|-----------------|------|------|------|------|
| <b>Criminal Homicide</b><br>Murder | On Campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-Campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Negligent Manslaughter             | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Rape                               | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Fondling                           | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Incest                             | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Statutory Rape                     | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Robbery                            | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Aggravated Assault                 | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Burglary                           | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Motor Vehicle--Theft               | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |
|                                    | Non-campus      | 0    | 0    | 0    | 0    |
|                                    | Public Property | 0    | 0    | 0    | 0    |
| Arson                              | On-campus       | 0    | 0    | 0    | 0    |
|                                    | Student Housing | 0    | 0    | N/A  | N/A  |

|  |                               |        |        |        |        |
|--|-------------------------------|--------|--------|--------|--------|
|  | Non-campus<br>Public Property | 0<br>0 | 0<br>0 | 0<br>0 | 0<br>0 |
| <b>Arrests</b><br>Liquor Law Violations                | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| Drug Law Violations                                    | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| Weapon Law Violations                                  | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| <b>Disciplinary Referrals</b><br>Liquor Law Violations | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| Drug Law Violations                                    | On-campus                     | 3      | 0      | 0      | 0      |
|  | Student Housing               | 2      | 2      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| Weapon Law Violations                                  | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| <b>Domestic Violence</b>                               | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| <b>Dating Violence</b>                                 | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 1      | 1      |
|  | Public Property               | 0      | 0      | 0      | 0      |
| <b>Stalking</b>  | On-campus                     | 0      | 0      | 0      | 0      |
|  | Student Housing               | 0      | 0      | N/A    | N/A    |
|  | Non-campus                    | 0      | 0      | 0      | 0      |
|  | Public Property               | 0      | 0      | 0      | 0      |

NA= Not applicable. USK does not currently have on-campus housing for students.

## 2.2 Hate Crimes

There were no reported hate crimes from 2016-2019.

Crime Statistics concerning USK and other campuses can also be found on the Department of Education Website: <https://ope.ed.gov/campussafety/#/>

For 2016-2018, no crimes were reported in the surrounding areas and neighborhoods of the College, provided by the Crime and Intelligence Analyst for the City of San Marcos.

### **3.0 Security Department**

Because of its small size, the College does not have a “Security Department.” However, the Facilities Office is responsible for the maintenance and security of the buildings. The Director may be reached at 760-471-1316. The Director of Facilities has the authority to contact the Sheriff’s office when illegal acts on-campus property are suspected or confirmed. If minor offenses involving College rules and regulations are committed by a College student, the Director of Facilities may also refer the individual to the Director of Student Affairs for follow-up. Major offenses such as rape, murder, aggravated assault, robbery, and auto theft are reported to the local Sheriff’s Office, and joint investigative efforts with administrators from Saint Katherine, the Title IX Coordinator, and the San Diego County Sheriff’s Office are deployed to solve these serious felony crimes. The prosecution of all criminal offenses, both felony and misdemeanor, are conducted at the San Diego County Law enforcement offices.

The College maintains an excellent working relationship with the San Diego County Sheriff’s Department, the agency responsible for maintaining the peace, since San Marcos, CA, does not have a city police force. The Sheriff’s Department conducts periodic sweep of the area where the College is located.

After Hours:

If students need to contact someone after hours, the Title IX Coordinator can be contacted (760) 822-6854.

### **3.1 Crime and Incident Reporting**

The College strongly encourages victims and witnesses to report all crimes and incidents to the Title IX Coordinator, regardless of their nature, as well as to local law enforcement.

Crimes occurring off campus should be immediately reported to the San Marcos Sheriff’s Office at (760) 510-5200.

In addition to the reporting of incidents to the Title IX Coordinator, the following are designated Campus Security Authorities, to which reports can be made. Information from these reports will also be used for the purpose of making timely warning of criminal offenses as necessary.

- Director of Athletics
- Assistant Director of Athletics
- Coaches
- Director of Student Affairs
- CFO

### **3.2 Policy Statement Addressing Counselors**

As a result of the negotiated rulemaking process which followed the signing into law of the amendments to the Clery Act in 1998, clarification was given to those considered to be Campus Security Authorities. Campus “pastoral/priests counselors” and campus “professional counselors,” when acting as such, are not considered to be a Campus Security Authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged – when they deem it appropriate – to inform persons being

counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. Pastoral and professional counselors are defined as follows:

- Pastoral Counselor – An employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselor – An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community, and who is functioning within the scope of his or her license or certification.

### **3.3 Confidential Reporting**

Anyone may report crimes or suspected crimes anonymously on the USK website: [www.usk.edu](http://www.usk.edu). No personally identifying information is required to be submitted along with the report. USK will investigate all criminal reports obtained through the anonymous reporting system and will include them as necessary in disclosure of crime statistics.

### **3.4 Reporting Policy**

The College endorses a reporting policy that strongly encourages victims and witnesses to report all incidents to the University of Saint Katherine administration immediately, regardless of their nature. Prompt reporting of suspicious activity can avert crimes. USK will do everything within its power to protect the rights of those reporting crimes.

### **3.5 Exceptions to Confidentiality**

Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition of a patient/victim they know or reasonably suspect is suffering from (1) a wound or physical injury inflicted by a firearm or (2) any wound or other physical injury inflicted upon a victim as the result of assaultive or abusive conduct (including Sexual Misconduct, Domestic Violence, and Dating Violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law (1) to local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

Every possible action to reduce the inconvenience of crime reporting will be taken. USK will be prompt and professional in its dealings with those who report crimes. Members of the College community are encouraged to call the Title IX Coordinator when they note that an individual’s actions are inappropriate or threatening. An administrator will assess the situation and take



appropriate action. At the request of the student, institutional personnel will assist in contacting local law enforcement.

If you are the victim or witness of a crime and do not want to pursue action within the College System or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Facilities, a CSA, or the Title IX Coordinator can file a report on the details of the incident without revealing your identity. Students can also file a confidential report via the website, as listed above.

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

### **3.6 Timely Warning Policy**

Timely Reports: Security Warnings

The University of Saint Katherine Facilities Department, in conjunction with the Clery Coordinator will be responsible for making timely reports and or security warnings “without delay” to community members should any incident pose a threat to the health or safety of the Saint Katherine Community. The Facilities Department will report through the use of e-mail, telephone, posted notices, text messaging, or combination thereof.

The emergency response and evacuation procedures within the Emergency Evacuation and Operations Procedure (EEOP), are tested (mock drills) semi-annually. The EEOP can be found at the following address: [www.usk.edu](http://www.usk.edu).

The University of Saint Katherine strives to provide a safe environment for students and employees. Campus lighting, sheriff’s patrols, and College policies are intended to enhance security and prevent crime. However, safety is everyone’s responsibility. All individuals on Saint Katherine property, including students, faculty, staff and guests, shall be subject to all rules and regulations of USK and to all applicable federal and state laws and city ordinances.

All persons on the campus shall, upon request by authorized officials and security personnel, provide adequate identification. Personnel and students refusing to provide such identification shall be requested to leave campus or, if they refuse, may be subject to lawful removal and prosecution.

Since Saint Katherine students are housed on privately held housing, they are subject to rules and regulation of the housing owners. Students are expected to abide by the policies of the College both on and off campus. Social activities taking place off campus are subject to the jurisdiction of the local law enforcement agencies. Evidences of criminal activity by any student or group of students, on or off campus, are reported to the San Diego County Sheriff’s Office.

The Title IX Coordinator is notified in these instances and functions as the liaison between local law enforcement authorities and College officials.

During orientation, students are informed about campus safety, emergency preparedness, and the number of incidents occurring on campus, with a special presentation from the San Marcos Sheriff's Department.

### **3.7 Drug and Alcohol Policy**

The College recognizes the danger to the safety of others and one's ethical responsibilities resulting from the use, possession, distribution, or sale of alcohol or tobacco and therefore recommends that all members of the College community abstain from possessing or using them. USK forbids the use, manufacture, dispensation, offer to sell, purchase, possession, distribution, or sale of marijuana, narcotics, or other illegal drugs on the USK campus, at its off sight locations, in areas perceived to be part of USK campus, at any USK-sponsored activity, or in the presence of USK students at any time. The medical use of drugs may be permitted when prescribed by a licensed practicing physician.

Some local, state and federal laws establish severe penalties for the unlawful possession or distribution of illicit drugs and alcohol. By state law, the possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. It is also unlawful to sell, furnish or provide alcohol to a person under the age of 21. The College reserves the right to refer violations to those state and federal laws concerning alcohol and controlled substances to appropriate civil authorities.

Individuals in violation of College policy or state and federal laws concerning the use, possession, distribution, or sale of alcohol, illegal drugs, or tobacco are subject to arrest and/or College disciplinary action.

During the annual Orientation training, the dangers and health concerns of using drug/alcohol are discussed and students learn to look for the warning signs of their residents using these substances. As part of the admissions process, students are made aware of the College policy on abstinence as part of the enrollment application.

The Staff, Faculty, and Student Handbooks contain all applicable alcohol and drug policies in full, including sanctions for violations.

### **3.8 Substance Abuse Education and Prevention Programs**

The University of Saint Katherine recognizes drug and alcohol dependency as treatable conditions. Students requiring assistance are encouraged to avail themselves to the Director of Student Affairs or Title IX Coordinator to meet with a counselor who can provide referral, supportive resources, and prevention.

The Office of Human Resources is also available to help employees identify appropriate treatment resources, and will refer them to treatment or rehabilitation programs.

### **3.9 Weapons**

Weapons of any kind are not allowed on campus without prior written permission from the College President. Hand guns, shot guns, air guns, pellet guns, paint guns, rifles, hunting knives, martial arts weapons, dart/blowguns, and fireworks are examples of prohibited weapons. Possession of such weapons is a violation of College policy and will result in referral to appropriate on-campus authorities. Possession of any unlawful weapon on campus may also result in arrest by local law enforcement.

## 4.0 Definitions

### Standards of Conduct

Sexual assault, domestic violence, dating violence, and stalking are serious violations of law and College policy. In addition, they violate the sanctity of the human body and spirit and will not be tolerated within the University of Saint Katherine (USK) community.

### 4.1 Definitions

*Sex Discrimination:* An adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California Education Code § 66250 et seq.; and/or California Government Code § 11135. See also Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of Sex Discrimination.

*Sexual Harassment:* A form of Sex Discrimination, unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering benefits or giving preferential treatment in exchange for sexual favors, and any other conduct of a sexual nature where:

- Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a person's employment terms or conditions, academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
- The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as limiting their ability to participate in or benefit from the services, activities or opportunities offered by the University; or
- The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization, being subjected to video exploitation or a campaign of sexually explicit graffiti, or frequently being exposed to unwanted images of a sexual nature in a classroom or work environment that are unrelated to the coursework or employment. Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex stereotyping, even if those acts do not involve conduct of a sexual nature.

The University's policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to University policy.

*Sexual Misconduct:* All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes but is not limited to kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence.

When based on gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old because the minor is considered incapable of giving legal consent due to age.

*Sexual Assault:* A form of Sexual Misconduct; an attempt coupled with the ability to commit a violent injury on the person of another because of that person's gender or sex.

*Sexual Battery:* A form of Sexual Misconduct; any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex, as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification, or abuse.

*Rape:* A form of Sexual Misconduct; non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because they are incapacitated from alcohol and/or drugs, are under 18 years old, or if a mental disorder or developmental or physical disability renders a person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

*Acquaintance Rape:* A form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met (i.e., at a party, introduced through a friend, or a social networking website).

*Affirmative Consent:* An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary and given without coercion, force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not in and of itself constitute Affirmative Consent

- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or incapacitated due to the influence of drugs, alcohol, or medication such that the person cannot understand the fact, nature, or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions.
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's intoxication or incapacitation from drugs or alcohol does not diminish their responsibility to obtain Affirmative Consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to sexual activity if the respondent knew or reasonably should have known the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication such that they could not understand the fact, nature, or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
  - The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the person;
  - The respondent did not take reasonable steps, in the circumstances known to them at the time, to ascertain whether the person affirmatively consented.

*Domestic Violence:* Abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and/or (6) the length of the relationship. For purposes of this definition, abuse means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to themselves or others. Abuse does not include non-physical emotional distress or injury.

*Dating Violence:* Abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the

victim just met (i.e., at a party, introduced through a friend or on a social networking website). For purposes of this definition, abuse means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to themselves or others. Abuse does not include non-physical emotional distress or injury.

*Stalking*: Engaging in a repeated Course of Conduct directed at a specific person that would cause a reasonable person to fear for their own or others' safety or to suffer substantial emotional distress. For purposes of this definition:

- Course of Conduct means two or more acts including but not limited to acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property;
- Reasonable Person means a reasonable person under similar circumstances and with the same protected status(es) as the complainant;
- Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling; and
- Protected Status includes Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

## **5.0 Procedures and Policies**

Reporting sexual assaults and offenses:

- ❖ The individual who was victimized has choices open to him/her on many different levels. Victims of sexual assault are encouraged to report offenses immediately. The student can avail himself/herself of the counseling and support opportunities on campus or through outside agencies.
- ❖ On campus, victims of sexual assault are encouraged to report offenses immediately to the Title IX Coordinator, the Director of Student Affairs, the Chief Academic Officer, or Human Resource. Upon permission of the individual and the need to know, other areas of the College may be contacted.
- ❖ The local Health Clinic should be notified to conduct an initial physical assessment for injury.
- ❖ The individual should be taken for a physical exam to the local hospital whether the individual wants to pursue the offense through any kind of judicial proceedings or not, it is important to go to the hospital to receive proper medical attention and preserve evidence in the event of future decisions to pursue the offense judicially. To support the individual, the TIX Coordinator would accompany the student to the hospital. The Director of Student Affairs or the Chief Academic Officer or the Director of Human Resources will be contacted if the TIX Coordinator is not available. Upon permission of the individual the crisis line of the Rape and Sexual Abuse Center (877) 995-5247 will be called to request a professional to meet the parties at the Hospital.
- ❖ The hospital is required by law to notify Law Enforcement to file an official report. The TIX Coordinator (or other designated College official) will remain with the student. It is the individual's choice to decide if he/she wants to pursue the offense through any kind of judicial proceedings.

- ❖ College personnel should remain with the student and accompany him/her back to campus.
- ❖ If a rape occurs after hours or on weekends, the victim should contact the Title IX Coordinator. If the TIX Coordinator is not available, the Director of Student Affairs or the Chief Academic Officer should be contacted. It is critical that a student who is a victim of rape be examined at the hospital within 48 hours of the offense.

### **5.1 On Campus Actions:**

1. When arriving back to campus, the Director of Student Affairs will be the facilitator of the transition of the victim. The choices of the student should be a strong consideration at this point.
2. It is the choice of the student to ask that on campus disciplinary procedures be initiated by reporting the incident to the Chief Academic Officer. Sanctions for students and employees may involve counseling, probation, suspension or dismissal from the College.
3. For students, both the accused and/or the accuser will be notified of the outcome of the campus disciplinary proceedings.
4. The Director of Student Affairs will work to assist students who request assistance in rearranging their classes or living arrangements because of an alleged sexual assault, if these changes are reasonably available.
5. Counseling is an essential step in the recovery process. The student should be encouraged to receive the emotional support that is needed, either through on or off-campus counseling. Even if the student does not report the rape and pursue legal action against his/her attacker, he/she will need the help of a trained counselor. The Director of Student Affairs can assist with the location of a trained professional.

### **5.2 Notification of Parents and the Community:**

1. If the student who was victimized is under the age of 18, parents will need to be notified. This call is usually made by the Director of Student Affairs..
2. Parents of students 18 years of age or older may be notified after consultation with the student and with the student's permission. The Director of Student Affairs may call the parents from the hospital. In some cases the Director of Student Affairs, after being briefed of the situation, would contact the parents to inform/update them on the situation
3. In keeping with the Campus Crime and Security Act, the Title IX Coordinator would coordinate notifying the campus community. If a student chooses to go through outside agencies to pursue the sexual assault or rape, s/he should contact the San Diego County Sheriff's Department which has staff trained for rape crisis intervention. If a student is under the age of 18 and has been sexually assaulted, molested, touched, raped, or shown x-rated movies, the California Department of Human Services should be contacted. Recognizing that true maturity involves a deep respect for the moral integrity of the individual, men and women attending this College are expected to refrain from engaging in acts of sexual immorality, such as premarital and extramarital relations, heterosexual and homosexual advances, and sexual perversion of any form. It is noted that "staying the night" does not necessarily indicate that sexual immorality occurred; however, such activity is a serious violation of the behavioral standards resulting in disciplinary action.

### **5.3 On and Off Campus Resources**

#### **ON-CAMPUS RESOURCES**

- Director of Student Affairs 760-471-1316
- CFO/Human Resources 760-471-1316

- Chief Academic Officer 760-471-1316

#### OFF-CAMPUS RESOURCES

- Sexual Assault Hotline: 1-888-385-4657
- National Sexual Assault Hotline 1-800-656-HOPE (4673).

#### Registered Sex Offenders

California's Megan's Law requires that certain information about sex offenders be made available upon request to members of the public. The California Attorney General has developed a website, [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov), where citizens can review information about registered sex offenders.

Information on registered sex offenders who are students or employees of the College can be obtained at the Office of Admissions and the Office of Human Resources, respectively. No state or federal law prohibits the disclosure of this information.

#### 5.4 Missing Student Policy

This policy establishes the procedure to be followed at the University of Saint Katherine in the event a residential student is reported missing. For the purpose of this policy, a student may be considered missing at any time the student's absence is contrary to his/ her usual pattern of behavior. The following is a list of titles of persons to which students, employees, or other individuals should report that a student has been missing for 24 hours:

- Director of Student Affairs
- Title IX Coordinator
- Chief Academic Officer
- The President
- CFO

#### Procedure

- When a student is reported missing, the Title IX Coordinator will initiate an investigation into the welfare of the student. Normally a student will not be considered missing until he/she is gone or unaccounted for, for 24 hours. If there is any indication of foul play or if the absence is contrary to the usual pattern of behavior of the student, an investigation may be implemented prior to the 24 hour period. The investigation will include a good faith effort to make contact with the student or his/her designated emergency contact.
- If the investigation fails to locate the missing residential student, the Title IX Coordinator will contact the San Diego County Sheriff's Department. The office of the San Diego County Sheriff will take over the investigation.
- If the reported missing student is under the age of 18 and is not an emancipated minor, the Director of Student Affairs will immediately make a good faith effort to contact the custodial parent or legal guardian.
- Every student at USK will be informed and given the opportunity each academic year to designate a confidential emergency contact person. This person will be contacted by USK in the event a student is determined to have been missing for over 24 hours.
- Regardless of whether the missing residential student has identified an emergency contact person, is above the age of 18 or is an emancipated minor, USK will make notification to San Diego County Sheriff's Department within 24 hours of the student going missing.



## **6.0 Enforcement**

Violation of these Standards and Protocols will result in appropriate legal and/or administrative action, up to and including dismissal from the College. Violation of these standards and protocols also may subject the offender to criminal prosecution or third party civil litigation.

A student alleged to have violated this policy may be subject to the Student Conduct Process as set forth in the Student Handbook, even if the violation occurred off campus. Where an allegation involves a College employee, other relevant administrators will also be involved in and/or oversee the enforcement of these Standards and Protocols.

When situations arise which potentially call for conduct actions, the College will do the following to ensure a prompt, fair, and impartial investigation and resolution:

- Inform the involved parties of alleged violations of College policy;
- Offer both parties a fair and reasonable opportunity for explanation;
- Interview potential witness
- Inform both parties of the outcome of the investigation;
- Provide an avenue of appeal, when appropriate.

In cases of alleged sexual assault, domestic violence, dating violence, or stalking, additional procedures include:

- Proceedings conducted by officials who receive annual training on issues specifically related to the above crimes and on how to conduct proceedings that protect victim safety and promote accountability;
- Both the accuser and accused are entitled to the same opportunities to have others present during proceedings, including the opportunity to be accompanied to any related meeting or proceeding by an advisor to their choice;
- The determination that the alleged offence occurred will be made based upon a preponderance of evidence;
- Both the accuser and the accused will be simultaneously informed in writing of the outcome of proceedings, the procedures to appeal the results, any subsequent change to the results before they become final, and when such results become final.

At any time, the College may impose such penalties as it concludes are appropriate, ranging from warning to expulsion to termination of employment. Additionally, the College reserves the right to deny re-enrollment to any student if such action is deemed to be in the best interests of the College or the student.