

2016

Annual Security Report & Fire Safety Report

As amended by the Violence against Women Reauthorization Act of 2013



**This document is required by the Jeanne Clery Disclosure of Campus Security Policy and
Campus Crime Statistics Act**

TABLE OF CONTENTS

Page 1	Cover page
Page 2	Title page
Page 3	Table of Contents
Page 4	Foreword
Page 5	Crime Statistics
Page 6	Crime Statistics Cont.
Page 7	Introduction, jurisdiction
Page 8	How to Report Crimes, Persons Responsible to Receive / Report Crimes
Page 9	Timely Warnings/ Emergency Notifications
Page 10	Security and Access
Page 11	Monitoring of off-campus crime/ security awareness
Page 12	Megan's Law / Enforcement of Federal and State Laws
Page 13	Substance abuse / Sexual Misconduct
Page 14	Sexual assault definitions
Page 15	VAWA Crimes
Page 16	Reporting Sexual Assault On or Off Campus
Page 17	Reporting Sexual Assault On or Off Campus (cont.)
Page 18	Sexual Violence Complaint and Disciplinary Procedures
Page 19	Sexual Violence / Disciplinary Procedures (cont.)
Page 20	On Campus Resources for Victims of Sexual Misconduct, Dating and Domestic Violence, and Stalking
Page 21	Resources (cont.) / Training, Education, and Preventative Measures
Page 22	Emergency Response, Notification and Evacuation Procedures
Page 23	Testing Emergency Response and Evacuation Procedures/ Missing Student Procedure
Page 24	Fire Safety
Page 25	Fire Safety Cont.
Page 26	Student Housing Evacuation Procedures
Page 27	Student Housing Policies on Smoking, Open Flames/ Earth Quake Safety
Page 28	Student Housing Policies on Smoking, Open Flames/ Earth Quake Safety
Page 29	Main Campus /South Campus Map
Page 30	Fraternity and Sorority Addresses

Clery Act Foreword 2016

On behalf of the San Jose State University Police Department and our many campus partners, I am pleased to present the 2016 Annual Security Report which is compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. It is but one aspect of our overall mission to create a safe and vibrant environment for our campus community.

In addition to providing the mandated crime statistics, this report also endeavors to educate our community members in the multitude of ways they can collaborate in keeping themselves and our community safe. While our Department places great value in the partnerships it has formed with law enforcement agencies at the local, state and federal levels, our most important partners are those of you who live, work and learn in the SJSU community.

I hope you will read this report and use the information to assist us in keeping our community safe, because safety is a shared responsibility. If you would like additional information, I encourage you to access the UPD website at www.sjsu.edu/police.

Respectfully,

Peter Decena

Chief of Police
San Jose State University
Police Department

CRIME STATISTICS

CLERY CRIME STATISTICS 2013-2015						
OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY	MOSS LANDING
Murder	2013	0	0	1	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Manslaughter by Negligence	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Sex Offenses						
Rape	2013	0	0	2	0	0
	2014	2	2	3	1	0
	2015	2	2	1	0	0
Fondling	2013	0	0	0	0	0
	2014	13	7	0	2	0
	2015	11	2	0	2	0
Incest	2013	0	0	0	0	0
	2014	0	0	0	0	0
	2015	0	0	0	0	0
Statutory Rape	2013	0	0	0	0	0
	2014	1	1	0	0	0
	2015	1	1	0	0	0
Robbery	2013	5	1	1	0	0
	2014	7	0	1	0	0
	2015	4	0	0	3	0
Aggravated Assault	2013	4	0	2	1	0
	2014	8	2	1	4	0
	2015	5	2	5	2	0
Burglary	2013	14	4	4	0	0
	2014	27	6	14	0	0
	2015	21	4	8	0	0
Motor Vehicle Theft	2013	6	1	4	11	0
	2014	11	0	4	2	0
	2015	1	1	5	14	0
Arson	2013	1	0	0	0	0
	2014	2	0	0	0	0
	2015	2	0	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY	MOSS LANDING
Dating Violence	2013	N/A	N/A	N/A	N/A	N/A
	2014	2	2	0	0	0
	2015	5	4	0	0	0
Domestic Violence	2013	7	0	0	0	0
	2014	14	0	1	2	0
	2015	2	0	1	2	0
Stalking	2013	N/A	N/A	N/A	N/A	N/A
	2014	1	0	0	0	0
	2015	2	1	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY	MOSS LANDING
Liquor Law Arrests	2013	7	3	6	12	0
	2014	0	0	0	25	0
	2015	0	0	0	71	0
Liquor Law Referrals	2013	299	299	0	0	0
	2014	262	239	23	2	0
	2015	679	679	8	7	0
Drug Law Arrests	2013	46	8	12	33	0
	2014	75	15	14	66	0
	2015	149	26	18	31	0
Drug Law Referrals	2013	131	196	3	1	0
	2014	112	112	0	0	0
	2015	189	186	1	6	0
Weapons Law Arrests	2013	7	2	1	2	0
	2014	17	4	2	8	0
	2015	27	4	5	2	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2013	N/A
	2014	2
	2015	3

N/A = not required that year

Introduction

The San Jose State University Police Department's "Annual Security & Fire Safety Report" is provided in compliance with the Federal 1998 Jeanne Clery Disclosure Act and California Education Code section 67380. It is San Jose State University's Student Right to know report. It is prepared and published by the SJSU Police Department's Administrative Bureau. The criminal statistics detailed in this report are a compilation of data reported directly to the SJSU Police Department or obtained from Student Affairs, Human Resources, Housing, Judicial Affairs, Deans, the Athletic Director and Assistant Directors, coaches, Student Organization Advisors, the City of San Jose Police Department and the Monterey County Sheriff Department.

This report is distributed annually to all SJSU departments. Additional copies are available by calling the University Police Records Unit at 408-924-2172. This report can also be viewed on the UPD website at www.sjsu.edu/police.

Weekly crime blotters are published on the UPD website to keep the campus community informed about current events and reported crimes. A daily crime log is also maintained in the UPD Communications Center and is available for review by the general public at any time, upon request. Log entries older than 60 days can be obtained by request and will be made available within two business days.

This report is a collaborative and comprehensive effort that is prepared in cooperation with police agencies surrounding the main campus and alternate sites, Student Affairs, Human Resources, Housing, Student Conduct, Deans, the Athletic Director and Assistant Directors, Coaches, Student Organization Advisors. Each entity and their respective Campus Security Authorities provide updated information on their educational efforts and programs necessary to ensure compliance with the Act.

Reporting Criminal Actions, Suspicious Incidents and/or Other Emergencies

If a crime, suspicious incident, or security problem is observed, all persons, including students and employees, are encouraged and requested to report the information to University Police Department.

San Jose State University Main Campus - located at One Washington Square, San Jose, CA 95192 or the **South Campus** located at 1125 South Seventh Street, San Jose CA - report non-emergency criminal actions to University Police Department at 408-924-2222. In an emergency situation - one that requires immediate assistance from public safety services - dial 9-1-1. Blue Light direct connect emergency telephones are located throughout the campus. Push the red button to connect directly to a 9-1-1 dispatcher.

Moss Landing Laboratories - located at 8272 Moss Landing road, Moss Landing, CA. 95039 - report non-emergency criminal actions to Monterey County Sheriff's Department at 831-755-3700 located at 1414 Natividad Rd, Salinas, CA 93906. In an emergency situation - dial 9-1-1.

Public property - that is within the Main Campus, or immediately adjacent to and accessible from the campus. Is all public property, including thoroughfares, streets, sidewalks, and parking facilities - report non-emergency criminal actions to the law enforcement agency with jurisdiction. In an emergency situation - dial 9-1-1.

Non-campus buildings or property owned or controlled by San Jose State University - that is any building or property that is used in direct support of, or in relation to, San Jose State University educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area - report non-emergency criminal actions to the law enforcement agency with jurisdiction. In an emergency situation - dial 9-1-1.

Persons Responsible to Receive/Report Criminal Offenses

University employees, who receive information of a crime, are encouraged and requested to immediately report that information to University

Police Department. University employees **must** report suspected criminal activity under the following conditions:

1. Employee, in his/her professional capacity or within the scope of his/her employment, has knowledge of or observes a child (i.e., a person under the age of 18 years) whom the employee knows, or reasonably suspects, to have been the victim of child abuse or neglect. In such a situation, the employee must report the incident to University Police Department.
2. Employee who knows or has reason to know of allegations or acts that involve sexual misconduct, dating and domestic violence, and stalking. Employees exempt from this requirement include physicians, licensed counselors, sexual assault/domestic violence counselors and advocates. In such a situation, the employee must report the incident to the Title IX Officer.
3. Employee receives information of a crime and is designated as a "Campus Security Authority". In such a situation, the employee must report the incident to University Police Department.

Other University Reporting Options

Behavioral Intervention Team

Division of Student Affairs
408 924-6303

Office for Equal Opportunity

Human Resources
408 924-2250

Student Conduct and Ethical Development

Administrative Building
408 924-5985

Title IX Officer

408 924-7290

University Ombudsperson

Administrative Building
408 924-5995

Confidential Reporting

If you are the victim or witness of a crime and do not want to pursue formal action, you may still want to consider contacting the University Police Department and making a confidential report. Call 408 337-2919 or go online to SJSU@tipnow.org or visit our website www.sjsu.edu/police to report your matter confidentially. (NOTE: Certain specified crimes, including those related to domestic violence and child abuse, cannot be guaranteed completely confidential treatment, because state law mandates that the police investigate them and take required action).

The purpose of a confidential report is to comply with your wishes to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information the University Police Department can keep an accurate record of the number of criminal incidents, 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 crime statistics for the University.

Reporting for Health Practitioners

Health practitioners, including the physicians at San Jose State University, must immediately make a report to local law enforcement if in their professional capacity or within the scope of employment, they provide medical services for patients with certain medical conditions such as firearm wounds and injuries caused by assault or abuse.

Reporting for Counselors

Professional Counselors and Clergy (Campus Pastoral Counselors) are not required to report information of a crime to University Police Department, except in limited circumstances under California Law. Professional Counselors and Clergy are encouraged; if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes - on a voluntary basis - to the appropriate law enforcement agency.

Timely Warnings

On occasion, an event or reported crime may trigger a timely warning. Timely warnings, or alerts, are provided to the community whenever a situation presents a serious or continuing threat to students or employees. The intent of a timely warning is to provide information that enables individuals to better protect themselves.

In the event that a situation arises, either on or immediately adjacent to, the **Main Campus**, that, in the judgment of police officials, constitutes an ongoing or continuing threat, a campus wide timely warning will be issued. Police officials will issue the warning through the campus' e-mail system to students, faculty, and physical notices will be posted in each residence hall, at the Student Union, the Police Department, the Martin Luther King Library, and other high visible areas. Depending on the particular circumstances of the crime, police officials may also: (1) broadcast a live audio message to all campus IP telephones; (2) and/or issue a simultaneous telephone, e-mail, text/SMS, and TTY/TDD message via the SJSU Alert emergency messaging system; (3) and/or post a notice on the campus' web site at www.SJSU.edu. Anyone with information regarding an ongoing or continuing threat to the **Main Campus** community should immediately report the circumstances to the University Police Department at 408 924-2222 or in person at the communications center located in the UPD building, 377 S. Seventh Street, immediately adjacent to the South Garage.

In the event that a situation arises, either on, or immediately adjacent to, the Moss Landing Marine Laboratories, that, in the judgment of police officials or the respective Campus Director, constitutes an ongoing or continuing threat, a campus wide timely warning will be issued. The Campus Director will physically post the timely warning notice throughout the campus. Anyone with information regarding an ongoing or continuing threat to the Moss Landing Marine Laboratories should immediately report to the appropriate police agency and the Campus Director.

In the event that a situation arises at a non-campus building or property, that, in the judgment of police or university officials, constitutes an ongoing or continuing threat, a timely warning notice will be issued. The university official responsible for the non-campus building or property will physically post the notice at the site.

Emergency Notifications AlertSJSU- Emergency Mass Notification System

San Jose State University is committed to providing a safe environment for the campus community, which includes students, faculty, staff and guests. To support this goal, SJSU has created a campus emergency mass notification system known as AlertSJSU. The purpose of the system is to quickly disseminate information to the campus community upon confirmation of a significant emergency or a dangerous situation involving an immediate threat to the health and safety of the campus community. SJSU will without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The University Police Department is the main entity responsible for the initial activation of AlertSJSU. At Moss Landing, the Director, Facilities Manager, Administrative Analyst, IT Technician and a Faculty member have access to activate and utilize the system.

The Chief of SJSU Police Department or designee authorizes the use of the AlertSJSU system and approves the content of the message. It is the responsibility of the University Police Operations' Bureau Commander to initiate activation of the system.

AlertSJSU is an "opt out" program for students. All students are automatically enrolled in the AlertSJSU utilizing contact information that was provided by the students on the my.sjsu.edu website. **However, UPD strongly urges you to review your contact information and ensure**

you have a text capable phone number entered. This can be done by logging into “My SJSU” account and clicking on the AlertSJSU tab.

Security of and Access to Campus Facilities, including Campus Residences

The academic and administrative buildings on the **Main Campus** are generally open to the public during normal business hours. Business hours are appropriately posted. After-hours entry is facilitated by means of a centralized access control system managed by Facilities Services and the University Police Department. The grounds and facilities are patrolled by University Police Officers 24 hours a day, 7 days a week. Police Officers work to ensure the grounds and facilities remain secure during non-business hours. Access to the **Main Campus’** residence halls is restricted to residents, their approved guests, and other approved members of the community. Entry to residence hall facilities is controlled by means of a centralized access control system managed by Housing and Residential Education, Facilities Services, and University Police.

The facilities at the **Moss Landing Marine Laboratories** are generally open during posted business hours. Either the Campus Director or a classified staff member is available on-site when the respective campus is open. After-hours entry is facilitated by means of a mechanical key locking system managed by the respective Campus Director. The facilities are patrolled by the respective municipal police agency on a non-fixed schedule.

Security Considerations used in the Maintenance of Campus Facilities

Police officials are responsible for conducting on-going security surveys on the **Main Campus**. The purpose of surveys is to examine and/or test security features such as landscaping, locks, alarms, lighting, and communications. Defective or inadequate findings are reported to Facilities Services for repair or replacement. Additionally during the academic year, the Dean of Students, Executive Director for Housing and Residential Education, Police Chief, University Psychologist and appropriate others meet bi-

weekly to discuss issues relevant to safety and security on campus. Students and others who encounter unsafe conditions, or have other concerns with the campus environment should contact University Police at 408 924-2222

On the **Moss Landing Marine Laboratories location** the respective Campus Director is responsible for conducting on-going, general security surveys of the facilities. The Directors meet with Main Campus police officials on a regular basis to discuss issues relevant to safety and security. Students and others who encounter unsafe conditions, or have other concerns with the campus environment should contact the respective Campus Director.

Law Enforcement Authority

SJSU police officers on the **Main Campus/ South Campus** have full arrest powers. They are certified by the California Commission on Peace Officer Standards and Training as peace officers. They undergo extensive training to develop and maintain their law enforcement skills.

SJSU Police Officers are on duty 24 hours a day, 365 days a year. They are armed with firearms and conduct continuous preventative patrols of the campus. They are authorized to enforce all state laws and regulations.

The **Moss Landing Marine Laboratories location** does not maintain a security department. Local law enforcement officials patrol on or near the campus but San Jose State does not have a written agreement or contract with them for these services.

Students and others at the **Moss Landing Marine Laboratories** are strongly encouraged to report non-emergency criminal actions to the Monterey County Sheriff’s Department (831) 755-3700. Always dial 9-1-1 in the event of an emergency.

The Working Relationship with State and Local Law Enforcement

Police Officers on the Main Campus work closely with the San Jose Police Department.

This law enforcement agency has concurrent jurisdiction on campus and routinely patrols areas immediately adjacent to the campus. The SJSU Police Chief, as a member of the Santa Clara County Police Chiefs Association, meets monthly with the Sheriff and all other Police Chiefs in the County. The San Jose State University campus is under the primary jurisdiction of the California State University Police Department as described in section 89560 of the California Education Code and section 830.2(c) of the California Penal Code. UPD is responsible for processing, investigating and prosecuting all crimes committed on SJSU property and grounds owned, operated, controlled or administered by the California State University. In accordance with the Kristin Smart Campus Security Act of 1998, SJSU Police and the San Jose Police Department have a written agreement (MOU) that designates the following areas as primary responsibility of the San Jose State University Police Department:

- The University Campus (Main)
- The South Campus Athletics Facilities
- The Art Foundation, 1036 South Fifth Street
- The International House, 360 So. 11th Street
- The University recognized sorority and fraternity houses surrounding the university

By this agreement, UPD may call upon the San Jose Police Department to assist in the handling of major crimes, including but not limited to Part 1 violent crimes as defined in the California Education Code Section 67381. The MOU can be viewed at sjsu.edu/police, under policies/forms.

Monitoring of Off–Campus Crime

SJSU requires all University participants in recognized off Campus course and program events to submit signed waivers to the SJSU Academic Affairs Division. These waivers provide UPD with emergency contact information.

Other than the above events recognized by SJSU Academic Affairs Division, UPD does not regularly monitor student activity off-campus.

Public properties immediately adjacent to campus are under the jurisdiction of the San Jose Police Department. The Santa Clara Sheriff's Office has jurisdiction of the Valley Transportation Authority properties, buses and light rail trains. UPD works closely with both agencies to receive information about incidents that may affect the university community and properties. In the event of any reported criminal activity involving a recognized off-campus university event, UPD will make every reasonable effort to obtain reports and information from the responding law enforcement jurisdiction. If no report was made UPD will make an informational report and contact the law enforcement agency in whose primary jurisdiction the event occurred.

Security Awareness Programs for Students and Employees

During their respective orientation sessions students and others are informed of services offered by University Police. Presentations outline ways to maintain personal safety, emergency preparedness and residence hall security. They are told about crime on-campus and in surrounding areas. Crime prevention programs and sexual assault prevention programs are offered on a continual basis. In addition to seminars, information – in the form of newsletters, flyers, posters, articles, and displays - is disseminated to students and employees throughout the academic year. In those situations where there is an identified threat to the campus, timely warning notifications are issued.

Crime Prevention Programs for Students and Employees

Crime prevention programs are sponsored by various campus organizations throughout the year. University Police officials facilitate programs for student, parent, faculty, and new employee orientations, student organizations, community organizations, in addition to regular training for residence hall assistants. University Police offers Rape Aggression Defense (RAD) training each semester. RAD is a comprehensive course that begins with

awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. Certified RAD instructors teach all courses provided.

Additionally, University Police regularly offers training seminars on: (1) Recognizing and Preventing Violence on Campus; (2) Guidance for Surviving an Active Shooter Situation; and (3) Intimate Partner Violence and Stalking, the Impact on the Workplace.

For more information on crime prevention programs offered by University Police please call 408 924-2222 and ask to speak to the Sergeant in Investigations, the department's Outreach Coordinator.

Megan's Law

Effective October 28, 2003, Penal Code Section 290.01 was expanded to require certain convicted sex offenders to register with the University Police Department, in addition to the law enforcement agency that has jurisdiction where the registrant resides or is a transient, if the registrant is:

- **Residing on the university campus**
- **Enrolled as a student of the university**
- **Employed by the university**
- **Working or carrying on a vocation at the university for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year**
- **Volunteering at the university**
- **A transient, who is residing, enrolled, employed, carrying on a vocation, or volunteering at the university**

Registrants who meet one of the above listed criteria are required to register with the University Police Department within **five working days** of commencing their enrollment, employment, residence, or vocation at the university. Registrants are also required to notify the University Police Department with **five working days** of ceasing their enrollment, employment, residence or are no longer carrying on a vocation at the university. Transients who meet the above criteria are also required to register with the University Police Department

every 30 days while maintaining their status at the university.

More information regarding registered sex offenders in California can be found on the Megan's Law website at: <http://www.meganslaw.ca.gov> including maps of registered sex offenders in the area.

Possession, Use and Sale of Alcoholic Beverages and Enforcement of Underage Drinking Laws

The possession, sale or the furnishing of alcohol on the SJSU campuses is governed by University policy and California state Law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control (ABC). However, the enforcement of alcohol laws on the Main Campus is the primary responsibility of the University Police Department. The University is committed to maintaining an environment that is predominantly free of the use of alcoholic beverages and in full compliance with federal and state laws. Students, employees and visitors who violate laws or University policies concerning alcoholic beverages shall be subject to criminal prosecution and/or institutional sanctions. Such sanctions, for students, may include behavioral probation, suspension or termination/expulsion.

Possession, Use and Sale of Illegal Drugs and Enforcement of Federal and State Drug Laws

All of SJSU has been designated as a (illegal) "Drug Free" institution. It is both unlawful and a violation of University policy to possess marijuana or a controlled substance, without a valid prescription, on any of SJSU campuses.

The University does not recognize medical marijuana authorization cards – even within the residence hall environment. Marijuana, under federal Law (Title 21 U.S. Code), is classified as an illegal substance. Students, employees and visitors who violate laws or University policies concerning controlled substances or marijuana shall be subject to criminal prosecution and/or institutional sanctions. Such sanctions, for

students, may include behavioral probation, suspension or termination/expulsion.

Substance Abuse Education

San Jose State University is committed to creating a safe, healthy, and supportive learning environment for our whole community. In this spirit, and to comply with new federal Title IX/Campus SaVE Act mandates, SJSU now expects all **incoming students** to complete certain online course(s).

SJSU has established a substance abuse awareness program (AMOD) Alcohol, Marijuana, and Other Drugs to educate students and others about: (1) SJSU's substance abuse policies; (2) the dangers of drugs and alcohol in an academic environment; (3) student assistance programs; and (4) disciplinary action that may be imposed on students who violate University policy or state and/or federal Law. The program includes dissemination of informational materials, educational programs, counseling services, and referrals.

SJSU requires that first-year students living in on-campus housing participate in *AlcoholEdu®* programming. *AlcoholEDU®* incorporates the latest evidence-based prevention methods to create a highly personalized user experience that inspires students to reflect on and consider changing their drinking behaviors.

Sexual Misconduct Dating and Domestic Violence, and Stalking Policy, Procedures and Programs

The California State University is committed to creating and sustaining an educational and working environment free of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The California State University prohibits discrimination on the basis of sex in its educational institution's programs or activities, including employment, academic, educational, extracurricular and athletic activities.

Title IX of the Education Amendments of 1972, and certain other federal and state laws, protects all people regardless of their gender, sexual orientation, or gender identity or expression from Sex Discrimination, including

Sexual Harassment and Sexual Misconduct, which are forms of Sex Discrimination. The Violence Against Women Reauthorization Act of 2013 under its Campus Sexual Violence Elimination Act provision provides that Dating and Domestic Violence and Stalking must be included.

1. For a complete copy of the University's policies, visit the following links: CSU Executive Order 1095: Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy <http://www.calstate.edu/eo/EO-1095-rev-6-23-15.html>
2. CSU Executive Order 1096: System wide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and System wide Procedure for Addressing Such Complainants by Employees and Third Parties <http://www.calstate.edu/eo/EO-1096-rev-6-23-15.html>
3. CSU Executive Order 1097: System wide Policy Prohibiting Discrimination, Harassment Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and System wide Procedure for Addressing Such Complainants by Students <http://www.calstate.edu/eo/EO-1097-rev-6-23-15.html>
4. CSU Executive Order 1098: Student Conduct Procedures <http://www.calstate.edu/eo/EO-1098-rev-6-23-15.html>

Definitions

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. Men as well as women 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 is a form of Sexual Misconduct and is 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 is a form of Sexual Misconduct and is 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 is a form of Sexual Misconduct, and is 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 the person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is 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. (See complete definition of Affirmative Consent below.)

Acquaintance Rape is 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 on a social networking website. (See above for definition of Rape.)

Affirmative Consent

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative 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 to be 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 (or other sexual acts). 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. Affirmative 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 s/he is asleep, unconscious, or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature, or extent of the sexual activity. A person is incapacitated if s/he lacks 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 the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's 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 never consensual, because a minor is considered incapable of giving legal consent due to age.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that 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, so that the person 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.

It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

Domestic Violence

Domestic Violence is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the respondent has a child; someone with

whom the respondent 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 of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual 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 spouses; (5) the continuity of the relationship; and (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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

Dating Violence

Dating Violence is 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 the 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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

Stalking

Stalking means engaging in repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others' safety or to suffer Substantial Emotional Distress. For purposes of this definition:

1. 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;

2. Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
3. Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

What to Do if You are a Victim of Sexual Misconduct, Dating and Domestic Violence, and Stalking

Call 9-1-1 if you are in the midst of any kind of emergency, immediate harm or threat of harm.

If you have experienced sexual misconduct (e.g., rape, acquaintance rape, or sexual battery), dating or domestic violence, or stalking, you are encouraged to seek immediate assistance from police and healthcare providers for your physical safety, emotional support and medical care.

University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential Sexual Assault Victim's Advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the campus Title IX Officer who can provide you with information on your options, rights and remedies, and/or the Campus Sexual Assault Victim's Advocate. The campus Title IX Officer and/or the Sexual Assault Victim's Advocate is available to assist you in notifying the police, if you wish.

You have the right to decide who and when to tell about what happened. However, it is very important that you get confidential medical attention after being assaulted.

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the university's administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands;

(2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the campus Title IX Officer and/or the Sexual Assault Victim's Advocate for assistance as well.

Who to Contact if you are a Victim of Sexual Misconduct, Dating and Domestic Violence, and Stalking and Reporting Options

San José State University's primary concern is your safety, and the safety of the campus community. There are several reporting options available to you. These reporting options will assist you in receiving necessary protection(s) (e.g., safety and interim measures, no contact orders) and support (e.g., academic and housing accommodations, counseling). You may pursue one or more of these reporting options at any time; reporting options can proceed before, simultaneously with, or after one another.

You have the right to have a friend, partner, family member, Sexual Assault Victim's Advocate, or other representative present with you while reporting the incident as well as through the SJSU and/or criminal process.

The use of alcohol or drugs never makes the victim at fault for sexual misconduct. You should not be deterred from reporting the incident out of a concern that you might be disciplined for related policy or criminal violations. Except in egregious circumstances, victim of sexual misconduct will not be subject to discipline.

Individuals, who report, assist someone in reporting, and/or who have participated in an investigation/proceeding of sexual misconduct are protected from retaliation under University policy.

Criminal: You have the right to report to the University Police Department and/or local law enforcement. You can report at any time; however, with the passage of time, the ability to

gather and preserve evidence to assist with criminal prosecution may become limited.

You have the right to request confidentiality. The University Police Department is not required to report any personally-identifiable information (only demographic information) in most sexual misconduct cases; however, the University Police Department must report all known facts of the incident, including the identity of the respondent (if known), to the Title IX Officer.

University Police (UPD)

SJSU Police Department
UPD Building
377 S. Seventh Street; police@sjsu.edu
(408) 924-2222
www.sjsu.edu/police

Local Police

San Jose Police Department
201 W. Mission St. 95110
(408) 277-8990

University Process (Administrative): You have the right to report any sexual misconduct incident to the campus Title IX Officer. They will inform you of your rights and options, review the complaint procedures for investigating and addressing the incident, and provide you with campus and local resources for support.

The campus Title IX Officer will also discuss with you any reasonable interim remedies the University may offer prior to conclusion of an investigation or potential disciplinary action to reduce or eliminate negative impact on you and provide you with available assistance. Examples include: Adjustment to University work assignments, course schedules or supervisory reporting relationship; requiring the accused to move from University-owned or affiliated housing; immediately prohibiting the accused from coming to the University; or prohibiting the accused from contacting you. These options may be available to you whether or not you choose to report the sexual misconduct to campus police or law enforcement. The Title IX Officer remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter.

The campus Title IX Officer receives all requests for confidentiality involving cases of sexual misconduct and determines if the request can be honored under the facts and circumstances of the particular case. The Title IX Officer shall endeavor to honor any request for confidentiality; however, they will also weigh requests for confidentiality against the University's duty to provide a safe and nondiscriminatory environment for all members of the campus community.

Title IX Officer

Kathleen Wong (Lau)
(408) 924-1000
notalone.sjsu.edu
Kathleen.wonglau@sjsu.edu

Office for Equal Opportunity

Julie Paisant, Director and Deputy Title IX Coordinator
Human Resources, UPD Building 3rd floor
julie.paisant@sjsu.edu
(408) 924-2250

Student Conduct and Ethical Development

Director and Deputy Title IX Coordinator
Administration Building; Room 218
(408) 924-5985

Health/Counseling/Clergy: You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

Civil Lawsuit: You may choose to file a civil lawsuit against the respondent, whether or not criminal charges have been filed. A civil lawsuit provides you the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress.

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct, dating

or domestic violence, or stalking. Your campus Title IX Officer and/or Sexual Assault Victim's Advocate can offer assistance with obtaining a protective or restraining order.

Non-reporting: You are strongly encouraged to report any incidents to the police and/or campus Title IX Officer so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

Sexual Violence Complaint and Disciplinary Procedures

The University has formal written procedures that provide for a campus investigation of reports of sexual misconduct, dating and domestic violence, and stalking, written findings sent to the victim/complainant and the respondent, and a review of the campus investigative findings by the CSU Chancellor's Office. The procedure for CSU employees and third parties is separate from, but similar to the procedure for CSU students. Your campus Title IX Officer can explain these procedures in detail. The pertinent policies and procedures are set forth in CSU Executive Order 1096 and CSU Executive Order 1097, available at <http://calstate.edu/eo/EO-1096-rev-6-23-15.html> and <http://calstate.edu/eo/EO-1097-rev-6-23-15.html>. The procedures relating to student discipline are set forth in CSU Executive Order 1098, available at <http://calstate.edu/eo/EO-1098-rev-6-23-15.html>.

Regardless of whether an employee, a student or a third party ultimately files a complaint under the applicable complaint procedure, if a campus knows or has reason to know about possible Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking, it must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial. The campus must then take appropriate steps to eliminate the Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

At the conclusion of the University's complaint procedure, any employee or student found to have violated University policy will be subject to discipline. Discipline for employees would be administered consistent with applicable collective bargaining agreements and MPP/confidential personnel plans, up to and including dismissal from employment. Discipline for students would be administered pursuant to CSU Executive Order 1098, up to and including expulsion. As the victim, you are not required to participate in any University disciplinary procedure and may choose not to be a part of it.

Disciplinary procedures for sexual misconduct, dating and domestic violence, and stalking will provide for a prompt, fair, and impartial investigation and resolution, and are conducted by officials who receive annual training on issues related to sexual misconduct, dating and domestic violence and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The standard of proof that will be used during any University (administrative) conduct proceeding arising from such a complaint shall be the preponderance of the evidence, meaning the greater weight of the evidence; i.e. that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

The victim/complainant and the respondent are entitled to the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.

Both the victim/complainant and the respondent will be simultaneously informed in writing of (1) the outcome of any disciplinary proceedings (2) the University's procedures available to appeal the results of the disciplinary proceeding, (3) any change to the disciplinary results that occurs prior to the time such results become final; and (4) when disciplinary results become final. This information is given only to the student charged and complainant-victim, and includes the name of the student charged, any violation found to have been committed, and any sanctions imposed on the student charged. The University may also notify any other alleged victim of the

final results regardless of whether or not the charged are sustained. Compliance with this paragraph does not constitute a violation of the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means only the University's final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.

Confidentiality in Sexual Misconduct, Dating and Domestic Violence, and Stalking Incidents

We encourage victims of sexual misconduct, dating or domestic violence, or stalking to talk to someone about what happened - so you can get the support you need, and so the University can respond appropriately. Whether - and the extent to which - a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Officer) depends on the employee's position and responsibilities at the University. This information is intended to make you aware of the various reporting and confidential disclosure options available to you - so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups.

Physicians, psychotherapists, professional, licensed counselors, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Officer, without your consent. However, health care practitioners must report to local law enforcement agencies if he or she provides medical services for a physical condition to a patient/victim who he or she knows or reasonably suspects 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 where the injury is the result of assaultive or abusive conduct (including sexual misconduct and dating and domestic violence). Health care practitioners should explain these limited exceptions to you, if applicable.

Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers (including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision) may talk to you without revealing any information about you or the incident of sexual misconduct to anyone else at the University, including the Title IX Officer, without your consent.

Additionally, under California law, all professionals described above (physicians, psychotherapists, professional counselors, 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 you, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to (1) 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) 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 you.

If you speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate, you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the respondent, if you choose to maintain confidentiality.

University and Local Police are required to notify you that your name will become a matter of public record unless confidentiality is requested. If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University,

including the Title IX Officer. University Police will, however, report the facts of the incident itself to the Title IX Officer being sure not to reveal to the Title IX Officer your name/identity, or compromise their own criminal investigation.

The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, your name/identity will not be revealed.

Title IX Officer and Other University Employees have a duty to report incidents of sexual misconduct, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Officer or another University employee about an incident, you have the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report Sexual Violence directly to the Title IX Coordinator.

As detailed previously, all University employees except physicians, licensed counselors, and sexual assault counselors and advocates, must report to the Title IX Officer all relevant details about incidents of which they become aware. The University will need to determine what happened - and will need to know the names of the victim(s) and the respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Officer or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in the incident except as otherwise required by law or University policy.

If you request of the Title IX Officer or another University employee that your identity remain completely confidential, the Title IX Officer will explain that the University cannot always honor that request and guarantee complete confidentiality. If you wish to remain confidential

or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including you

The Title IX Officer will inform you prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response. The Title IX Officer will remain mindful of your well-being, and will take ongoing steps to protect you from retaliation or harm, and work with you to create a safety plan. Retaliation against you, whether by students, or employees, will not be tolerated. The University and Title IX Officer will also: (1) Provide interim remedies requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct, dating or domestic violence, or stalking to campus or local police; (2) Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus; (3) Provide other security and support, which could include issuing a no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules (including for the perpetrator pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and (4) Inform you of your right to report a crime to University or local police – and provide you with assistance if you wish to do so.

The University will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate. The University will not generally notify parents or legal guardians of your report unless you are under the age of 18 or you provide the University with written permission to do so.

Because the University is under a continuing legal obligation to address the issue of sexual misconduct, dating and domestic violence, and stalking campus-wide, any such reports (including non-identifying reports) may also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident

occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revision of policies and practices.

Campus Resources for Victims of Sexual Misconduct, Dating and Domestic Violence, and Stalking

Student Health Center

Phone: (408) 924-6122
After hour nurse advice line: (866) 935-6347
Location: Student Wellness Center, 1st Floor
Web link: www.sjsu.edu/studenthealth

Counseling and Psychological Services

Phone: (408) 924-5910
Location: Student Wellness Center, 3rd Floor
Web link: www.sjsu.edu/counseling

SJSU/YWCA Sexual Assault Victim Advocate

Phone: (408) 924-7300

Gender Equity Center

Phone: (408) 924-6158
Location: Student Union
Web link: www.sjsu.edu/genec/

PRIDE Center

Phone: (408) 924-6158
Location: Student Union
Web link: www.sjsu.edu/pride/

Wellness and Health Promotion

Violence Prevention & Sexual Wellness
Phone: (408) 924-6118
Location: Student Wellness Center, 1st Floor
Web link: www.sjsu.edu/wellness/

Off Campus Resources for Victims of Sexual Misconduct, Dating and Domestic Violence, and Stalking

YWCA Rape Crisis 24/7 Hotline

Phone: (408) 287-3000 (650) 493-7273
Location: 375 S. Third Street; 95112
Web link: www.ywca-sv.org/programs/rape_crisis_center.php

Next Door (Solutions to Domestic Violence) 24 Hour Hotline

Phone: (408) 279-2962
Location: 234 E. Gish Road, Suite 200; 95112

Web link: www.nextdoor.org/
Santa Clara Valley Medical Center
Phone: (408) 885-6950
Location: 751 South Bascom Avenue; 95128
Web link: www.scvmc.org

O'Connor Hospital

Phone: (408) 947-3999
Urgent Care: (408) 298-8770
Location: 2105 Forest Avenue; 95128
Web link: www.oconnor.dochs.org/

Regional Medical Center

225 N. Jackson Avenue; 95116
Phone: (408) 259-5000

Santa Clara County Injury and Violence Prevention Unit

Phone: (408) 793-2783
Web link:
<http://www.sccgov.org/sites/sccphd/enus/Residents/injuryandviolenceprevention/Pages/home.aspx>

Additional Resources

U.S. Department of Education, Office for Civil Rights
Phone: (800) 421-3481 or ocr@ed.gov
If you wish to fill out a complaint form online with the OCR, you may do so at:
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

The White House Task Force to Protect Students from Sexual Assault
Web link: www.notalone.gov/

National Sexual Assault Hotline
Phone: (800) 656-4673

National Domestic Violence Hotline
Phone: (800) 799-7233

Know Your Rights about Title IX
Web link:
www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html

California Coalition Against Sexual Assault
Phone: (916) 446-2520
Location: 1215 K. Street, Suite 1850; Sacramento 95814
Web link: <http://calcasa.org/>

Training, Education, and Preventative Measures

San Jose State University has implemented preventive education programs to promote the awareness of CSU policies against Sexual Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and made victim resources available. Information regarding these programs is included in (1) orientation programs for all new students and employees; (2) training for students who serve as resident assistants in student housing; and (3) training for student athletes and coaches. Ongoing prevention and awareness campaigns for all students and employees are also conducted. These programs include the following information: (1) a statement that the University prohibits Sexual Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; (2) what constitutes Sexual Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; (3) the definition of Affirmative Consent; (4) a statement that Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking violate University policy and may also violate criminal law; (5) common facts and myths about the causes of Sexual Misconduct; (6) safe and positive options for bystander intervention that may be taken by an individual to prevent harm or intervene in risky situations involving these offenses; (7) methods of encouraging peer support for victims; (8) how to recognize warning signs of abusive behavior and how to avoid potential attacks; and (9) information regarding University and criminal policies and procedures, available resources and consequences of committing acts of Sexual Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.

The following preventative education programs, as described above, are currently being presented to the University community:

1. Haven – Understanding Sexual Assault™ is a web-based course developed by EverFi™ that addresses the critical issues of sexual misconduct, relationship violence, and stalking,

which impact countless college students across the country. Haven provides incoming students with important information, including key definitions, bystander strategies, and resources that will help to foster a safer and healthier place to live, learn, and work.

2. New Employee Orientation is a comprehensive orientation program delivered to all new employees of the University. This program is presented in September and January of each year;
3. RA Training is a comprehensive, week-long training program delivered to all resident assistants employed in Housing and Residential Education. This program is presented each year just prior to the start of the fall semester;
4. Rape Aggression Defense (RAD) is a program of realistic, self-defense tactics and techniques. The RAD system is a comprehensive course for women, which begins with awareness, prevention, risk reduction and avoidance, and progresses on to the basics of hands-on defense training. At a minimum, this program is presented during the fall and spring semester each year;
5. The Sexual Assault Awareness Month campaign is presented during the spring semester of each year by the Wellness and Health Center and includes nationally-recognized sexual violence prevention programs;
6. Empowered Bystander, See Something Say Something training;
7. Healthy Relationship training;
8. Take Back the Night, raises awareness about the issue of sexual violence, empowers survivors and lets it be known that violence of any kind will not be tolerated in our community.

Emergency Response, Notification and Evacuation Procedures

University Police officials are responsible for managing SJSU's all-hazards Emergency Operations Plan (EOP). The EOP includes information about emergency response, notification and evacuation/shelter-in-place protocols. Individual campus departments are

responsible for contingency plans and continuity of operations plans for their staff and areas of responsibility. The EOP can be viewed at: <http://www.sjsu.edu/police/prepare/evacuation/index.html>. SJSU conducts a number of emergency response exercises each year, to include tests of the emergency notification system. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. Students and others should notify UPD of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of persons on campus. UPD officials have received training in Incident Command and it is their responsibility to respond to, mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. Depending on the nature of the incident, other SJSU departments and other local, state or federal agencies could also be involved in responding to the incident.

In addition, the UPD has a responsibility to determine if incidents do in fact, pose an immediate threat to the community. If so, federal Law requires that SJSU immediately notify the campus community or the appropriate segments of the community that may be affected by the situation. In the event an immediate notification is required UPD officials – without delay - will determine the content and extent of the notification and utilize some or all of the following methods of communication to broadcast the notification: (1) e-mail; (2) SJSU Alert; (3) SJSU web site; (4) signage; (5) IP telephone; and (6) radio and/or other media.

SJSU will post updates during a critical incident on the SJSU Web site at www.SJSU.edu.

Testing Emergency Response and Evacuation Procedures

An evacuation drill is coordinated by UPD each year for buildings on the **Main Campus**. Students and others are made aware of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each building for a short –term building evacuation. UPD does not

tell students or others in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In all cases, UPD and Building Evacuation Team members will communicate information to students and others regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At SJSU, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the university an opportunity to test the operation of fire alarm system components.

Evacuation drills are monitored by SJSU officials to evaluate egress and behavioral patterns. Reports are prepared by participating departments which identify deficient equipment so that repairs can be made immediately. Recommendations for improvements are also submitted to the appropriate departments for consideration.

Residential students receive information about evacuation and shelter-in-place procedures during their housing orientation and during other educational sessions that they can participate in throughout the year. The Housing and Residential Education staff members are trained in these procedures as well, and act as an on-going resource for the residential students.

UPD conducts several announced and unannounced drills and exercises each year and conducts follow-through activities designed for assessment and evaluation of emergency plans and capabilities. UPD publishes a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

Shelter in Place Procedures

If an incident occurs and the areas outside a building become unsafe it is usually safer to stay indoors, because leaving the area may expose the student and others to danger. Thus, to “shelter-in-place” means to make a shelter of the building that a student or other is occupying, until it is safe to go outside. A shelter-in-place notification may come from several sources, including the UPD, Housing staff or others. If a shelter order is given: (1) stay inside; (2) locate an interior room without windows or minimum windows; (3) shut/lock all doors and windows if possible; (4) turn off air/heat; (5) close vents; (6) make a list of sheltered persons; (7) call UPD and alert them to your location.

Missing Student Procedures and Notification

If a member of the SJSU community has reason to believe that a student who resides in on-campus housing is missing, s/he should immediately notify the UPD at 408 924-2222. UPD officers will immediately initiate a missing person investigation and document all their findings.

Students residing in on-campus housing have the option to register one or more individuals to be a contact strictly for missing person’s purposes. The contact can be anyone. Students have this option even if they have already identified a general emergency contact. This contact information is registered confidentially and is accessible only to authorized campus officials. It will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. In the event the student is determined missing a campus official shall notify the students missing persons contact(s) within 24 hours of the determination. If the student is under 18 years of age and not emancipated, a campus official will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

Fire Safety Disclosures

Fire safety regulations, for the purposes of this report, focus exclusively on on-campus student housing facilities. SJSU is required to: (1) maintain a log of all reported fires that occur in on-campus student housing facilities; (2) publish an annual fire safety report that contains fire safety policies and fire statistics for each of those facilities; and (3) submit fire statistics to the federal Department of Education.

Fire Safety Systems

Fire Safety Systems in the three on-campus student housing facilities - Bricks, Joe West and the Campus Village A-C – include: (1) fire alarm monitoring; (2) sprinkler systems; (3) smoke/heat detectors; (4) fire alarm pull stations (5) fire extinguishers; (6) evacuation plans displayed; (7) fire/evacuation drill each calendar year.

Fire Drills

One fire drill – defined as a supervised practice of a mandatory evacuation of a building for a fire – was conducted in each housing facility during the 2015 calendar year.

Fire Safety

1. Combustible Material Storage: The storage of combustible materials (gasoline, paint thinner, wax etc.) within the residential facility, including resident rooms/apartments, is not permitted.
2. Fire Alarm/Drill: All residents and guests must evacuate a residential facility immediately when the fire alarm sounds. Those who do not evacuate are in violation of University policy and State fire code and may receive a citation from UPD or the San José Fire Department and/or a referral to the UHS judicial system.
3. Fire Safety Equipment: Residents are responsible for familiarizing themselves with the evacuation instructions located on the inside of their room/suite/apartment door. If the instructions are missing or illegible, the Residential Life Coordinator should be contacted immediately to have a new one installed. Residents are required to initial that they have

been shown the evacuation instructions on the Room/Apartment Inventory Form at check-in. The following misuses of fire safety equipment are considered violations of policy: pulling fire alarms or fire alarm covers when no fire exists, blocking or propping fire doors, blocking fire stairs, tampering with smoke detectors, misuse or tampering with the Evacu-Trac Chair, tampering with alarm horns or bells, misuse or tampering with sprinkler system heads (including, but not limited to, hanging items from sprinkler heads), tampering with fire exit signs, and tampering or improper use of fire extinguishers or fire hoses. Note that each residence hall room contains a smoke detector and each apartment/suite contains a smoke detector and fire extinguisher for residents' safety. Contact the Residential Life Coordinator for additional information about fire safety or if any of your unit's fire safety equipment appears to be malfunctioning.

4. Open Flame: No open flames are permitted in the residence halls or within housing property outside of designated areas without official UHS approval. This includes, but is not limited to candles, incense, smoking, and the burning of any materials or other flame-emitted articles. Prior written approval must be obtained from the Residential Life Coordinator if this policy is incongruent with religious, cultural, or spiritual beliefs.

5. Portable Heaters: The utilization of portable heaters in the residence halls is not permitted, with the exception of areas that do not have permanent heating units.

6. Halogen Lamps: Halogen lamps/lighting, are not permitted.

7. Doors: All unit doors are to be kept closed at all times due to the integrity of the rated corridors. At no time are the doors to be propped open or left ajar.

If You Smell or See Fire:

- Leave the area as quickly and safely as possible.
- Close doors behind you as you exit.
- Before opening any door, use the back of your hand to see if it is hot. If the door is hot, do not open it! Stuff towels or clothing beneath the door to block smoke from entering.

- If unable to open door or if the exit is blocked, open a window and signal to emergency responders. Shout at regular intervals to alert emergency personnel to your location.
- Use the stairs to evacuate. Never use the elevator in the event of a fire.
- Ask persons with disabilities if they require assistance. Provide reasonable assistance if able to do so safely. Evacu-Trac chairs are available to assist in evacuating disabled persons.
- Notify emergency responders of the location of persons who are unable to evacuate due to disability, injury or other reasons.
- Do not reenter the building until notified by police or fire and university officials that it is safe.
- When out of danger, activate the nearest fire alarm; use a blue light phone to call UPD.
- Call UPD directly at 408-924-2222 or dial 9-1-1 on a campus phone. Note: When dialing 9-1-1 on a cell phone, the call is routed to the San José Police Department. They will refer the call to the University Police. When using a cell phone, the quickest way to secure help is to dial University Police directly.

Policies or Rules on Portable Electric Appliances, Smoking and Open Flames

UHS facilities have limits on their electrical systems. Overloading the circuits can result in tripped circuit breakers and present a fire hazard. The following guidelines apply to the use of electrical apparatus:

1. Items with exposed heating elements are prohibited. This includes, but is not limited to, space heaters, sun lamps, immersion heaters, and hot plates. Microwaves are allowed, but the wattage must not exceed 900 watts.
2. Refrigerators for private bedrooms are permitted, they should not exceed- 4.4 total cubic feet.
3. Appliances such as stereos, radios, desk lamps, computers, TVs, VCRs, DVD players, sealed component coffee makers, hair dryers, other electrical hair implements, answering

machines, and electric blankets are permitted. In the apartments, cooking appliances such as crock pots, toasters, toaster ovens, rice steamers, electric grills, and electric frying pans are permitted. These appliances must not overload the system. These appliances must be directly attached to grounded outlets.

4. Privately owned air conditioners are not permitted. Window fans are discouraged and should never be used unless a resident is present.

5. Surge suppressor-equipped, UL approved power cords are highly recommended for computer systems and other valuable electrical equipment. Such cords have their own circuit breaker. Do not rely on the integrity of the electrical system of the building to protect your computer equipment.

6. Surge protectors also allow more flexibility for extensions. Extension cords or stringing surge protectors together in a series are prohibited.

7. International appliances should use electrical converters.

8. Irons must be used with ironing boards only and should never be left unattended.

9. Cooking is limited to the general kitchen or kitchenette area and is not permitted in the bedroom.

10. Multiple outlet plugs that insert into an outlet are not permitted.

11. The placement of any material in or around the provided lighting is prohibited. The removal of lights, alteration of the fixtures and the replacement of institutional light bulbs with colored light bulbs are also against UHS policy.

12. Stereo equipment and speakers are expected to be of a size and power that are appropriate for high-density community living. Any damage caused by personal electrical equipment or misuse of the electrical system is the financial responsibility of the resident, including damage of any kind (fire, water, etc.) to the facility and/or other residents' personal belongings. Violations of these guidelines may result in immediate license revocation.

Student Housing Evacuation Procedures

1. Determine need to evacuate based on immediate danger and/or orders to evacuate from authorities (UHS/UPD/SJFD, etc.).
2. Announce evacuation through word of mouth by pounding on doors as the area is vacated and pulling the fire alarm if there is, in fact, a fire or requested to do so by University Police.
3. Proceed with evacuation by moving residents out via stairwells and instructing them not to use the elevators. Instruct groups to meet in specific evacuation areas, visually sweep the building's common areas and move residents to a clear area 500 feet or more from the danger area. Use roster to take attendance of building residents as thoroughly as possible.
4. Enter rooms of residents who require special assistance (blind, deaf, in wheelchair, on crutches, injured, ill, etc.) using the master key.
5. Make sure all residents and staff are out of the danger area and if safe or approved to do so, conduct a building search. Immediately report to the authorities any missing individuals who are suspected to still be in the danger area.
6. If temporary shelter is needed, use another hall or building (Dining Commons, Event Center, etc.). During bad weather, use cars and parking garage.
7. Assist emergency authorities with crowd control and inform residents not to return to evacuated areas until further instructed by emergency personnel. Additionally, apply first aid and comfort the injured and distraught.

If Trapped in a Building

- If near a window, place an article of clothing (shirt, coat, etc.) outside the window as a marker for emergency personnel.
- If there is no window, stay near the floor, where the air is more breathable. Shout at regular intervals to alert emergency personnel.

Don't

- Residents should not re-enter any danger area - unless instructed and/or told as safe by authorities.
- Residents should not attempt to use elevator to evacuate danger area.

- Do not pull fire alarms if a gaseous substance is present. The alarm bell could spark and ignite gases.

Fire Safety Education and Training Programs

Mandatory Community Meetings

All Resident Advisor staff members present and discuss fire safety and evacuation procedures with all residents during their meetings in August and January.

Building Fire Drills

In September, each building conducts a fire drill within the first two weeks of classes. Residents practice evacuating the building safely and report to their designated building evacuation location and check in with UHS staff members. San José Fire Department is invited to talk with residents after the evacuation to educate students about the dangers of fire and false alarms.

Increased Awareness and Patrol

UHS Staff are on alert for any suspicious activity and/or talk.

UPD Safety Alert notifications are posted in all buildings.

Residents are encouraged to use TipNow to report information.

Programming Efforts

- Resident Advisor programs on fire safety (kitchen safety, evacuation, etc.) occur regularly.
- Bulletin Boards regarding fire safety and the dangers of fire and arson are posted.
- Neighborhood Watch meetings with UPD and UHS residents.
Neighborhood Watch flyers are posted up in all residence halls.
- Fire Safety programs are presented in all residential areas in collaboration with UPD during Welcome Week and throughout the year.

Individuals Should Report Any Fire(s) To:

- Residential Life Staff, University Housing Services, and
- University Police Department

Plans for Future Improvements in Fire Safety:

No plans at this time.

Earthquake Safety Procedures:

Earthquakes strike without warning and a major quake is usually followed by numerous “after shocks,” which may last for weeks or months. An earthquake’s effect on buildings will vary from building to building. Fire alarm or sprinkler systems may be activated by the shaking. Elevators and stairways may be damaged. The major threat of injury during an earthquake is from falling objects and debris, and many injuries are sustained while entering or leaving buildings. Therefore, during the earthquake, it is important to remain inside the building.

Safety Procedures

- **Duck**, drop to knees.
- **Cover**, clasp both hands behind neck, bury face in arms, make body as small as possible, close eyes, and cover ears with forearms.
- Get under a sturdy desk or table, or in an interior corner. Face away from glass.
- Avoid windows, bookcases, heavy objects, and other falling hazards.
- **Hold** position until the shaking stops.
- If you use a wheelchair or have other mobility impairments and are unable to duck, cover and hold, if possible, lock the wheels of the wheelchair, protect your head and neck with your arms, close your eyes and bend over to protect yourself.
- Evaluate surroundings prior to determining whether to evacuate.
- Evacuate immediately if directed by Emergency Responders or Building Emergency Team members or there is a fire, gas leak or other life threatening condition.
- Ask disabled persons if they require assistance and provide assistance if able to do so safely. Report any missing students, disabled persons requiring assistance or persons who are unable

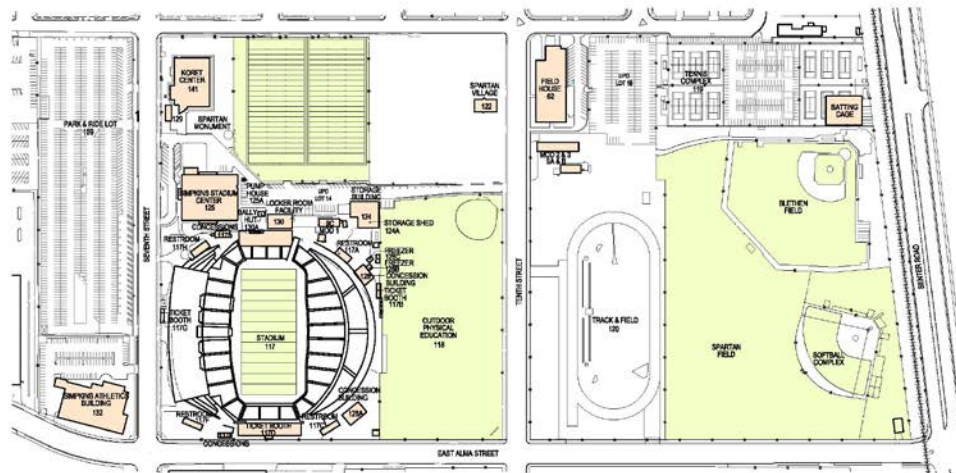
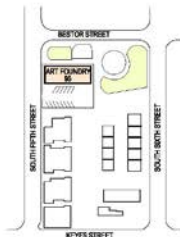
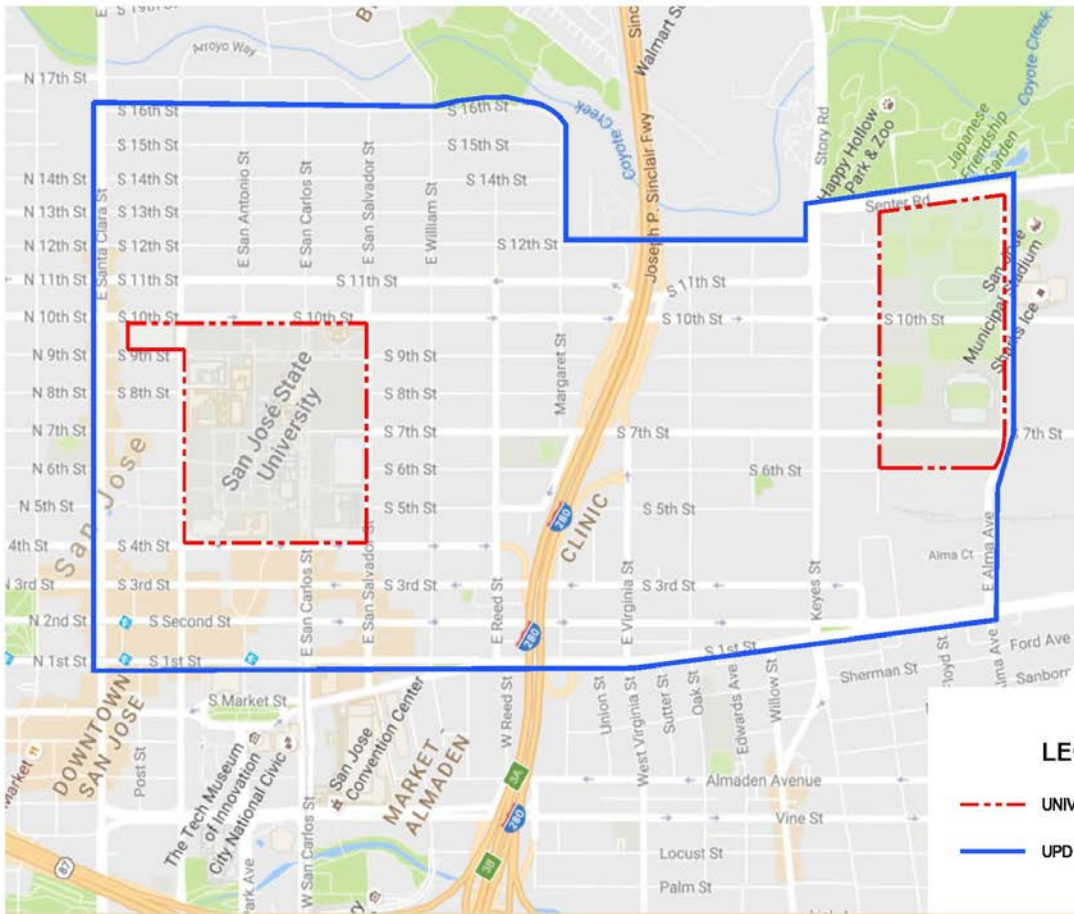
to evacuate to Emergency Responders and Building Emergency Team members.

- Stay alert for aftershocks.
- Do not light any fires.
- Stay alert for aftershocks.
- Do not light any fires.
- Do not return to building unless authorized by Police, Fire and Administration officials.

Fire Safety Act

The 2016 Fire Safety Report is available at the following link:

http://www.sjsu.edu/police/docs/asr/2016_Annual_Fire_Safety_Report.pdf



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