

SAINT MARY'S COLLEGE

ANNUAL SECURITY & FIRE SAFETY REPORT



20
23



***Information for the 2022 Calendar Year
Includes Crime and Fire Statistics for 2020, 2021, and 2022***

***Department of Public Safety Questions and
inquiries should be directed to the Executive
Director of Public Safety and Transportation
(925) 631-4052***

***Emergency: Dial 911 or (925) 631-4282 (24
hours) October 1, 2023***

A COMMUNITY COMMITMENT TO SAFETY

Saint Mary's College of California ("SMC") values the safety and well-being of our students, staff, and faculty, and visitors. The College community can only remain safe and secure through the cooperation of community members. By working together, we all can continue to make SMC a safe and welcoming university

To comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Department of Public Safety prepares the Annual Security & Fire Safety Report, and works with several college offices and public agencies - such as Public Safety Services, the Office of Student Life, and Title IX, and local law enforcement to gather the information herein. The purpose of this report is to provide vital safety information, such as crime statistics and fire and safety data, to the campus community and to inform current students and employees, prospective students and their families, and prospective employees of the many ways in which the College strives to keep this community safe.

This report is provided on an annual basis by October 1 each year. The Annual Security & Fire Safety Report for SMC's Campus is maintained on the Public Safety webpage. A hard copy of the report can be requested by contacting Public Safety at (925) 631-4242 or psafe@stmarys-ca.edu.

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INTRODUCTION

In compliance with Public Law 101-542, The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the following information is made available to all students, staff and interested persons. The list of “Clery-reportable crimes” is in the tables at the end of this report. Campus maps are also attached at the end of this report.

DEPARTMENT OF PUBLIC SAFETY MISSION STATEMENT -

The Mission of The Department of Public Safety and Transportation at Saint Mary’s College of California is to enhance the quality of safety and security of our college community, which includes students, staff, faculty, and visitors. The Department of Public Safety and Transportation accomplishes this mission in partnership with the community. The members of our department are a reflection of the diversity of the people we serve. The Department is committed to providing professional services with respect, dignity, compassion, courtesy, and integrity, recognizing the rights and differences of all members of our community. We are committed to the professional and personal development of all Department members. We expect all Department members to model excellence and leadership. We are part of the educational process at Saint Mary’s College, helping guide and lead students to achieve their goals. We strive to earn the college community’s trust, confidence, and respect.

DEPARTMENT OF PUBLIC SAFETY SERVICES-

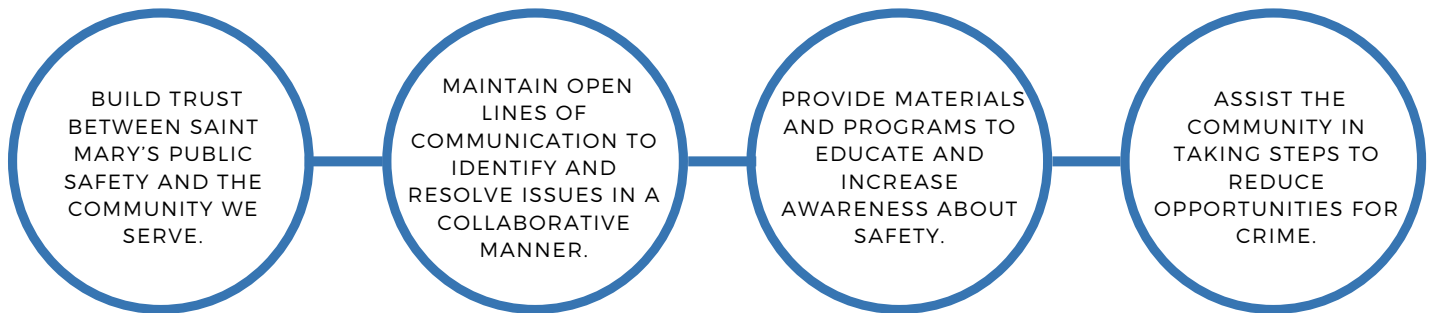
Saint Mary’s College of California (SMC) provides reasonable safety and security 24 hours-a day. Anyone may report crimes or emergencies by dialing 911 directly, or calling 925-631-4282 (ext. 4282) on campus, or using one of the many on-campus emergency (“Blue Light”) telephones around the College and in the parking lots, or by reporting in person to the Public Safety personnel at the Front Gate.

Dispatchers are available at 911 or ext. 4282, 24 hours-a-day. In response to a call, the Department of Public Safety will take the required action, dispatching an officer or asking the reporting party to report to the Department of Public Safety to file an incident report. All offense reports involving students are forwarded to the Director of Community Life for review and potential action. If assistance is required or requested from the Town of Moraga Police Department or the Moraga-Orinda Fire Department, the Department of Public Safety will contact the appropriate unit. If a sexual assault or rape should occur, Campus staff on the scene, including Department of Public Safety staff, or Student Life staff will offer the victim a wide variety of services.



PROGRAMS AND OUTREACH-

Contact Public Safety at 925-631-4282 or psafe@stmarys-ca.edu to request appointment or additional information about our programs. These outreach programs strive to:



In 2020, the college campus was under mandatory pandemic restrictions for much of the year. Members of Public Safety provided as many safety and security education events as possible given the limitations of pandemic restrictions, as detailed in the following descriptions. Department services offered to our community include:

Meet with Public Safety - Chat informally with Public Safety to learn more about how Public safety serves the community.

Ride-Along - Patrol with a Public Safety Officer, by appointment. [Suspended during pandemic restrictions]

Emergency Preparation – In the event of earthquakes, wildfires and other emergencies, Public Safety provides recommendations and presentations on preparing a “bug-out-bag,” communication tools and food and water options during an emergency. In 2020, Public Safety referred campus members to its website for a full range of Emergency Preparedness and safety presentations to help stay prepared.

Active Threat Preparedness – Run – Hide – Fight The Department of Public Safety practices and trains in the theory of run, hide, fight. This is the same practice local law enforcement and federal agencies practice. If you are faced with a threat, such as an active shooter, whether you are at work, home, or a public space, you should know your options and have a plan. Learn useful tips and get practical training from Public Safety that can help you and others around you stay safe. In 2020, campus members were referred to the Public Safety website for information on run, hide and fight.

Custom Program Presentation or Talk - It is possible to schedule a presentation or talk designed to address the unique needs and concerns of an individual group or department. In past years, Public Safety provided presentations on restraining orders and stalking. In all programs, students and employees are encouraged to share in the responsibility for their safety and security as well as the safety and security of others. In 2020, campus members were referred to the Public Safety website for this information

CAMPUS LAW ENFORCEMENT POLICY

PUBLIC SAFETY AUTHORITY

The College Public Safety Officers are not sworn officers. The College officers have the authority to investigate incidents and make arrests under California Penal Code 837 and enforce College policies. The College has the authority to stop and detain persons on campus for investigation and questioning concerning illegal/suspicious activities occurring on our campus and to contact Moraga Police for follow-up. All Public Safety Officers are required to maintain current California Guard Cards issued by the California Bureau of Security & Investigative Services. <http://www.bsis.ca.gov/>. The patrol jurisdiction of public safety officers is limited to any buildings or properties owned and controlled by Saint Mary's College.

There is no formal Memorandum of Understanding between Moraga Police and SMC Public Safety regarding any topics, including investigation of criminal incidents, as Moraga Police already has law enforcement jurisdiction on campus. Letters of cooperation have been exchanged pledging mutual assistance and clarifying the law enforcement duties. Each week, Moraga Police provides to the Department of Public Safety a list of all reported crimes for the previous week, which Public Safety then evaluates for response to off-campus conduct by students.

MONITORING AND DOCUMENTING STUDENT NON-CAMPUS CRIMINAL ACTIVITY-

Saint Mary's College maintains a cooperative relationship with local and surrounding police agencies. The Moraga Police Department is typically the proper law enforcement agency for any non-campus crime and safety concerns surrounding the Campus. Public Safety does not have law enforcement authority off-campus. The College does not operate off-campus student housing or student facilities.

The Moraga Police Department will provide releasable information to Saint Mary's Office of Student Life regarding students who have been issued citations or arrested. The Office of Student Life addresses any potential violations of the Student Conduct Code through the College Judicial System. The Moraga Police Department and Public Safety routinely communicate about serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding the Campus. Additionally, the Moraga Police Department and Public Safety communicate when necessary, regarding serious incidents occurring in Moraga.

CAMPUS PUBLIC SAFETY

EMERGENCIES

(925) 631-4282

PSAFE@STMARYS-CA.EDU

REPORTING CRIMES & OTHER EMERGENCIES-

Community members, students, faculty, staff, and guests are encouraged to report all crimes, emergencies, and public safety-related incidents accurately and promptly to the Department of Public Safety. Reporting incidents to the Department of Public Safety will aid in providing timely warning notices to the community, when appropriate and will ensure inclusion of the reported incident in the annual disclosure of crime statistics for the institution. To report a crime or an emergency on the Saint Mary's campus, call Public Safety at 925-631-4282 or through an emergency blue phones located throughout campus, LiveSafe app, or dial 911 for the Moraga Police Department. The Public Safety email is psafe@stmarys-ca.edu.

When a crime or an emergency is reported to Public Safety, the department assesses the situation for an appropriate response. That response may vary from taking an informational report to notifying the Moraga Police or Moraga-Orinda Fire, as well as notifying member(s) of the campus' Incident Management Team. That response is then documented by Public Safety.

VOLUNTARY CONFIDENTIAL REPORTING-

While the College does not have an established policy or specific procedure for anonymous reporting of crimes or College policy violations, the Department of Public Safety does respond, to the extent possible, to the anonymous reporting of alleged incidents. If someone does not want to pursue action within the College Disciplinary System or the criminal justice system, they should still consider making an anonymous report to the Department of Public Safety. The purpose of an anonymous report is to comply with the reporting party's wish to keep the matter confidential, while taking steps to ensure the future safety of others. If you are the victim 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, a Department of Public Safety officer can file a report on the details of the incident without revealing your identity (except to the Title IX Coordinator in the event of a reported sex offense or sexual harassment). The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to enhance the future safety of yourself and others. With such information, the College 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 are counted and disclosed in the annual crime statistics for the institution. These reports can be made by letter, e-mail to psadmin@stmarys-ca.edu, or telephone (925-631-4282).

Saint Mary's Public Safety also encourages accurate and prompt reporting of all crimes to campus Public Safety and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. Pastoral counselors and professional counselors, if and when they deem it appropriate, are encouraged to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for the inclusion in the annual disclosure of crime statistics.

Saint Mary's Public Safety encourages anyone who is the victim or witness of any crime to promptly report the incident to the police. The police department does not have a voluntary confidential reporting process because police reports are public records under state law, thus a police department cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to any campus security authorities (the primary CSAs are identified in the Reporting and Disclosure Procedures below). However, some of the CSAs are also Responsible Employees under Title IX, and they are obligated to share reported information involving sexual misconduct, domestic/dating violence and stalking, including information about the identity of the victim and accused, with the Title IX Coordinator. Reports to professional and pastoral counselors can be kept confidential. Professional and pastoral counselors are encouraged to inform their clients, if and when they deem it appropriate, of the procedures to confidentially report crimes to primary CSAs, when they deem it appropriate.

At Saint Mary's, the CARE Director is a confidential resource, advocate, and support person. Students can seek assistance, resources and information without initiating the reporting process. The Director offers optional supportive measures such as referrals for academic support, housing/work relocation and information on no contact directives.



CAMPUS SECURITY AUTHORITY (CSA)

The accurate reporting of crimes helps keep the community informed and ensures institutional compliance with state and federal law. Anyone who experiences or witnesses a crime or Prohibited Conduct is encouraged to make a voluntary, official report to a College CSA or to the police.

No personal identifying information will be included in the annual report of crime statistics or any publicly available records, and the College will endeavor to keep the details of the Prohibited Conduct and the involved parties private.

CAMPUS SECURITY AUTHORITY” DEFINED-

As defined by the Clery Act, a federal law codified in 34 CFR § 668.46, a Campus Security Authority (CSA) is: (1) A campus police department or a campus security department of an institution; (2) any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under part (1) of this definition, such as an individual who is responsible for monitoring entrances into institutional property; (3) any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; (4) an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a Campus Security Authority when acting as a pastoral or professional counselor. If you have questions about whether your position or job functions meet the definition of a CSA, please contact the Public Safety Department.

SAINT MARY’S COLLEGE CSA’S

The following list denotes the positions or organizations at Saint Mary’s College that have been identified as meeting the federal definition of a Campus Security Authority for the purposes of Timely Warning notifications and the annual statistical disclosure. The list is intended to be comprehensive, but certain positions may not be specifically listed.

- Public Safety and security officers
- Dean of Students
- Vice President for Student Life
- Associate Dean of Students
- Director for the Center for Women and Equity
- The Director of Community Life
- Executive Director of Recreation and Engagement
- Medical Director of Health and Wellness
- Residence Directors
- Residence Assistants
- Campus Housing Staff
- Athletic Coaches
- Club Sports Coaches
- Title IX professional staff
- Director for the Center for International Programs
- Director of Jan Term
- Academic Success Coaches

PERSONS EXEMPT FROM REPORTING CLERY-REPORTABLE CRIMES

The Clery Act specifically excludes the following persons from Clery reporting requirements when the person is operating in the course and scope of their license, As a matter of policy, the professional counselors at Saint Mary's College are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to Department of Public Safety

PROFESSIONAL COUNSELOR – PASTORAL COUNSELOR –

a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

Pastoral and professional counselors who learn about Clery-reportable crimes in the performance of their official duties are not required to report these crimes to the Public Safety for inclusion in the annual security report or for the purposes of a Timely Warning. There is no specific College policy requiring pastoral and professional counselors to encourage victims of crimes to make an anonymous report for inclusion in compiling Clery Act statistics.

a person who is associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling within the scope of their position as a pastoral counselor.



TIMELY WARNINGS

It is the policy of Saint Mary's College of California to comply with the federal requirements relative to making Timely Warnings to the community. Reports that may result in a Timely Warning may originate with any local law enforcement agency, Public Safety, or any Campus Security Authority (CSA), as CSAs report crimes to Public Safety.

The intent of a timely warning is to enable members of the campus community to protect themselves. A timely warning will include information that promotes safety and aids in the prevention of similar crimes. Such information may include:

- A brief statement of the incident
- Possible connection to other incidents, if applicable
- Physical description of the suspect, if available
- Composite drawing of the suspect, if available
- Date and time of the incident
- Other relevant information

The College will issue a timely warning as soon as it determines there is a serious and ongoing threat to students or employees on campus and/or in the immediate campus community. Each situation is evaluated on a case-by-case basis, and a Timely Warning will be issued for any Clery-reportable crime that occurs within our community that is considered by the institution to represent a serious or continuing threat to students and/or employees. Timely Warnings are not limited to violent crimes or crimes against persons. Timely Warnings can be issued for threats to persons or to property. For example, it is possible to have a rash of residence hall burglaries or motor vehicle thefts that merit a warning because they present a continuing threat to the campus community.

All Clery-reportable crimes are evaluated for notifications. The crimes include:

- Murder
- Robbery
- Non-Negligent Manslaughter
- Aggravated Assault
- Arson
- Burglary
- Sexual Assault
- Motor Vehicle Theft
- Hate crimes
- Manslaughter by Negligence

In an effort to provide timely notice and in the event of a serious incident which may pose a threat to members of the Saint Mary's College community, the Department of Public Safety and Transportation will notify the college community using one or more of the following options: The College's mass notification system (LiveSafe Mobile), the email system via the Executive Director of Public Safety and Transportation or their designee, the student newspaper, The College Bulletin, via the Assistant Vice President for Communications, and/or via special printed memos from the Department of Public Safety for distribution on campus bulletin boards.

The notice may also be distributed for other non-Clery classifications as deemed appropriate. Although information contained in the annual report also includes information about on campus and off campus resources, the official reporting entity for criminal offenses that occur at Saint Mary's College is the Department of Public Safety and Transportation.

Timely Warnings will be composed with an effort to aid in the prevention of similar occurrences, while also withholding the names and other identifying information to keep victims confidential to the extent possible. Depending of the time frame of the event and being made aware of the report, a timely warning may not be broadcast if the amount of time that has passed is multiple days i.e. 7 to 10 days.

EMERGENCY NOTIFICATIONS

Saint Mary's College employs a communication system, known as "LiveSafe Mobile," to facilitate broader and more immediate communication in the event of an emergency on campus. The system is used for emergency notification, semi-annual tests, and other campus notifications. LiveSafe enables the College to reach students, faculty and staff with email, voice and text messages quickly should an emergency arise. Members of the Saint Mary's College Community are automatically enrolled in the LiveSafe system.

Campus community members are strongly encouraged to augment their LiveSafe Mobile profiles with additional contact information. The tests of the system typically correspond with the campus' emergency preparedness drill each fall, and typically contain response information for the community. The emergency notification system is assessed for functionality by the Incident Management Team or designees of the Director of Public Safety or Vice Provost for Student Life to ensure a state of readiness. The Incident Management Team or designees of the Director of Public Safety or Vice Provost for Student Life will conduct an annual review of operating policies and procedures for the emergency notification system and a campus-wide system test will be conducted at least once during the fall semesters.

The College will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography, which in the judgement of the College, constitutes an immediate threat to the health or safety of members of the on-campus community. SMC first responders and other campus officials may be dispatched by Public Safety as necessary to any reported or suspected crisis first. SMC first responders and other campus officials may initiate confirmation and verification of the existence of a crisis before emergency SMC Campus Alert systems are activated (e.g., suspicious packages may require both a bomb squad assessment and evacuation order before SMC Campus Alert is initiated). Once the College has received the report, the Incident Management Team or designees of the Director of Public Safety or Vice Provost for Student Life, will confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) an emergency or dangerous situation in fact exists in on campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on- campus community. If both above factors are not met, no emergency notification will be issued.

If it is determined that both above factors are met, then an emergency notification will be issued to the community.

In the event of an emergency that might require evacuation, such as a grass fire in the area, residence halls, academic and administrative buildings will follow the standard procedures for building evacuations as detailed in the campus emergency plan. That plan calls for hall staff to account for residents and Building Coordinators to account for employees in non-residential buildings.

All notifications are sent by a member of the Incident Management Team or designees of the Director of Public Safety or Vice Provost for Student Life. The same team or designees will prepare the content of the notification considering the safety of the on-campus community. They will also determine, based on the confirmed facts of the emergency, if the entire campus community or only a specific segment of the on-campus community is threatened and need to be notified. The person sending the notification will, through collaboration or using their own assessment, confirm that there is a significant emergency or dangerous situation; determine the appropriate segment(s) of the community to be notified; the content of the notification and will then initiate the notification system. The notification will not be made if above person(s) determine that the notification would compromise efforts to assist victims or contain/resolve the emergency.

Once the notification is prepared, the Incident Management Team or designees of the Director of Public Safety or Vice Provost for Student Life or in their absence, the management designee(s) will, without delay and taking into account the safety of the community, transmit the emergency notification unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures. The Incident Management Team or designees of the Director of Public Safety or Vice Provost for Student Life is responsible for the activation and issuing of the emergency notification, and will provide adequate updates, as needed, until the emergency is mitigated.

The Chief of Police of the Town of Moraga is included in the distribution of Emergency Notifications and Timely Warnings to allow for them to assess the need to disseminate information to the larger community.

EMERGENCY NOTIFICATIONS

SMC Campus Alert tests are conducted regularly. The College conducts a public (announced) campus-wide test at least once annually. A reminder of testing is sent to subscribers at least 24 hours prior to the test. The system is exercised or used in conjunction with scheduled exercises to maintain awareness of the system by students, faculty, and staff. The College publicizes its emergency response and evacuation procedures in conjunction with at least one system-wide test or exercise per calendar year. In addition, the College posts an Active Threat Procedures poster in classrooms and academic facilities campus-wide. A test was conducted on March 27, 2019.

LOCAL POLICE ACTIVITY

There are no non-campus locations or housing facilities associated with officially recognized student organizations. Moraga Police activity is monitored via weekly reports that are emailed to the Department of Public Safety.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Saint Mary's College is private property. However, visitors and the public are welcome. Visiting hours for residence halls and policies for use of the halls are available in the Housing Contract and Student Handbook (www.stmarys-ca.edu/studenthandbook). Facilities not in use or supervised are normally secured.

Academic buildings are normally open between the hours of 7:00 am and 10:00 pm Monday through Sunday during the academic school year. Individual rooms may be open or locked at any time depending upon academic needs and prior reservations. Parking on campus is restricted and controlled 24 hours a day. Permits for parking, including guest permits, are obtained through Public Safety.



Public Safety is in operation 24 hours a day on the College's Campus. Public Safety officers regularly patrol the campus and the Rheem Office that is off campus. Campus residence hall entrances or hallways are locked 24 hours a day. The College's Housing and Residential Policy makes each student responsible for his/her own keys to campus buildings. All College resident students are issued keys and are responsible for locking rooms and taking their keys with them to re-enter. All student residences have locking doors. Students are not permitted to make duplicate keys and unauthorized possession or use of College keys is prohibited. Residents are strongly encouraged to:

Keep doors secured, at all times.

Keep accessible windows secured when the residence is unoccupied and at night.

Ensure doors lock securely when entering or exiting a residence.

Do not allow unknown persons into locked student residences or academic facilities.

Never prop doors open.

Notify police immediately of any crime or suspicious activity or behavior.

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The Department of Public Safety personnel regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to the Facilities Services for correction. Other members of the College community are helpful when they report equipment problems to Facilities Services – 925-631-4286.

SECURITY AWARENESS & CRIME PREVENTION PROGRAMS

The Department of Public Safety distributes crime prevention, safety, and security information at registration, during all incoming-student orientations, in residence hall meetings, general safety/crime prevention meetings, and on campus bulletin boards.

General crime prevention programs include Sexual Assault Awareness, Personal Safety Tips, Residence Hall Safety Tips, Escort Services, Vehicle and Parking Safety, and fire safety. The Moraga Police Department and other off-campus organizations periodically conduct safety and security presentations on campus. Programs on emergency security procedures occur at least twice per semester for students. Programs for staff on security procedures are offered at every new employee orientation (at least 6 per year) and as requested by departments

GENERAL CAMPUS SAFETY

Personal Accountability - Students, faculty, and staff are responsible for their individual safety and the security of their property. Acting collectively, with others in mind, helps promote safety and security for the entire campus. Be an active community member – help and support someone whom you sense may be at risk.

Prohibition of Weapons on Campus - Saint Mary's College prohibits the possession of any of the following weapons on the Saint Mary's campus. Weapons include, but are not limited to, studded wristbands, nunchakus, firearms, replica weapons, knives, swords, air-powered guns (including, but not limited to, paintball guns, BB guns, and CO2 guns), Stun guns, Tasers or any object that normally would not be considered a weapon, but by alteration, modification or redesign, or by intended use, would be readily recognized or considered as a weapon by any reasonable and prudent person.

For purposes of this policy, the term "Saint Mary's Campus" shall include all the lands, buildings, and facilities, whether owned, leased, and controlled, and whether located in the United States or abroad. In addition to the prohibited weapons, ammunition is not allowed to be stored or possessed in College owned, leased, and controlled buildings. In the event a federal or state law or a county ordinance is more restrictive than this policy, federal or state law or the county ordinance shall apply.

Requests for an exemption from this policy for academic purposes may be requested in writing to the Public Safety Director.

Each request will be considered on a case-by-case basis and be evaluated by the Office of Risk Management and the Department of Public Safety. A written letter will be provided by the Director of Public Safety in the event an exemption is granted. Saint Mary's College Department of Public Safety does not provide facilities for the storage of firearms.

REACTING TO A THREAT OF VIOLENCE

A modest amount of planning and preparation can go a long way in the unlikely event that you are faced with an active threat, whether the person or persons are unarmed or armed with a gun, knife, or any weapon. Maintaining awareness of your surroundings will give you optimal time to put those preparations into action.

The following information is provided for your consideration and encompasses some general best practices. Since varying circumstances could require different responses, it will be up to you to familiarize yourself with some of your options in advance, including alternate escape routes, and to determine the best course of action for your safety.



- Do not take time to gather your belongings.
- Quickly put distance and buildings between you and the threat. Leave the area.
- If you have information that will assist the police, such as the suspect description or location, call (9-1-1 or 9-9-1-1 from a campus phone).
- Lock and barricade doors. Seek cover (with others, if possible) by placing as much material as possible between you and the threat. Even if you can't prevent the door from being opened, block entry as best as you can.
- Turn off lights (to make the area appear unoccupied). • Close blinds and/or block windows.
- Keep other occupants calm, quiet, and out of sight.
- Silence cell phones (turn off vibration as well) but do not turn them completely off.
- As soon as it is safe to do so, notify law enforcement by calling 9-1-1 or (9-9-1-1 from a campus phone).
- Remain concealed until the threat has passed, or you have been advised by law enforcement that you can exit.
- Do not sound the fire alarms unless there is a fire. Evacuation during an active threat event could place people in harm's way.
- Fight back and do whatever it takes to survive.
- Attack aggressively and in coordination with others, when possible.
- Throw objects or improvise other weapons (backpacks or bags, fire extinguisher, office equipment, hot liquids keys, pens, etc.).
- Do not approach emergency responders; let them come to you. Raise both your hands over your head and follow the directions of law enforcement. Emergency responders may not be able to distinguish between victims and the person posing the threat.

RESOURCES

Saint Mary's Public Safety Active Threat Response Presentation Saint Mary's Public Safety staff provided 20 presentations to over 300 faculty, staff, students, and contract employees in 2019. Email psafe@stmarys-ca.edu to schedule a presentation for your group

CAMPUS SECURITY REPORT PREPARATION

The Office of Community Life maintains all student disciplinary matters, including records of all sexual assaults, sexual harassment and inappropriate sexual conduct reports and all reports of other behavior that are referred to the College's discipline process. Such disciplinary matters are referred to this office by various campus constituencies, including the Office of Residential Experience, the Department of Public Safety, and from time to time, referral by campus individuals.

The Department of Public Safety, in liaison with the Office of Community Life, compiles information and statistics regarding both criminal and disciplinary incidents.

This information is for the previous calendar year based upon crimes and incidents reported to or received by the Department of Public Safety, the Office of Community Life, and from crime statistics received from the Town of Moraga Police, the Contra Costa Sheriff's Office and the East Bay Regional Park District Police. This combined information is submitted to the Executive Director and Chief of Public Safety and Transportation for review and processing, and who then submits the information in accordance with the established reporting guidelines to the Department of Education. Upon submission of this information to the Department of Education, the Chief prepares a written Report that is maintained in the Department of Public Safety, and posts its availability inside the main dining hall (Oliver), outside Ferroggiaro Hall, in the lobby of the Public Safety Office and published on the Saint Mary's web site. All of the statistics are gathered, compiled and reported to the College community via the Annual Security and Fire Safety Report published by the Department of Public Safety. A copy of a notice of the availability of the annual report is e-mailed to every enrolled student and current employee on an annual basis, on or before October 1



CAMPUS PUBLIC SAFETY

IF A STUDENT
IS MISSING
CALL

(925) 631-4282

CRIME & FIRE LOG

A daily crime & fire log is available for review during normal College business days (Monday – Friday 8:30 am – 4:30 pm) at the Department of Public Safety Administrative Offices at 111 Assumption Hall. The information in the crime log includes the nature, date of report, time frame of occurrence, general location and disposition of each crime, and similar information for any fires on campus. The full Fire Safety Report is at the end of this document, just before the information tables.

MISSING STUDENT PROCEDURES

In compliance with the Higher Education Opportunity Act, the Missing Person Notification Policy addresses the manner in which the College will proceed in the event that a student residing in campus housing on Campus is believed to be missing. A "missing student"

is a currently enrolled Saint Mary's College student who is reported missing and residing in an on campus student housing facility under a College housing agreement. A resident student is missing if the student's whereabouts have not been established for a period of 24 hours, or if there is information within the 24-hour period that suggests the student is missing.

All students have the option to identify a "confidential contact": an individual to be contacted by College officials in the event the student is determined to be missing for more than 24 hours. This opportunity is provided every school year. If a student has identified such an individual, College officials will notify that individual no later than 24 hours after the student is determined to be missing. Students who wish to identify a confidential contact can do so by completing the information on the "Student Emergency Information" provided by Saint Mary's College upon application. Students are responsible for updating the College with this information, as necessary.

The Confidential Contact is registered confidentially, and it is only accessible to authorized campus officials and may not be disclosed to law enforcement or any other entity outside of a missing person investigation, for the sole purpose of ensuring the safety of the missing person.

If a member of the College Community has reason to believe that a student is missing, or receives a report from another party that a student is missing, they should immediately notify the Department of Public Safety (925-631-4282), the Office of Residential Experience (925-631-4236) or the Dean of Students (925-631-4238), whether or not the student resides on campus. All reasonable efforts will be made to locate the student to determine his or her state of health and well-being through the collaboration of Public Safety, Residential Experience, Campus Housing and Student Life.

If the student is an on-campus resident, the Public Safety Department may make a welfare check entry into the student's room. If the student is an off-campus resident, the Public Safety Department will enlist the aid of the neighboring police agency having jurisdiction.

Concurrently, College officials will endeavor to determine the student's whereabouts through contact with friends, associates, and/or employers of the student. They will try to determine whether the student has been attending classes, labs, recitals, and scheduled organizational or academic meetings, or appearing for scheduled work shifts. If located, verification of the student's state of health and intention of returning to the campus will be made. When and where appropriate, a referral will be made to campus and/or community resources.

If not located, notification will be made to the student's confidential contact on file to determine if they know of the whereabouts of the student. Notice will also be made to Moraga Police for on-campus residents and the appropriate law enforcement agency for off-campus residents, within 24 hours of receiving the initial report. The original reporting party will be assisted to make an official missing person report to the law enforcement agency, if the reporting party desires. If the missing student is under the age of 18 and is not an emancipated individual, College officials will notify the student's parent or legal guardian immediately after it is determined that the student has been missing for more than 24 hours or overnight, whichever is shorter.

The Public Safety Department will cooperate, aid, and assist the primary investigative agency in all ways prescribed and allowed by law.

ALCOHOL AND OTHER DRUGS POLICY

Saint Mary's College is an educational and social community within which students, faculty, staff, alumni, and their guests interact in a wide variety of activities. The Saint Mary's College Alcohol and Other Drugs (AOD) Policy is intended to allow the responsible and legal use of alcohol under certain conditions (noted below) for those 21 years of age and over, and to prohibit the use of illicit and illegal drugs. This Policy seeks to promote an atmosphere conducive to the pursuit of learning and applies to all individuals associated with the College including students, faculty, staff, alumni, and guests. Additionally, private sponsors and their guests who use the College facilities are required to comply with this Policy.

ALCOHOL REGULATIONS - PROHIBITED CONDUCT

Students and their guests are expected to abide by the Code, this Policy and state and local laws/ordinances relative to the possession, consumption, and distribution of alcoholic beverages.

Alleged violations of the following regulations will initiate the student discipline process:



- Persons who are under 21 years of age may not possess or consume any alcoholic beverage or possess alcoholic beverage containers, full or empty, anywhere on campus, including in a residence hall room for the purpose of decoration. Underage students who are in locations where other underage persons are consuming or possessing alcohol will be considered to be in violation of this policy even if they do not have alcohol on their person.
- Persons who are 21 years of age or older may possess and consume alcohol in their residence hall room and/or in the common area of their lower townhouse apartment when all residents are 21 years of age or older. These persons who are 21 years of age or older may not offer, give, provide, or otherwise make alcohol available to anyone underage or to an obviously intoxicated person.
- Alcohol may not be possessed or consumed in any public area of campus unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy. A public area is defined as those areas of the campus that are readily accessible to students, faculty, staff and guests. Public areas include, but are not limited to, lounges, lobbies, stairwells, balconies, hallways, roofs, classrooms, parking lots, courtyards, and outside areas.
- Violating this Policy, including but not limited to being in an intoxicated state by a student and/or their guest while on-campus or by a student attending or participating in off-campus College sponsored/affiliated events is prohibited
- Driving a motor vehicle after having consumed alcohol is prohibited.
- The possession of kegs, "party-balls," "beer bongs," "beer pong tables," or similar common-source or oversized containers is not permitted on campus unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy. A common source of alcohol is also defined as a quantity of alcohol more than can be responsibly consumed by an individual
- Disorderly conduct, property destruction, violations of the rights of a roommate, intimidation, or other infringements of the rights of others as a result of alcohol use is prohibited. Intoxication or alcohol abuse is not an excuse for unlawful behavior or violations of the Code or other College policies.
- Alcohol is not permitted at athletic events or in/on College athletic facilities unless at a College sponsored activity at which alcohol is served in accordance with the guidelines provided for in this Policy. Students and/or their guests may not furnish or attempt to furnish false information regarding their age and/or identity in order to possess or consume alcohol.
- Alcohol is not permitted at athletic events or in/on College athletic facilities unless at a College sponsored activity at which alcohol is served in accordance with guidelines provided for in this Policy.
- Students and/or their guests may not furnish or attempt to furnish false information regarding their age and/or identity to possess or consume alcohol.

ILLEGAL DRUGS REGULATIONS - PROHIBITED CONDUCT

Students are expected to abide by the Code, this Policy, and federal, state and local laws/ordinances relative to the illegal possession, use or distribution of controlled substances, illegal drugs and drug paraphernalia.

Although California state law permits the recreational use of cannabis for persons over 21 as of January 1, 2018 and as of November 2016, permits the use of medical cannabis, i.e. use by persons possessing lawfully issued cannabis cards, Saint Mary's College acts in accordance with federal law, specifically the Drug Free Schools and Community Act of 1989(DFSCA). Thus, Saint Mary's College expects students and their guests to abide by federal laws that prohibit use, distribution, or consumption of cannabis on campus by anyone of any age for any reason. Cannabis is not allowed on Campus property including Campus Housing nor is it permitted at any College sponsored events or activities off campus. The use, possession, or cultivation of cannabis for medical purposes is therefore not allowed in any College housing or any other College property; nor is it allowed at any College sponsored event or activity off campus.

Alleged violations of the following regulations will initiate the student discipline process:

- The possession, use, sale, distribution or manufacture of any controlled substance, illegal drug and/or drug paraphernalia or the association with gatherings involving such possession, use or distribution is prohibited. Drug paraphernalia includes, but is not limited to, bongos, pipes, hookahs, water pipes, "whip- its," and roach clips. Students who are in locations where any controlled substance and/or illegal drug is being used will be considered in violation of this policy even if they do not have the substance and/or drug on their person.
- Possession of large quantities (28.5 grams or more) and/or the actual or attempted sale, distribution, cultivation or manufacture of any controlled substance, illegal drug and/or drug paraphernalia is prohibited.
- The illegal use of or misuse/abuse of prescription or other legal drugs is prohibited.
- Driving a motor vehicle after having used any illegal drugs or controlled substances is prohibited.
- All illegal drugs or controlled substances and paraphernalia will be impounded and are subject to forfeiture without reimbursement or return to the person from whom they were confiscated.

The College reserves the right to confiscate, retain, and dispose of/destroy any and all drug related items regardless of value or ownership.

SMC policies and information on alcohol and drug abuse education programs are in the StudentHandbook:
www.stmarys-ca.edu/studenthandbook

ALCOHOL AND OTHER DRUGS EDUCATIONAL PROGRAMS AND RESOURCES FOR ASSISTANCE

Saint Mary's College strives to create a campus environment that minimizes risks associated with alcohol and other drug use. In order to promote the wellbeing of the College community, and in compliance with the Drug-Free Schools and Communities Act (34CFR Part 86, SubpartB, 1989), educational programs regarding alcohol and other drugs are provided. These programs address problems associated with alcohol and other drug misuse, coping with peer pressure, risk reduction, development of healthy lifestyles, stress management, and identifying and helping others with alcohol and other drug problems.

The College offers services to students regarding issues related to alcohol and other drug use. Those concerned about a person's life and health relative to alcohol and other drug use are urged to seek available resources. Students are encouraged to seek assistance from Counseling and Psychological Services and the Health and Wellness Center for evaluation and/or referral. Information obtained regarding a student during participation in such programs or services will be treated as confidential, in accordance with federal and state laws.

INFORMATION/ REFERRAL SERVICES ALCOHOL AND OTHER DRUGS:

ON CAMPUS

Mission and Ministry
925-631-4366

Counseling and Psychological
Services
925-631-4364

Dean of Students
925-631-238

Health and Wellness Center
925-631-4254

Public Safety
925- 631-4282

Community Life
925-631-4238

Residential Experience
925-631-4236

Student Involvement and
Leadership
925-631-4704

Student Life
925-631-4235.

IN COMMUNITY

Alcohol Beverage Control
510-622-4970

Alcoholics Anonymous
925-939-4155

Marijuana Anonymous
510-287-8873

Moraga Police Department
925-376-2515

National Institute on Drug Abuse
Substance Abuse and Mental
Health Services



Public Safety
Administrative
Offices

LEGAL STATUTES

Students, faculty, staff, administration, alumni, and guests of Saint Mary's College are responsible for the observance of applicable laws and local ordinances or codes with respect to alcoholic beverages and illegal drug use. In accordance with the Drug-Free Schools and Communities Act of 1989, the applicable federal laws are available online as well as the California Statutes and Local ordinances.

TITLE IX POLICY

General Rules of Application

Effective Date

This Title IX Policy will become effective on August 14, 2020, and will only apply to formal complaints of sexual harassment brought on or after August 14, 2020.

Changes to the Title IX Final Rule

Should any portion of the Title IX Final Rule, 85 Fed. Reg. 30026 (May 19, 2020), be changed or modified by a court of law, or should the Title IX Final Rule be withdrawn or modified to not require the elements of this policy, this policy, or any invalidated elements of this policy, will be deemed revoked as of the publication date of the opinion or order and for all reports after that date. Should the Title IX Policy be revoked in this manner, any conduct covered under the Title IX Policy shall be investigated and adjudicated under the existing Code of Conduct for Students and Faculty or Staff Handbook for employees.

Non-Discrimination

The requirements and protections of this policy apply equally regardless of sex, sexual orientation, gender identity, gender expression, or other protected classes covered by federal or state law. All requirements and protections are equitably provided to individuals regardless of such status or status as a Complainant, Respondent, or Witness. Individuals who wish to file a complaint about the institution's policy or process may contact the Department of Education's Office for Civil Rights using contact information available at: <https://ocrcas.ed.gov/contact-ocr>.
Definitions

Covered Sexual Harassment -

For the purposes of this Title IX Policy, "covered sexual harassment" includes any conduct on the basis of sex that satisfies one or more of the following:

Quid Pro Quo

which includes an employee conditioning employment or educational benefits on participation in unwelcome sexual conduct;

Unwelcome conduct of a sexual nature

that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the educational institution's education program or activity;

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Dating violence

Violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.

Sexual assault

is defined as any sexual penetration (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent. Sexual penetration included, but is not limited to, vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact. For the purposes of this definition, affirmative consent is used.

Domestic violence

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

Sexual Exploitation

occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person, without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to: prostituting another person; recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent; distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and, viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent, re, and for the purpose of arousing or gratifying sexual desire. Sexual exploitation may occur regardless of whether sexual activity takes place. Note that conduct that does not meet one or more of these criteria may still be prohibited under the Code of Conduct for Students and the Employee Handbook for employees.

AFFIRMATIVE CONSENT

For the purposes of this Title IX Policy, “consent” is defined as unambiguous and willing participation or cooperation in act or attitude that is commonly understood to be consistent with the exercise of free will. Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. If you have sexual activity with someone you know to be- or should know to be – mentally or physically incapacitated (for example, by alcohol or other drug use or unconsciousness), you are in violation of this policy. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, where, why or how of their sexual interaction. Expression of nonconsenting does not have to be verbal; it can be communicated with gestures or body language. Silence, in and of itself, cannot be interpreted as consent. A prior sexual history between the complainant and respondent does not constitute consent.

Consent is not freely given if:

It is obtained through the use of force, through the fear of or the threat of force, intimidation, coercion, or by kidnap; or A reasonable person in the position of the alleged respondent at the time the alleged conduct occurred should have known that the other person was unable to give consent for any of the following reasons:

- The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
- The individual is unconscious, asleep, or suffering from shock; or
- The individual is under the age of eighteen and therefore legally unable to give consent, or
- The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.
- The individual has acted or spoken in a manner which expresses they refuse to give consent.
- The foregoing description is what it means to have obtained affirmative consent.

EDUCATION PROGRAM OR ACTIVITY

For the purposes of this Title IX Policy, Saint Mary’s College of California’s “education program or activity” includes:

Any on-campus premises. Any off-campus premises that Saint Mary’s College of California has substantial control over. This includes buildings or property owned or controlled by a recognized student organization. Activity occurring within computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Saint Mary’s College of California’s programs and activities over which Saint Mary’s College of California has substantial control.

GRIEVANCE PROCESS

The grievance process is the fact-finding process from the time of the filing of the Formal Complaint through the final determination of an appeal (if any).

FORMAL COMPLAINT

For the purposes of this Title IX Policy, “formal complaint” means a document – including an electronic submission - filed by a complainant with a signature or other indication that the complainant is the person filing the formal complaint, or signed by the Title IX Coordinator, alleging sexual harassment against a respondent about conduct within Saint Mary’s College of California’s education program or activity and requesting initiation of the procedures consistent with the Title IX Policy to investigate the allegation of sexual harassment.

COMPLAINANT

For the purposes of this Title IX Policy, Complainant means any individual who has reported being or is alleged to be the victim of conduct that could constitute covered sexual harassment as defined under this policy.

RELEVANT EVIDENCE AND QUESTIONS

“Relevant” evidence and questions refer to any questions and evidence that tends to make an allegation of sexual harassment more or less likely to be true. “Relevant” evidence and questions do not include the following types of evidence and questions, which are deemed “irrelevant” at all stages of the Title IX Process: Evidence and questions about the complainant’s sexual predisposition or prior sexual behavior unless:

- They are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or
- They concern specific incidents of the complainant’s prior sexual behavior with respect to the respondent and are offered to prove consent.

Evidence and questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege. (Legally-recognized privileges include, e.g., attorney client privilege; priest-penitent privilege, physician-patient privilege) Any party’s medical, psychological, and similar records unless the party has given voluntary, written consent

RESPONDENT

For the purposes of this Title IX policy, Respondent means any individual who has been reported to be the person engaging in conduct that could constitute covered sexual harassment as defined under this policy.

ACADEMIC FREEDOM

Harassment does not include verbal expression that is relevant to course subject matter, and the College’s procedures for handling harassment complaints shall not abridge academic freedom.

SUPPORTIVE MEASURES

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without cost to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to Saint Mary's College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Saint Mary's College's educational environment, or deter sexual harassment.



CONFIDENTIALITY AND PRIVACY

Consistent with the requirements of this Policy, Saint Mary's College of California shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. This means that Saint Mary's College of California will protect the party's privacy consistent with this Policy but may disclose information to those who have a legitimate need to know and in order to process complaints under this policy. Confidentiality is not absolute, however. Where criminal conduct has occurred, or where the health and/or safety of others in the community may be in danger, it may be necessary for Saint Mary's College of California to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Confidential Resources are identified in the Reporting section of this Policy. In most cases, Confidential Resources at Saint Mary's College of California, unless with the consent of the individual, will not share the substance of any such communications or that such communications occurred. Individuals who wish to talk about issues related to sexual harassment or sexual misconduct confidentially, with the understanding that Saint Mary's College of California will not take any action based on such confidential communications, are encouraged to contact one of the Confidential Resources identified in this Policy.

Confidential resources may, however, have an obligation to disclose otherwise-privileged information where they perceive an immediate and/or serious threat to a person and/or property. This is a limited exception to the privileged nature of communications with

Confidential Resources. Reports or records maintained by Saint Mary's College of California (including CAPS records), and other confidential, non-privileged records may, however, be subject to a subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of Saint Mary's College of California's compilation of campus crime statistics..

DISABILITY ACCOMMODATIONS

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities.

MAKING A REPORT REGARDING COVERED SEXUAL HARASSMENT

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. The College will accept anonymous complaints however the College will be limited in its ability to address the concerns without identifying reporting parties to obtain supporting information.

Contact Information for the Title IX Coordinator:

Jess Varga

Title IX Coordinator

Ferroggiaro Hall, 200B

jev7@stmarys-ca.edu | (925) 631-4055

Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.

REPORTING

The following Officials will provide privacy, but not confidentiality, upon receiving a report of conduct prohibited under this policy:

- Title IX Coordinator
- Laurie Panian, Associate Vice President, Chief Human Resources Officer
- Deputy Title IX Coordinators
- Dean of Students
- Director of Community Life
- Erika Roesch, Human Resources Manager
- Kami Gray, Deputy Athletics Director for Internal Operations/Senior Woman Administrator
- Identified Campus Security Authorities

These people are required to report incidents as defined by the VAWA Amendments of the Clery Act.



All members of the College Community who are employees are required by the College to report to a Title IX Officer if they observe, encounter or learn of conduct that may be subject to the Title IX Policy.

The following Officials may provide confidentiality:

- Confidential Resources (for students)
- Megan Gallagher, Director of CARE Center
- Counseling and Psychological Services Counselors
- Clergy during Confession

Individuals are strongly encouraged to report all conduct they believe to constitute intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking to the police; however, it is the individual's decision whether or not to file a police report. If the individual wishes, the College will provide assistance in contacting the police. Individuals involved in the report of conduct will have access to support and referral services on-campus regardless of whether or not a report of the conduct is made to the Police. Individuals are strongly encouraged to have both a medical exam to ensure their well-being and a forensic medical exam in order to gather forensic evidence, even if they do not choose to file a police report at this time. Forensic medical exams are available at Contra Costa County Regional Medical Center in Martinez.

NON-INVESTIGATORY MEASURES AVAILABLE

Saint Mary's College shall treat parties equitably by offering Supportive Measures to the Complainant, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against the Respondent. Saint Mary's will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of Saint Mary's College to provide the Supportive Measures. The Title IX Coordinator or designee is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator or designee should record and retain records regarding requests and provision of Supportive Measure in accordance with this Policy.

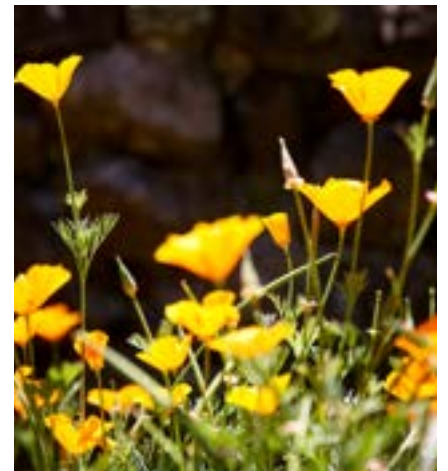
SUPPORTIVE MEASURES

Saint Mary's College of California provides the supportive measures, which may include the following as appropriate:

- Counseling extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Campus escort services
- Restrictions on contact between the parties (no contact orders)
- Changes in work or housing locations
- Leaves of absence
- Increased security and monitoring of certain areas of the campus
- Safety planning
- Supportive measures are non-disciplinary and non-punitive.

EMERGENCY SUSPENSION (APPLIES TO STUDENTS)

Saint Mary's College of California retains the authority to remove a Respondent from the College's program or activity on an emergency basis, where Saint Mary's College of California (1) undertakes an individualized safety and risk analysis and (2) determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of covered sexual harassment justifies a removal. If Saint Mary's College of California determines such removal is necessary, the Respondent will be provided notice and an opportunity to challenge the decision immediately following the removal.



Notice: If the Dean of Students or designee imposes an emergency suspension, then the student will receive written confirmation of the emergency suspension. The notice will state the facts and circumstances warranting the emergency suspension, the conditions of the emergency suspension, that a Dean of Students (DS) hold will be placed on the student's account, and the student's review rights.

Review: Within five (5) calendar days of the imposition of the emergency suspension, the student may petition the Dean of Students or designee to review the reliability of the information concerning the alleged harm or ongoing threat. The petition for review must be in writing and may include evidence supporting the student's position that the student does not pose or no longer poses an immediate threat to physical health or safety.

Final Determination: If, after considering the petition for review and evidence, the Dean of Students or designee affirms the decision to emergency suspend, the matter will proceed promptly through the investigation and hearing process without undue delay, unless additional time is requested by the student. However, if, after considering the petition for review and evidence, the Dean of Students or designee determines that the student has established by a preponderance of the evidence that the student does not pose or no longer poses immediate threat to physical health or safety, the emergency suspension will be lifted and the matter will proceed according to the normal Title IX process, up to and through a hearing and appeal, if required.

ADMINISTRATIVE LEAVE (APPLIES TO EMPLOYEES)

Saint Mary's College of California retains the authority to place a non-student employee respondent on administrative leave with pay during the Title IX Process, consistent with the Faculty/Staff Handbook.

AMNESTY FOR STUDENT CODE OF CONDUCT VIOLATIONS

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of Saint Mary's College's student conduct policy at or near the time of the incident, unless Saint Mary's College determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty

TITLE IX PROCESS

Filing a Formal Complaint

The timeframe for the Title IX Process begins with the filing of a Formal Complaint. The Process will typically be concluded within a reasonably prompt manner, and no longer than 60 calendar days, after the filing of the Formal Complaint, however the Process may be extended for a good reason, including but not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. The procedure for applying for extensions is described below.

To file a Formal Complaint, a complainant must provide the Title IX Coordinator or designee a written, signed complaint describing the facts alleged. Complainants are only able to file a Formal Complaint under this Policy if they are currently participating in, or attempting to participate in, the education programs or activities of Saint Mary's College of California, including as an employee. For complainants who do not meet this criteria, the College will utilize existing policy in the Code of Conduct for Students and the Employee Handbook for employees.

If a complainant does not wish to make a Formal Complaint, the Title IX Coordinator or designee may determine a Formal Complaint is necessary. Saint Mary's College of California will inform the complainant of this decision in writing, and the complainant need not participate in the process further but will receive all notices issued under this Policy and Process.

Nothing in the Title IX Policy, Student Conduct of Conduct or Employee Handbook prevents a complainant from seeking the assistance of state or local law enforcement alongside the appropriate on-campus process. Provided that the conduct is appropriate for informal resolution, a complainant who files a Formal Complaint may elect, at any time, to address the matter through the College's ***Informal Resolution Process***.



MULTI-PARTY SITUATIONS

The institution may consolidate Formal Complaints alleging covered sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of covered sexual harassment arise out of the same facts or circumstances.

DETERMINING JURISDICTION

The Title IX Coordinator or designee without conflict of interest will determine if the Title IX Process should apply to a Formal Complaint. The Process will apply when all of the following elements are met, in the reasonable determination of the Title IX Coordinator:

- The conduct is alleged to have occurred on or after August 14, 2020;
- The conduct is alleged to have occurred in the United States;
- The conduct is alleged to have occurred in Saint Mary's College of California education program or activity; and
- The alleged conduct, if true, would constitute covered sexual harassment as defined in this policy.

If all of the elements are met, Saint Mary's College of California will investigate the allegations according to the Process which is based on whether the respondent is a student or employee.

ALLEGATIONS POTENTIALLY FALLING UNDER TWO POLICIES

If the alleged conduct, if true, includes conduct that would constitute covered sexual harassment and conduct that would not constitute covered sexual harassment, the Title IX Process will be applied in the investigation and adjudication of all of the allegations.

MANDATORY FORMAL COMPLAINT DISMISSAL

If any one of these elements are not met, the Title IX Coordinator designee without conflict of interest will notify the parties that the Formal Complaint is being dismissed for the purposes of the Title IX Policy. Each party may appeal this dismissal using the procedure outlined in "Appeals," below.



DISCRETIONARY FORMAL COMPLAINT DISMISSAL

The Title IX Coordinator designee without conflict of interest may dismiss a Formal Complaint brought under the Title IX Policy, or any specific allegations raised within that Formal Complaint, at any time during the investigation or hearing, if:

- A complainant notifies the Title IX Coordinator in writing that they would like to withdraw the Formal Complaint or any allegations raised in the Formal Complaint; The respondent is no longer enrolled or employed by Saint Mary's College of California; or,
- If specific circumstances prevent Saint Mary's College of California from gathering evidence sufficient to reach a determination regarding the Formal Complaint or allegations within the Formal Complaint

Any party may appeal a dismissal determination using the process set forth in "Appeals," below.

NOTICE OF FORMAL COMPLAINT DISMISSAL

Upon reaching a decision that the Formal Complaint will be dismissed, the institution will promptly send written notice of the dismissal of the Formal Complaint or any specific allegation within the Formal Complaint, and the reason for the dismissal, simultaneously to the parties through their institutional email accounts. It is the responsibility of parties to maintain and regularly check their email accounts.

NOTICE OF FORMAL COMPLAINT REMOVAL AND REFERRAL TO CODE OF CONDUCT

Upon dismissal for the purposes of Title IX, Saint Mary's College of California retains discretion to utilize the Code of Conduct, Faculty Handbook, or Employee Handbook to determine if a violation of the Code of Conduct, Faculty Handbook, or Employee Handbook has occurred. If so, Saint Mary's College of California will promptly send written notice of the dismissal of the Formal Complaint under the Title IX Process and referral to the Office of Community Life or Human Resources for action in accordance with the applicable Handbook.

NOTICE OF ALLEGATIONS

The Title IX Coordinator or designee will draft and provide the Notice of Allegations to any party to the allegations of sexual harassment. Such notice will occur as soon as practicable, after the institution receives a Formal Complaint of the allegations, if there are no extenuating circumstances.

The parties will be notified by their institutional email accounts if they are a student or employee, and by other reasonable means if they are neither. The institution will provide sufficient time for the parties to review the Notice of Allegations and prepare a response before any initial interview.

The Title IX Coordinator or designee may determine that the Formal Complaint must be dismissed on the mandatory grounds identified above, and will issue a Notice of Formal Complaint Dismissal. If such a determination is made, any party to the allegations of sexual harassment identified in the Formal Complaint will receive the Notice of Formal Complaint Dismissal in conjunction with, or in separate correspondence after, the Notice of Allegations.

CONTENTS OF NOTICE

The Notice of Allegations will include the following:

- Notice of the College's Title IX Process including information on informal resolution processes and a hyperlink to a copy of the processes.
- Notice of the allegations potentially constituting covered sexual harassment, and sufficient details known at the time the Notice is issued, such as the identities of the parties involved in the incident, if known, including the complainant; the conduct allegedly constituting covered sexual harassment; and the date and location of the alleged incident, if known.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the process.
- A statement that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
- A statement that before the conclusion of the investigation, the parties may inspect and review evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which the institution does not intend to rely in reaching a determination regarding responsibility, and evidence that both tends to prove or disprove the allegations, whether obtained from a party or other source;
- For Students, a statement that Article III, section 1. Dishonesty in the Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the process.
- For Employees, a statement that Section 2.14 Prohibited Conduct in the Employee Handbook prohibits knowingly making false statements or knowingly submitting false information during the process, or in the Faculty Handbook at 2.9.3.1.3 with respect to Intentionally False Reporting.

ONGOING NOTICE

If, in the course of an investigation, the institution decides to investigate allegations about the Complainant or Respondent that are not included in the Notice of Allegations and are otherwise covered "sexual harassment" falling within the Title IX Policy, the College will notify the parties whose identities are known of the additional allegations by their institutional email accounts or other reasonable means

The parties will be provided sufficient time to review the additional allegations to prepare a response before any initial interview regarding those additional allegations.

ADVISORS

The College allows equal access to advisors and support persons; any restrictions on advisor participation will be applied equally.

For students, the College has a long-standing practice of requiring students to participate in the process directly and not through an advocate or representative. Students participating as Complainant or Respondent in this process may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend. The Advisor of Choice is not an advocate. Except where explicitly stated by this Policy (i.e., direct cross examination during a hearing), as consistent with the Final Rule, Advisors of Choice shall not participate directly in the process as per standard policy and practice of the College.

For Employees, employees participating in this process as witnesses shall participate directly and not through an advocate or representative. Employees participating as a Complainant or Respondent may be accompanied by an Advisor of Choice to any meeting or hearing to which they are required or are eligible to attend, however the Advisor shall not participate directly in the process with the exception of cross examination during a live hearing or as permitted in the context of union representation.

The College will not intentionally schedule meetings or hearings on dates where the Advisors of Choice for all parties are not available, provided that the Advisors act reasonably in providing available dates and work collegially to find dates and times that meet all schedules.

Saint Mary's College of California's obligations to investigate and adjudicate in a prompt timeframe under Title IX and other college policies apply to matters governed under this Policy, and the College cannot agree to extensive delays solely to accommodate the schedule of an Advisor of Choice. The determination of what is reasonable shall be made by the Title IX Coordinator or designee. The College will not be obligated to delay a meeting or hearing under this process more than five (5) calendar days due to the unavailability of an Advisor of Choice and may offer the party the opportunity to obtain a different Advisor of Choice or utilize one provided by the College.

NOTICE OF MEETINGS AND INTERVIEWS

Saint Mary's College of California will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate

DELAY REQUESTS

Each party may request a one-time delay in the Process of up to five (5) calendar days for good cause (granted or denied in the sole judgment of the Title IX Coordinator, Director of Community Life, or designee) provided that the requestor provides reasonable notice and the delay does not overly inconvenience other parties.

The Title IX Coordinator, Director of Community Life, or designee shall have sole judgment to grant further pauses in the Process.

GENERAL RULES OF INVESTIGATIONS

The Title IX Investigator designated by the Title IX Coordinator will perform an investigation of the conduct alleged to constitute covered sexual harassment under a reasonably prompt timeframe after the issuance of the Notice of Allegations.

Saint Mary's College of California and not the parties, has the burden of proof and the burden of gathering evidence, i.e., the responsibility of showing a violation of this Policy has occurred. This burden does not rest with either party, and either party may decide not to share their account of what occurred or may decide not to participate in an investigation or hearing. This does not shift the burden of proof away from Saint Mary's College of California and does not indicate responsibility.

Saint Mary's College cannot access, consider, or disclose medical records without a waiver from the party (or parent, if applicable) to whom the records belong or of whom the records include information. Saint Mary's College of California will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence, (i.e., evidence that tends to prove and disprove the allegations) as described below.

INSPECTION AND REVIEW OF EVIDENCE

Prior to the completion of the investigation, the parties will have an equal opportunity to inspect and review the evidence obtained through the investigation. The purpose of the inspection and review process is to allow each party the equal opportunity to meaningfully respond to the evidence prior to conclusion of the investigation. Evidence that will be available for inspection and review by the parties will be any evidence that is directly related to the allegations raised in the Formal Complaint. It will include any:

- Evidence that is relevant, even if that evidence does not end up being relied upon by the institution in making a determination regarding responsibility;
- Inculpatory or exculpatory evidence (i.e., evidence that tends to prove or disprove the allegations) that is directly related to the allegations, whether obtained from a party or other source.

All parties must submit any evidence they would like the investigator to consider prior to when the parties' time to inspect and review evidence begins.

The College will send the evidence made available for each party and each party's advisor, if any, to inspect and review. The College is not under an obligation to use any specific process or technology to provide the evidence and shall have the sole discretion to determine format and any restrictions or limitations on access.

The parties will have ten (10) calendar days to inspect and review the evidence and submit a written response by email to the investigator. The investigator will consider the parties' written responses before completing the Investigative Report.

The College will provide copies of the parties' written responses to the investigator to all parties and their advisors, if any. Any evidence subject to inspection and review will be available at any hearing, including for purposes of cross-examination.

The parties and their advisors must sign an agreement not to disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX process.

The parties and their advisors agree not to photograph or otherwise copy the evidence.

INCLUSION OF EVIDENCE NOT DIRECTLY RELATED TO THE ALLEGATIONS

Evidence obtained in the investigation that is determined in the reasoned judgment of the investigator not to be relevant to the allegations in the Formal Complaint will not be disclosed, or may be appropriately redacted before the parties' inspection to avoid disclosure of personally identifiable information of an involved party. Any evidence obtained in the investigation that is kept from disclosure or appropriately redacted will be documented in a "privilege log" that may be reviewed by the parties and their advisors, if any.

INVESTIGATIVE REPORT

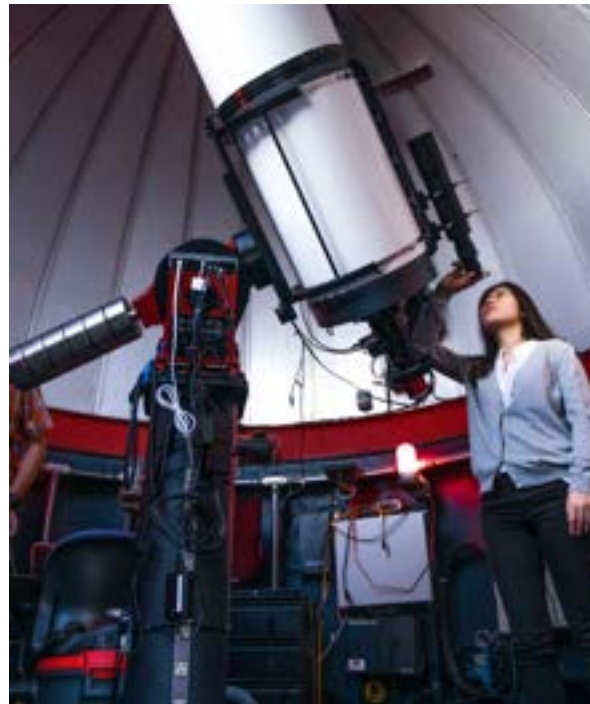
The investigator designated by the Title IX Coordinator or designee will create an Investigative Report that fairly summarizes relevant evidence and will provide that Report to the parties at least ten (10) calendar days prior to the hearing for each party's review and written response.

The Investigative Report is not intended to catalog all evidence obtained by the investigator, but only to provide a fair summary of that evidence. (See Appendix 3 for additional information.)

Only relevant evidence (including both inculpatory and exculpatory - i.e. tending to prove and disprove the allegations - relevant evidence) will be referenced in the Investigative Report. The investigator may redact irrelevant information from the Investigative Report when that information is contained in documents or evidence that is/are not otherwise relevant.

POST INVESTIGATION/ PRE-HEARING MEETING

At the conclusion of the investigation meeting, parties will be invited to participate in individual post investigation meetings to review and prepare for the live hearing. During this meeting, parties may review opportunities for an agreed resolution as outlined in the informal resolution process (see appendix 1). It should be noted that the facilitator of this meeting is not a decision maker but rather is responsible for negotiating a resolution as well as providing pertinent process information about the live hearing.



GENERAL RULES OF HEARINGS

Saint Mary's College of California will not issue a disciplinary sanction arising from an allegation of covered sexual harassment without holding a live hearing unless otherwise resolved through an informal resolution process. The live hearing may be conducted with all parties physically present in the same geographic location, or, at Saint Mary's College of California's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually through a Video Conferencing platform. This technology will enable participants simultaneously to see and hear each other. At its discretion, Saint Mary's College of California may delay or adjourn a hearing based on technological errors not within a party's control.

All proceedings will be recorded through audio recording. That recording will be made available to the parties for inspection and review.

Prior to obtaining access to any evidence, the parties and their advisors must sign an agreement not to disseminate any of the testimony heard or evidence obtained in the hearing or use such testimony or evidence for any purpose unrelated to the Title IX Process. Once signed, this Agreement may not be withdrawn.

CONTINUANCES OR GRANTING EXTENSIONS

Saint Mary's College of California may determine that multiple sessions or a continuance (i.e. a pause on the continuation of the hearing until a later date or time) is needed to complete a hearing. If so, the College will notify all participants and endeavor to accommodate all participants' schedules and complete the hearing as promptly as practicable

NEWLY-DISCOVERED EVIDENCE

As a general rule, no new evidence or witnesses may be submitted during the live hearing. If a party identifies new evidence or witnesses that were not reasonably available prior to the live hearing and could affect the outcome of the matter, the party may request that such evidence or witnesses be considered at the live hearing.

The DHB or decision-maker will consider this request and make a determination regarding (1) whether such evidence or witness testimony was actually unavailable by reasonable effort prior to the hearing, and (2) whether such evidence or witness testimony could affect the outcome of the matter. The party offering the newly-discovered evidence or witness has the burden of establishing these questions by the preponderance of the evidence.

If the DHB or decision-maker in employee cases answers in the affirmative to both questions, then the parties will be granted a reasonable pause in the hearing to review the evidence or prepare for questioning of the witness.

Participants in the live hearing

Live hearings are not public, and the only individuals permitted to participate in the hearing are as follows:

COMPLAINANT AND RESPONDENT (THE PARTIES)

The parties cannot waive the right to a live hearing. The institution may still proceed with the live hearing in the absence of a party, and may reach a determination of responsibility in their absence, including through any evidence gathered that does not constitute a “statement” by that party.

For example, a verbal or written statement constituting part or all of the sexual harassment itself is not a “prior statement” that must be excluded if the maker of the statement does not submit to cross-examination about that statement.

Saint Mary’s College of California will not threaten, coerce, intimidate or discriminate against the party in an attempt to secure the party’s participation.

If a party does not submit to cross-examination, the decision-maker cannot rely on any prior statements made by that party (such during the investigation process) in reaching a determination regarding responsibility, but may reach a determination regarding responsibility based on evidence that does not constitute a “statement” by that party. The decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party’s absence from the live hearing or refusal to answer cross examination or other questions. The parties shall be subject to the institution’s Rules of Decorum (Appendix 2).

THE DECISION-MAKER

The hearing body for student will consist of a panel of three (3) decision makers known as the Disciplinary Hearing Board (DHB) and one of these panelists will serve as the Chair. The hearing body for employee will consist of a single Decision-Maker.

The status of the respondent determines who will serve as the decision maker. If the respondent has a dual status of student and employee of the College, the decision-maker will be determined by the context of the incident.

No member of the DHB or the decision-maker will also have served as the Title IX Coordinator, Title IX investigator, or advisor to any party in the case, nor may any member of the DHB or decision-maker serve on the appeals body in the case.

No member of the DHB or decision-maker will have a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case.

The members of the DHB or decision-maker will be trained on topics including how to serve impartially, issues of relevance, including how to apply the rape shield protections provided for complainants, and any technology to be used at the hearing. The parties will have an opportunity to raise any objections regarding a DHB member's or decision-maker's actual or perceived conflicts of interest or bias at the commencement of the live hearing

ADVISOR OF CHOICE

The parties have the right to select an advisor of their choice, who may be, but does not have to be, an attorney.

The advisor of choice may accompany the parties to any meeting or hearing they are permitted to attend, but may not speak for the party, except for the purpose of cross-examination or consistent with union representation.

The parties are not permitted to conduct cross-examination; it must be conducted by the advisor. As a result, if a party does not select an advisor, the institution will select an advisor to serve in this role for the limited purpose of conducting the cross-examination at no fee or charge to the party.

The advisor is not prohibited from having a conflict of interest or bias in favor of or against complainants or respondents generally, or in favor or against the parties to the particular case. If a party does not attend the live hearing, the party's advisor may appear and conduct cross-examination on their behalf.

If neither a party nor their advisor appear at the hearing, the College will provide an advisor to appear on behalf of the non-appearing party. Advisors shall be subject to the institution's Rules of Decorum (Appendix 2), and may be removed upon violation of those Rules.

WITNESSES

Witnesses cannot be compelled to participate in the live hearing and have the right not to participate in the hearing free from retaliation. If a witness does not submit to cross-examination, as described below, the decision-maker cannot rely on any statements made by that witness in reaching a determination regarding responsibility, including any statement relayed by the absent witness to a witness or party who testifies at the live hearing. Witnesses shall be subject to the institution's Rules of Decorum (Appendix 2)

HEARING PROCEDURES

For all live hearings conducted under this Title IX Process, the procedure will be as follows:

- The DHB Chair or decision-maker will open and establish rules and expectations for the hearing;
- The Parties will each be given the opportunity to provide opening statements;
- DHB panelists or the decision-maker will ask questions of the Parties and Witnesses;
- Parties will be given the opportunity for live cross-examination after the DHB panel or decision-maker conducts its initial round of questioning; During the Parties' cross-examination, the DHB panel or decision-maker will have the authority to pause cross-examination at any time for the purposes of asking the DHB panel's or decision-maker's own follow up questions; and any time necessary in order to enforce the established rules of decorum.

Should a Party or the Party's Advisor choose not to cross-examine a Party or Witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the DHB or decision-maker. A Party's waiver of cross-examination does not eliminate the ability of the DHB panel or decision-maker to use statements made by the Party.

LIVE CROSS-EXAMINATION PROCEDURE

Each party's advisor will conduct live cross-examination of the other party or parties and witnesses. During this live-cross examination the advisor will ask the other party or parties and witnesses relevant questions and follow-up questions, including those challenging credibility directly, orally, and in real time.

Before any cross-examination question is answered, the DHB panel or decision-maker will determine if the question is relevant. See Appendix 3 for Relevance Guide. Cross-examination questions that are duplicative of those already asked, including by the DHB panel or decision-maker may be deemed irrelevant if they have been asked and answered.

REVIEW OF AUDIO RECORDING

The recording of the hearing will be available for review by the parties within 10 calendar days, unless there are any extenuating circumstances. The recording of the hearing will not be provided to parties or advisors of choice.

Determination Regarding Responsibility

STANDARD OF PROOF

Consistent with California law, Saint Mary's College of California uses the preponderance of the evidence standard for determinations regarding responsibility for formal complaints covered under this Policy. This means that the hearing determines whether it is more likely than not that a violation of the Policy occurred to a neutral decision maker.



GENERAL CONSIDERATIONS FOR EVALUATING TESTIMONY AND EVIDENCE

While the opportunity for cross-examination is required in all Title IX hearings, determinations regarding responsibility may be based in part, or entirely, on documentary, audiovisual, and digital evidence, as warranted in the reasoned judgment of the DHB or decision-maker.

DHB panelists or the decision-maker shall not draw inferences regarding a party or witness' credibility based on the party or witness' status as a complainant, respondent, or witness, nor shall it base its judgments in stereotypes about how a party or witness would or should act under the circumstances.

Generally, credibility judgments should rest on the plausibility of an individual's testimony, the consistency of their testimony, and its reliability in light of corroborating or conflicting testimony or evidence. Credibility judgments should not rest on whether a party or witness' testimony is non-linear or incomplete, or if the party or witness is displaying stress or anxiety.

DHB panelists or the decision-maker will afford the highest weight relative to other testimony to first-hand testimony by parties and witnesses regarding their own memory of specific facts that occurred. Both inculpatory and exculpatory (i.e., tending to prove and disprove the allegations) evidence will be weighed in equal fashion. Except where specifically barred by the Title IX Final Rule, a witness' testimony regarding third-party knowledge of the facts at issue will be allowed.

The parties may call "expert witnesses" for direct and cross examination whose testimony may be considered with respect to the subject matter of their expertise. The College does not provide for expert witnesses in other proceedings. The parties may call character witnesses to testify. The College does not provide for character witnesses in other proceedings.

The DHB may admit and allow testimony regarding polygraph tests ("lie detector tests") and other procedures that are outside of standard use in academic and non-academic conduct processes.

COMPONENTS OF THE DETERMINATION REGARDING RESPONSIBILITY

For Students, the written Determination Regarding Responsibility will be issued simultaneously to all parties through their institution email account, or other reasonable means as necessary. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph, and upon request, Saint Mary's will disclose the Determination Regarding Responsibility to the victim's next of kin.



THE DETERMINATION WILL INCLUDE:

- Identification of the allegations potentially constituting covered sexual harassment;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding which section of the Code of Conduct, if any, the respondent has or has not violated.
- For each allegation:
 - A statement of, and rationale for, a determination regarding responsibility;
 - A statement of, and rationale for, any disciplinary sanctions the recipient imposes on the respondent; and
 - A statement of, and rationale for, whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
 - The recipient's procedures and the permitted reasons for the complainant and respondent to appeal (described below in "Appeal").



For Employees, disciplinary sanctions for employee Respondents will not be issued by the decision-maker at the conclusion of the Live Hearing.

The written Determination Regarding Responsibility will be provided to the Title IX Coordinator and Human Resources. Human Resources will submit findings to the Responsible Administrator. The Responsible Administrator is the line administrator (for example, the dean, director, vice president, or president), who is responsible for acting on the findings and for making a decision regarding discipline of the person accused in consultation with Human Resources. If the finding is that discrimination or harassment occurred, Human Resources will discuss or provide information about appropriate remedies to the responsible administrator

Timeline of Determination Regarding Responsibility

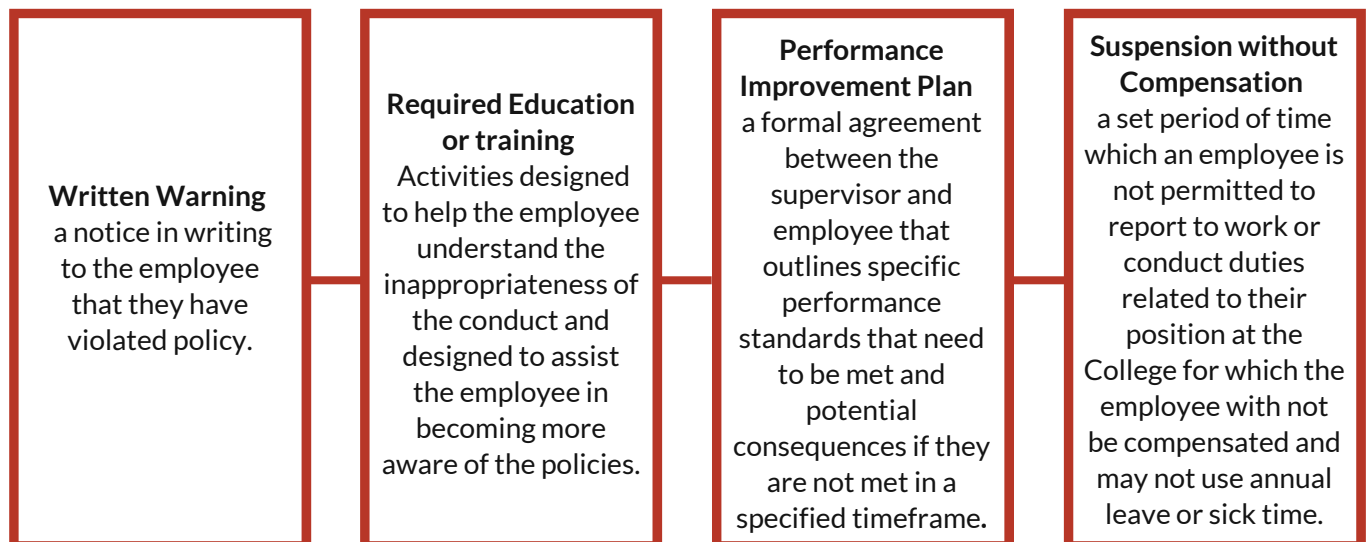
If there are no extenuating circumstances, the determination regarding responsibility will be issued by Saint Mary's College of California within ten (10) calendar days of the completion of the hearing.

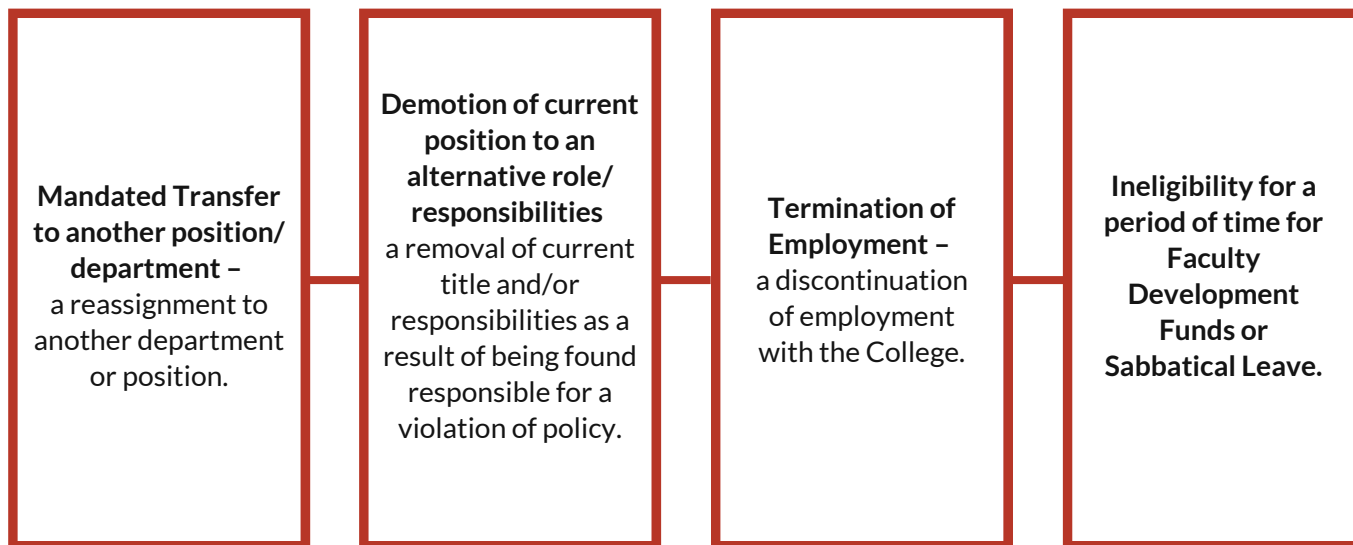
DISCIPLINARY SANCTIONS

For Students, sanctions are assessed in response to the specific conduct, the disciplinary history of the Respondent as well as the impact to the community. The list of commonly used sanctions can be located in the Student Code of Conduct, Article IV, section G.

For Employees, the College may consider properly established records of previous conduct and the seriousness of the violation. Where there are allegations of discrimination or harassment and a longer pattern or practice of discrimination or harassment exists, Saint Mary's College of California shall consider the totality of events in determining appropriate discipline.

The following list of sanctions may be imposed upon any employee (faculty or staff) found to have violated the Title IX Policy. More than one of the sanctions listed may be imposed for a single violation.





FINALITY The determination regarding responsibility becomes final either on the date that Saint Mary’s College of California provides the parties with the written determination of the result of the appeal, if an appeal is filed consistent with the procedures and timeline outlined in “Appeals” below, or if an appeal is not filed, the date on which the opportunity to appeal expires.

APPEALS

Each party may appeal (1) the dismissal of a formal complaint or any included allegations and/or (2) a determination regarding responsibility. To appeal, a party must submit their written appeal within 5 calendar days of being notified of the decision via the link included in their outcome letter, indicating the grounds for the appeal. The limited grounds for appeal available are as follows:

- A process or procedural error was made that that was significantly prejudicial to the outcome of the matter (i.e. a failure to follow the institution’s own procedures);
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;
- The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against an individual party, or for or against Complainants or Respondents in general, that affected the outcome of the matter

The severity of the sanction imposed was not appropriate based on the section of the Code or other College policy which the individual was found to have violated.

The submission of a request for appeal places any sanctions on hold for the duration of an appeal. Supportive measures and remote learning opportunities remain available during the pendency of the appeal.

If a party appeals, Saint Mary’s College of California will as soon as practicable notify the other party in writing of the appeal, however the time for appeal shall be offered equitably to all parties and shall not be extended for any party solely because the other party filed an appeal.

Appeals may be no longer than 10 pages (including attachments). Appeals should be submitted via the web form provided in the outcome letter using 12 point font, and double-spaced.

Appeals that do not meet these standards may be returned to the party for correction, but the time for appeal will not be extended unless there is evidence that technical malfunction caused the appeal document not to meet these standards.

Appeals will be decided by an appellate hearing body who will be free of conflict of interest and bias, and will not serve as investigator, Title IX Coordinator, or decision-maker or DHB panelist in the same matter. Outcome of appeal will be provided in writing simultaneously to both parties, and include rationale for the decision.

RETALIATION

Saint Mary's College of California will keep the identity of any individual who has made a report or complaint of sex discrimination confidential, including the identity of any individual who has made a report or filed a Formal Complaint of sexual harassment under this Title IX Policy, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding under this Title IX Policy. No person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX of the Education Amendments of 1972 or its implementing regulations.

No person may intimidate, threaten, coerce, or discriminate against any individual because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing under this Title IX Policy.

Any intimidation, threats, coercion, or discrimination, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations constitutes retaliation. This includes any charges filed against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but that arise from the same facts or circumstances as a report or complaint of sex discrimination or a report or Formal Complaint of sexual harassment. (see Good Samaritan Policy regarding amnesty from disciplinary action) Complaints alleging retaliation may be filed according to the Student Conduct of Conduct for students and the Faculty/Staff Handbook for Employees

RECORD RETENTION

Saint Mary's College of California shall maintain for a period of seven years records of: (A) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under this policy, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to Saint Mary's College of California's education programs or activities; (B) Any appeal and the result therefrom; (C) Any informal resolution and the result therefrom; and (D) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. Saint Mary's College of California shall make these training materials publicly available through its website.

Saint Mary's College of California shall create, and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of sexual harassment. In each instance, Saint Mary's College of California will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to Saint Mary's College of California's education program or activity. If Saint Mary's College of California does not provide a Complainant with Supportive Measures, then Saint Mary's College of California will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit Saint Mary's College of California in the future from providing additional explanations or detailing additional measures taken.

ALTERNATIVE PROCEDURES

Employees are encouraged to use Saint Mary's College Internal Complaint Procedure to address any complaints of discrimination or harassment based on protected class status. However, a student or an employee may elect to file a complaint with the following, as relevant:

U.S. Equal Employment Opportunity Commission (EEO), <http://www.eeoc.gov/>, 800-669-4000, 800-669-6820, TTY

U. S. Department of Education, Office for Civil Rights (OCR), 50 Beale Street, Suite 7200, San Francisco, CA 94105-1813, telephone (415) 486-5555, fax (415) 486-5570, or email: OCR.SanFrancisco@ed.gov.

California Department of Employment and Housing, <http://www.dfeh.ca.gov/> 800-884-1684

Any complaint of discrimination or harassment filed under the College's procedures shall be processed even if the Complainant also files a complaint or suit with an outside agency, including the California Department of Employment and Housing, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education Office of Civil Rights (OCR).
Appendix 1 – Informal Resolution Process



ELEMENTS OF AN INFORMAL RESOLUTION PROCESS PROCEDURES FOR ENTERING AND EXITING INFORMAL RESOLUTION PROCESS

Parties who do not wish to proceed with an investigation and live hearing, and instead seek Saint Mary's College of California's assistance to resolve allegations of Title IX-covered misconduct, may elect to enter the informal resolution process. Generally speaking, these resolution options are less time intensive than an investigation and live hearing, while still affording students an opportunity to actively participate in a process led by the College for resolution of their complaints.

The Parties may elect to enter Saint Mary's College of California's informal resolution process at any time after the filing of the Formal Complaint through an informed written consent. This informed written consent will include all terms of the elected informal process, including a statement that any agreement reached through the process is binding on the Parties. No Party may be required to participate in informal resolution, and the College may never condition enrollment, employment, or enjoyment of any other right or privilege upon agreeing to informal resolution.

The Parties may elect to leave the informal resolution process at any point until the informal resolution process is concluded. If a Party elects to leave the informal resolution process, the formal resolution process recommences. In participating in the informal resolution process, the Parties understand that the timeframes governing the formal process temporarily cease, and only recommence upon reentry into the formal process.

DETERMINATION TO APPROVE ENTRY INTO INFORMAL RESOLUTION PROCESS

Even where the Parties agree to submit a matter to informal resolution, the Title IX Coordinator or designee may approve the decision to move the matter to the informal resolution process and may determine that informal resolution is not appropriate under the circumstances.

Factors that the Title IX Coordinator or designee may weigh in considering the appropriateness of the informal resolution process include, but are not limited to, the gravity of the allegations, whether there is an ongoing threat of harm or safety to the campus, whether the respondent is a repeat offender, and whether the Parties are participating in good faith. This determination is not subject to appeal.

Informal resolution is only permitted to address allegations of student-on-student sexual harassment, and is never allowed as an option to resolve allegations that an employee sexually harassed a student.

At any time after the commencement of the informal resolution process, the Title IX Coordinator may determine that the informal resolution process is not an appropriate method for resolving the matter, and may require that the matter be resolved through the formal process. This determination is not subject to appeal.



CONFIDENTIALITY

In entering the informal resolution process, the Parties agree that any testimony and evidence (including admissions of responsibility) they share or receive during the informal resolution process concerning the allegations of the Formal Complaint is confidential. No evidence concerning the allegations obtained within the informal resolution process may be disseminated to any person, provided that any Party to the informal resolution process may generally discuss the allegations under investigation with a parent, friend, advisor, or other source of emotional support, or with an advocacy organization. As a condition of entering the informal resolution process, any evidence shared or received during the informal resolution process may not be used in any subsequent formal resolution process or institutional appeal.

ROLE OF THE FACILITATOR

Informal resolution processes are managed by facilitators, who may not have a conflict of interest or bias in favor of or against complainants or respondents generally or regarding the specific Parties in the matter.

All facilitators must have training in the definition of sexual harassment under 34 C.F.R. § 106.30(a), the scope of the institution's education program or activity, how to conduct informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, or bias.



TITLE IX INFORMAL RESOLUTION OPTIONS

Saint Mary's College of California offers the following informal resolution procedures for addressing Formal Complaints of sexual harassment covered under this Policy:

AGREED RESOLUTION

Should the Parties mutually determine to enter the informal resolution process, and the respondent elects to accept responsibility for the allegations of the Formal Complaint at any point during the informal resolution process, the institution may resolve the Formal Complaint via an Agreed Resolution

Where the respondent admits responsibility, the Parties will receive simultaneous written notification of the acceptance of responsibility, and a facilitator will convene to determine the respondent's sanction and other remedies, as appropriate and consistent with institutional policy.

In situations that have been investigated and are to be heard by the Disciplinary Hearing Board (DHB), the Dean of Students or designee and the Respondent may agree on the facts and, if warranted, identify mutually agreeable sanction(s) to be imposed.

In such a case, the agreed upon facts and sanction(s) shall be reduced to writing, dated, and signed by the Respondent. An Agreed Resolution shall be final and not subject to subsequent proceedings unless the Complainant submits a written objection to cancel the Agreed Resolution within 3 calendar days of the date it was signed by the Respondent. In situations where the Dean of Students or designee and the Respondent cannot agree to the facts and sanctions to be imposed, the case shall be referred to the DHB for a determination in accordance with outlined procedures.

RESTORATIVE JUSTICE

A Party may request to engage in Restorative Justice (RJ) Practices at any stage of the Title IX process, however, restorative justice may not be an appropriate mechanism for all conflicts. The College utilizes practices derived from Restorative Justice Principles to address instances of conflict that arise in the community and violations of the Code of Conduct and College Policy. The purpose of a Restorative Justice process is to bring together all parties involved and/or impacted, to address the harms associated with the incident. This fosters opportunities for discussion from diverse points of view and an opportunity to gain a better understanding of those involved. Central to Restorative Justice, is collaborative decision making that includes those who have been impacted and those who have caused harm along with others impacted. Restorative Justice Practices and outcomes are dependent upon the willingness of those that have been impacted to choose to participate and in those who have caused harm, to acknowledge responsibility for the impact they have had on others and to the best of their ability repair the harm they caused to impacted parties and the community

Additionally, all involved parties must agree to and abide by measurable and timely actions within the scope of the Title IX Policy and directives. The Office of Community Life will review any request for RJ, and may decline to initiate RJ based on the facts and circumstances of the particular case.

The RJ Conference proceeds only if all parties agree to participate willingly. Upon doing so, the RJ process typically commences within 10 calendar days after the Office of Community Life receives written agreements from all involved parties. The conference will continue until the conference is successfully concluded or until it is determined that the conference will not be successful. If successful, an agreeable resolution is reached by all involved parties, at which time the process is concluded, and the matter is resolved. If a resolution cannot be reached, the matter will be referred to the Dean of Students or designee to re-evaluate other options for resolution. The Office of Community Life will monitor the parties' adherence to their proposed solution and reserves the right to close the matter when compliance is satisfactory. Restorative Justice Outcomes are practices that represent a variety of educational and trust-building actions and/or measures that a student must complete to show growth, remorse, and a desire to restore trust in them from the community. Restorative Justice Outcomes may be assigned alone or in combination with one or more other restorative outcomes or Sanctions.

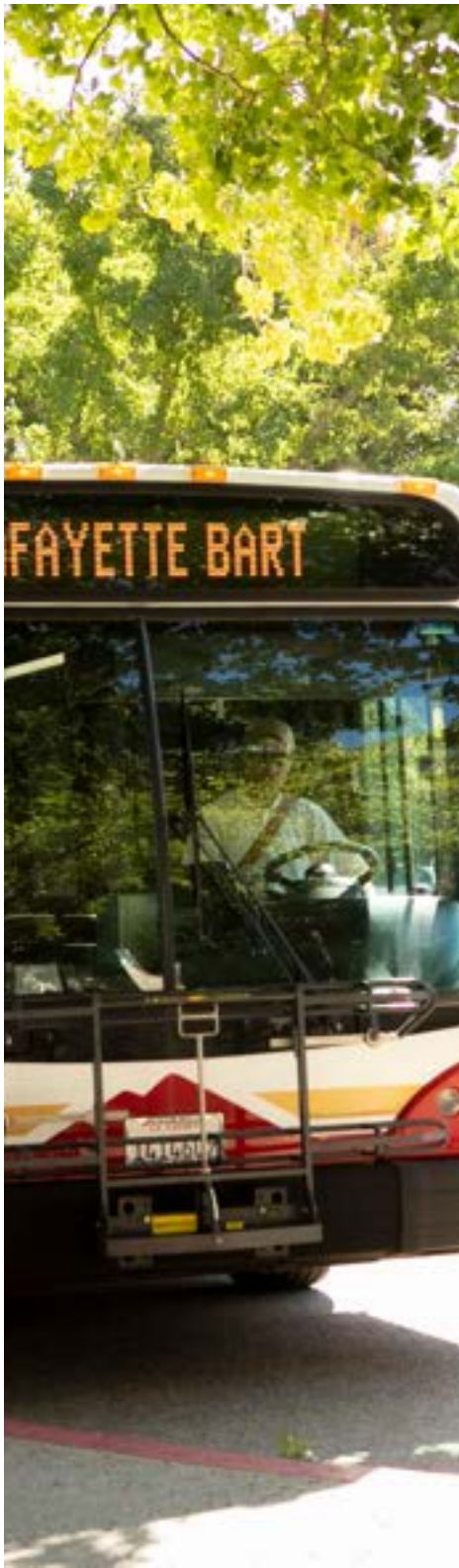
A Restorative Justice process can be requested by students, faculty/staff, organizations, and/or community members. Typically, before parties come together for a restorative justice process, a pre-conference meeting will be held in which a facilitator will determine whether the incident and the participant(s) are a good fit for a restorative justice process and if so, the most appropriate method of response. There are numerous methods of restorative justice processes that can engage all parties involved in the incident, including apology letters, conflict coaching, facilitated dialogue, restorative conferences or restorative circles. The context and the needs of those involved will be taken into consideration when determining how best to repair and address the impact by a given incident reported to the Dean of Students or designee.

ALTERNATIVE CONFLICT RESOLUTION

Alternative Conflict Resolution processes such as mediation, facilitated dialogue, shuttle negotiation, and informal agreements allow individuals involved in a conflict to have significant influence over the resolution process. If all persons directly affected by the misconduct or conflict agree to attempt resolution through one of these processes, and the Dean of Students or designee believes the process is an appropriate form of resolution, arrangements will be made for this type of resolution pathway. Please note, the nature of some misconduct or conflicts, especially those involving violence may render this option inappropriate.

If a resolution is not achieved through this process, a matter may be referred to another option for resolution including a Title IX live hearing. Also, resolutions reached through this process may not be appealed.





RULES OF DECORUM

PURPOSE OF THE RULES OF DECORUM

Title IX hearings are not civil or criminal proceedings and are not designed to mimic formal trial proceedings. They are primarily educational in nature, and the U.S. Department of Education, writing about Title IX in the Final Rule “purposefully designed these final regulations to allow recipients to retain flexibility to adopt rules of decorum that prohibit any party advisor or decision-maker from questioning witnesses in an abusive, intimidating, or disrespectful manner.” The Department has determined that institutions “are in a better position than the Department to craft rules of decorum best suited to their educational environment” and build a hearing process that will reassure the parties that the institution “is not throwing a party to the proverbial wolves.” *Id.*

To achieve this purpose, institutions may provide for reasonable rules of order and decorum, which may be enforced through the removal of an advisor who refuses to comply with the rules. As the Department explains, the removal process “incentivizes a party to work with an advisor of choice in a manner that complies with a recipient’s rules that govern the conduct of a hearing, and incentivizes colleges and universities to appoint advisors who also will comply with such rules, so that hearings are conducted with respect for all participants.” *Id.*

At base, these Rules of Decorum require that all parties, advisors of choice, and institutional staff treat others who are engaged in the process with respect. The rules and standards apply equally to all Parties and their Advisors regardless of sex, gender, or other protected class, and regardless of whether they are in the role of Complainant or Respondent

RULES OF DECORUM

The following Rules of Decorum are to be observed in the hearing and applied equally to all parties (meaning the complainant and respondent) and advisors:

- Questions must be conveyed in a neutral tone.
- Parties and advisors will refer to other parties, witnesses, advisors, and institutional staff using the name and gender used by the person and shall not intentionally mis-name or mis-gender that person in communication or questioning

- No party may act abusively or disrespectfully during the hearing toward any other party or to witnesses, advisors, or decision-makers.
- While an advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
- The advisor may not yell, scream, badger, or physically “lean in” to a party or witness’s personal space. Advisors may not approach the other party or witnesses without obtaining permission from the Disciplinary Hearing Board (DHB) or decision maker.
- The advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact; they may not include accusations within the text of the question.
- The advisor may not ask repetitive questions. This includes questions that have already been asked by the DHB or decision maker, the advisor in cross-examination, or the party or advisor in direct testimony. When the DHB or decision-maker determines a question has been “asked and answered” or is otherwise not relevant, the advisor must move on. Parties and advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

WARNING AND REMOVAL PROCESS

The DHB or decision-maker shall have sole discretion to determine if the Rules of Decorum have been violated. The DHB or decision-maker will notify the offending person of any violation of the Rules.

Upon a second or further violation of the Rules, the DHB or decision-maker shall have discretion to remove the offending person or allow them to continue participating in the hearing or other part of the process.

Where the DHB or decision-maker removes a party’s advisor, the party may select a different advisor of their choice, or accept an advisor provided by the institution for the limited purpose of cross-examination at the hearing. Reasonable delays, including the temporary adjournment of the hearing, may be anticipated should an advisor be removed. A party cannot serve as their own advisor in this circumstance. The DHB or decision-maker shall document any decision to remove an advisor in the written determination regarding responsibility

For flagrant, multiple, or continual violations of this Rule, in one or more proceedings, advisors may be prohibited from participating in future proceedings at the institution in the advisor role on a temporary or permanent basis. Evidence of violation(s) of this agreement will be gathered by the Title IX Coordinator, Director of Student Conduct, or a designee of either and presented to the Vice President of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee. The Advisor accused may provide an explanation or alternative evidence in writing for consideration by the Vice President of

Student Life for cases involving students/Director of Human Resources for cases involving employees or designee. Such evidence or explanation is due within fifteen (15) calendar days of receipt of a notice of a charge of re-disclosure or improper access to records. There shall be no right to a live hearing, oral testimony, or cross-examination. The Vice President of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee shall consider the evidence under a preponderance of the evidence standard and issue a finding in writing and, if the finding is Responsible, shall include a Sanction. The finding shall be issued in writing to all Parties and Advisors (if there is a current case pending) within thirty (30) calendar days unless extended for good cause. There is no appeal of this finding. Sanctions shall be higher for intentional re-disclosure of records than for negligent re-discourse. In the event that an Advisor is barred permanently or for a term from serving in the role as Advisor in the future, they may request a review of that bar from the Vice President of Student Life for cases involving students/Director of Human Resources for cases involving employees or designee no earlier than three-hundred and sixty-five (365) days after the date of the findings letter.

RELEVANT QUESTIONS ASKED IN VIOLATION OF THE RULES OF DECORUM

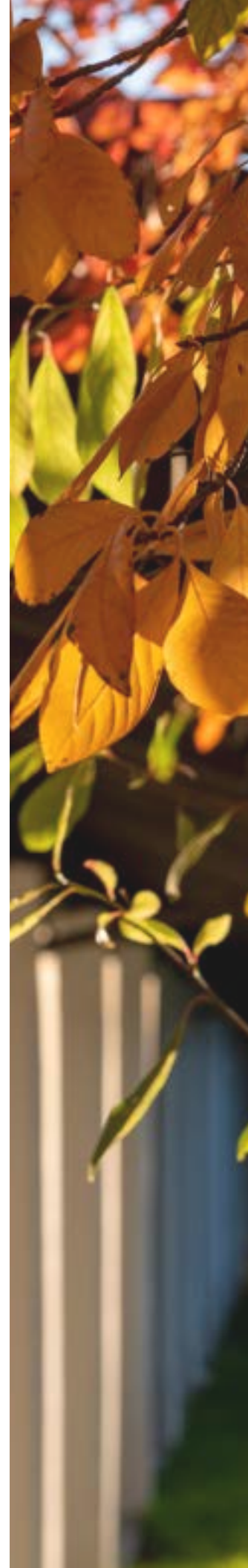
Where an advisor asks a relevant question in a manner that violates the Rules, such as yelling, screaming, badgering, or leaning-in to the witness or party's personal space, the question may not be deemed irrelevant by the DHB or decision-maker simply because of the manner it was delivered. Under that circumstance, the DHB or decision-maker will notify the advisor of the violation of the Rules, and, if the question is relevant, will allow the question to be re-asked in a respectful, non-abusive manner by the advisor (or a replacement advisor, should the advisor be removed for violation of the Rules).

Relevance Guide

Any question posed by the advisors must be evaluated for "relevance" in real time by the hearing officer. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

WHAT IS A RELEVANT QUESTION?

The Department of Education encourages institutions to apply the "plain and ordinary meaning" of relevance in their determinations. Basically, a relevant question will ask whether the facts material to the allegations



under investigation are more or less likely to be true. A question not directly related to the allegations will generally be irrelevant.

Officials should use common sense in this understanding. Things may be interesting or surprising but not relevant.

Relevance decisions should be made on a question-by-question basis, looking narrowly at whether the question seeks information that will aid the decision-maker in making the underlying determination. The relevance decision should not be based on who asked the question, their possible (or clearly stated) motives, who the question is directed to, or the tone or style used to ask about the fact. Relevance decisions should not be based in whole or in part upon the sex or gender of the party for whom it is asked or to whom it is asked, nor based upon their status as complainant or respondent, past status as complainant or respondent, any organizations of which they are a member, or any other protected class covered by federal or state law (e.g. race, sexual orientation, disability).

If a question is relevant but offered in an abusive or argumentative manner, the decision-maker has the discretion to ask the advisor to rephrase the question in an appropriate manner, consistent with the institution's decorum policy for hearings.

WHAT IF THE QUESTION IS "PREJUDICIAL" AND CONCERNS SENSITIVE OR EMBARRASSING ISSUES?

Much of the content within these hearings may be considered sensitive and/or embarrassing by parties or advisors. However, relevant questions need to be considered even if a party or advisor believes the danger of unfair prejudice substantially outweighs their probative value. Only irrelevant questions (detailed below), including about the complainant's prior sexual history, may be excluded.

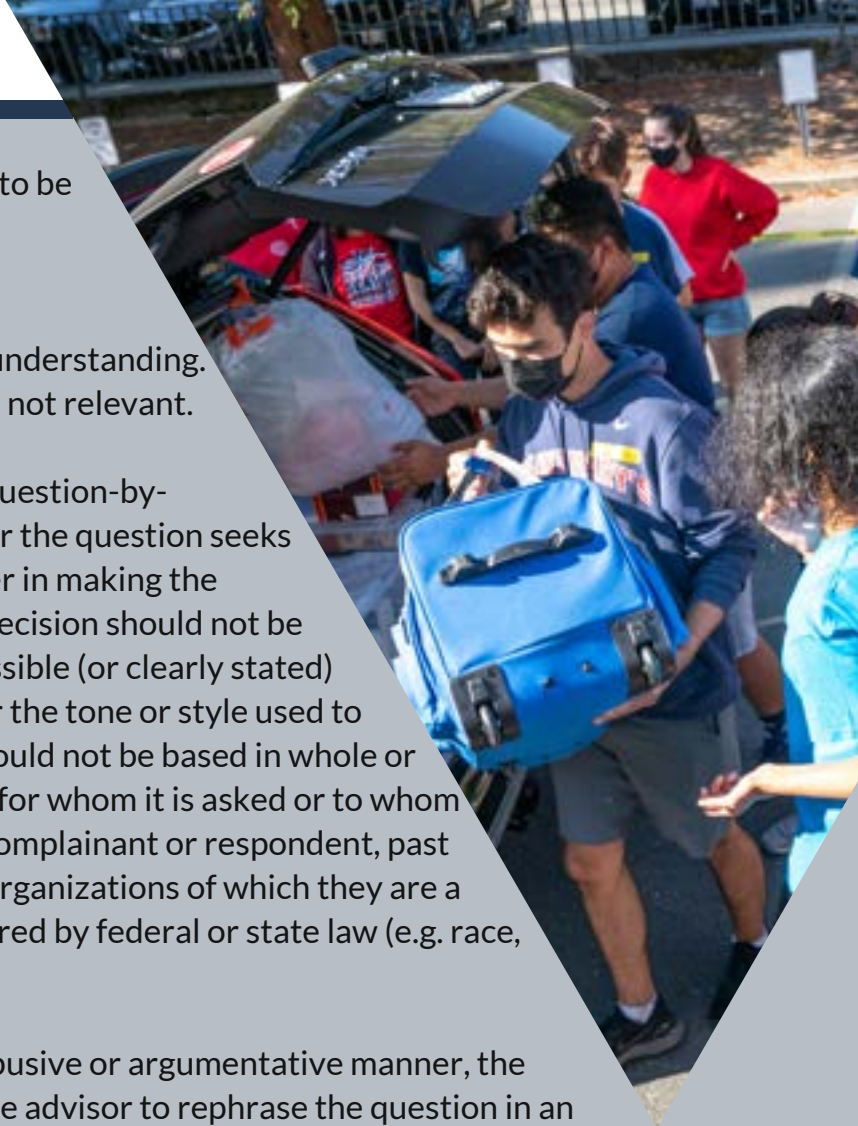
WHAT IS AN IRRELEVANT QUESTION?

Question about Complainant's Prior Sexual Behavior or Sexual Predisposition

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless:

such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant,

or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.



Question regarding Privileged Information

Questions that constitute, or seek disclosure of, information protected under a legally-recognized privilege are irrelevant. Depending on your state, individuals with legal privilege may include medical providers (physician, dentist, podiatrist, chiropractor, nurse), psychologists, clergy, rape crisis counselors, and social workers.

Questions about Undisclosed Medical Records

Questions that call for information about any party's medical, psychological, and similar records are irrelevant unless the party has given voluntary, written consent.

Duplicative Questions

Questions that repeat, in sum or substance, questions already asked by a party's advisor during cross-examination (and if part of your process, during direct examination), may be ruled duplicative, and therefore irrelevant.

HOW SHOULD THE DECISION-MAKER REACH A RELEVANCE DETERMINATION?

If the decision-maker is a single individual, the decision-maker will be solely responsible for determining the relevance of the question before it is asked. If the decision-maker is a panel, the panel's Chair will make all determinations of relevance.

WHAT SHOULD THE RELEVANCE DETERMINATION CONSIST OF?



The Department of Education explains that the Final Rule “does not require a decision-maker to give a lengthy or complicated explanation” in support of a relevance determination. Rather, “it is sufficient, for example, for a decision maker to explain that a question is irrelevant because the question calls for prior sexual behavior information without meeting one of the two exceptions, or because the question asks about a detail that is not probative of any material fact concerning the allegations.” As such, the decision-maker need only provide a brief explanation of the determination, which will ordinarily consist of one of the following statements depending on the situation.

Generally probative questions

The question is relevant because it asks whether a fact material to the allegations is more or less likely to be true. The question is irrelevant because it asks about a detail that does not touch on whether a material fact concerning the allegations is more or less likely to be true.

Question about Complainant’s Prior Sexual Behavior or Sexual Predisposition

The question is relevant because although it calls for prior sexual behavior information about the complainant, it meets one of the two exceptions to the rape shield protections, and it tends to prove that a material fact at issue is more or less likely to be true **[denote which exception]**.

Exception one: The question is asked to prove that someone other than the respondent committed the conduct alleged by the complainant.

Exception two: The question concerns specific incidents of the complainant’s prior sexual behavior with respect to the respondent and is asked to prove consent. The question is irrelevant because it calls for prior sexual behavior information about the complainant without meeting one of the two exceptions to the rape shield protections.

Question regarding Privileged Information

The question is irrelevant because it calls for information shielded by a legally-recognized privilege **[identify the privilege]**.

The question is relevant because, although it calls for information shielded by a legally-recognized privilege **[identify the privilege]**, that privilege has been waived in writing, and the question tends to prove that a material fact at issue is more or less likely to be true.

Questions about Undisclosed Medical Records

The question is irrelevant because it calls for information regarding a party’s medical, psychological, or similar record without that party’s voluntary, written consent. This question is relevant because although it calls for a party’s medical, psychological, or similar records, that party has given their voluntary, written consent to including this material, and it tends to prove that a material fact at issue is more or less likely to be true.

Duplicative Questions

The question is irrelevant because it is duplicative of a question that was asked and answered.

The decision-maker may relay a longer explanation if necessary under the circumstances. The relevance determination will be conveyed orally, except as needed to accommodate a disclosed disability of a hearing participant, and all relevance determinations will be preserved in the record of the proceeding.

MAY THE PARTIES AND/OR THEIR ADVISORS ASK THE DECISION-MAKER TO RECONSIDER THEIR RELEVANCE DECISION?

Any party or their advisor may request that the decision-maker reconsider their relevance determination.

The decision-maker may deny or grant the request to reconsider. This determination is final, but may be subject to appeal under the Title IX Process.

**Saint Mary's College's Title IX Policy is adapted from SUNY Student Conduct Institute*

STUDENT ACCOUNT HOLDS RELATED TO STUDENT DISCIPLINE

A Dean of Students (DS) Hold may be placed on your student account by the Dean of Students or designee. The action may be taken if a student misses a meeting or fails to complete a sanction by a prescribed deadline. Additional circumstances that warrant a DS Hold include but are not limited to: College Suspension, College Expulsion, and Interim Suspension of Privileges. DS Holds prevent any enrollment actions such as adding or withdrawing from courses

INTERIM SANCTIONS INCLUDING SUSPENSION OF PRIVILEGES AND NO CONTACT DIRECTIVE

An Interim Sanction can be either an interim measure and/or an interim protection. In certain circumstances, the Dean of Students, or designee, may impose an interim sanction suspending select College privileges and/or a no contact directive. Interim sanctions including interim suspension of privileges and/or a no contact directive may be imposed. In instances where it is determined that a student poses a potential threat to another; or to ensure the safety and wellbeing of members of the College community or preservation of College property; or to ensure the student's own physical or emotional safety and wellbeing; or if the student poses a threat of disruption or interference with the normal operations of the College.

Every attempt will be made by the Dean of Students, or designee, to meet as soon as possible with the student before implementing any interim sanctions. The decision will be communicated in writing to the student. During the interim sanctions, a student may be denied access to the residence halls, other campus facilities, and/or to the campus (including classes), and/or all other College activities or privileges for which the student might otherwise be eligible, as the Dean of Students may determine to be appropriate. An interim measure may also involve changes to academic and extracurricular activities, housing, transportation, dining, and/or working situations as appropriate.

The no contact directive, specific to a person(s) and/or location, prohibits a student from having direct or indirect communication or contact with a specified person(s); including, but not limited to in person communication, electronic communication, mail, and/or third-party communication. The interim suspension of privileges or no contact directive is an administrative action and does not replace the regular student discipline process, which shall proceed on the normal schedule, if required.

The interim suspension of privileges and/or no contact directive shall remain in effect until the Dean of Students, or designee, determines that the reason for imposing the suspension of privileges or no contact directive no longer exists, or the proceeding concludes which will determine what, if any, sanctions will be imposed.

AINTERPRETATION AND REVISION

Any question of interpretation or application of the Student Code shall be referred to the Dean of Students, or designee, for final determination. The Student Code shall be reviewed every two (2) years under the direction of the Dean of Students.

ARTICLE VI: RECORD RETENTION

Discipline records are maintained by the Dean of Students, or designee, and are kept for seven (7) years after the resolution of the incident. After seven years, student discipline records are purged except for circumstances that resulted in a student's separation from the College. In these cases, the College permanently maintains the records of those students who are expelled, suspended or separated from the College. Students are responsible for updating directory information, including address, with the Office of the Registrar.

COLLEGE AND COMMUNITY RESOURCES

The following resources are available to students and other members of the Saint Mary's community for information and support concerning intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, or stalking:

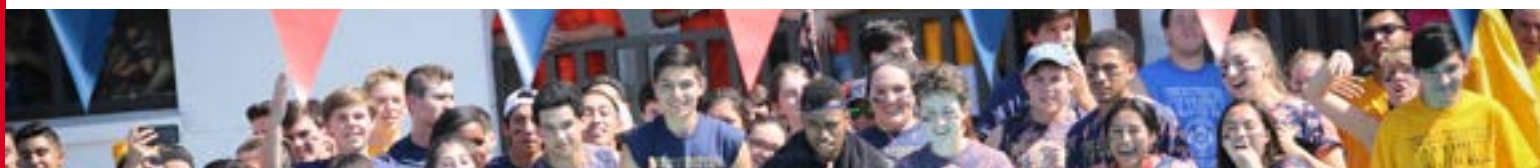
SMC CAMPUS ASSAULT RESPONSE AND EDUCATION (CARE) LINE

(925) 878-9207

The College's CARE Line is available to support students who have been affected by sexual assault, stalking, dating violence, or domestic violence. Students may access the line 24-hours a day, seven days a week during the academic year by calling or texting **925-878-9207**.

Students can utilize the line anonymously in order to gather resources, learn their options for accessing medical and emotional care and to receive critical, time sensitive information about how to report their case on and off campus. Members of the CARE Line are trained to assist students by providing information and discussing available resources and options (medical, legal, emotional, and academic), by making referrals and providing access to appropriate College and community services as needed. Members of the CARE Line do not act as counselors.

Students who believe they have experienced a violation of the Policy Prohibiting Discrimination, Harassment, Sexual Assault, Sexual Misconduct, and Retaliation may choose to contact the CARE Line for assistance. When an individual contacts the CARE Line, no college discipline action will take place unless the individual chooses to give her or his name and the details surrounding the incident. Any reports that include a victim's name or alleged perpetrator's name will be considered formal reports and will initiate college action. In order to ensure that students have as many options as possible when utilizing the line, students who are unsure if they would like to move forward with an on-campus Disciplinary process are encouraged not to reveal their names.



CONFIDENTIAL RESOURCES AT SAINT MARY'S COLLEGE

If a student is seeking more personal, confidential support from the College rather than the anonymous support that the CARE line offers, they may contact the Director of the CARE (Campus Assault Response and Education) Center (925-631-4193), a certified sexual assault counselor as defined by California Evidence Code Section 1035 et. Seq, and who can therefore offer confidentiality to the student. This will give the student time to seek out support and learn their options regarding reporting both on and off campus, without initiating a college disciplinary response. The confidentiality offered through this resource applies only to the student's communications with the sexual assault counselor and does not preclude the College from fulfilling its obligations to investigate incidents of assault based on information obtained from other sources. It will be important for the student to understand that if the College obtains information through other sources (e.g., roommates, witnesses, parents, RAs, friends or others), the College is obligated to act on that information, which may lead to the initiation of a disciplinary process or other administrative action.

Additionally, the counselors at Counseling and Psychological Services (925-631-4364) can offer students, as clients, confidentiality and the information and options available to them. Finally, under the protection of the priest-penitent privilege, one of the Saint Mary's priests would be able to offer students confidentiality and as well as to provide information and resources available here at Saint Mary's.

CAMPUS RESOURCES

Advocacy, confidential support,
information, & resource referral
(Augustine Hall, Ground Floor)

CARE Line.....	925-878-9207
Center for Women and Gender Equity.....	925-631-4171
Confidential Counseling services, support and information (Augustine Hall, Ground Floor)	
Counseling and Psychological Services.....	925-631-4364
Dean of Students (Title IX Deputy).....	925-631-4238
Director of the CARE Center.....	925-631-4193
Director of Community Life (Title IX Deputy).....	925-631-4238
Emergency.....	9-1-1 OR 925-631-4282
General Information/Administration.....	925-631-4052
Health and Wellness Center.....	925-631-4254
Information about the discipline process & list of advisors (Ferroggiaro Hall 200)	
Information, advocacy and resource referral (Augustine Hall, Ground Floor) Medical and information resource (Augustine Hall, Ground Floor)	
Public Safety.....	925-631-4282
Title IX Coordinator.....	925-631-4055

COMMUNITY RESOURCES

Contra Costa County Crisis & Suicide Intervention 24 hour Hotline.....	1-800-833-2900
Community Violence Solutions (Contra Costa Rape Crisis 24-Hour Hotline).....	1-800-670-7273
Moraga Police Department (24-hour number).....	925-284-5010
National Sexual Assault Hotline.....	1-800-656-HOPE (4673)
www.RAINN.org	
STAND! Against Domestic Violence 24-hour crisis counseling and emergency resource.....	1-888-215-5555

In addition to the above resources, the College will provide written notification to students and employees about resources for: counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to survivors, on campus and within the community.

Sexual Violence Educational and Prevention Activities

The Saint Mary's College community is committed to providing broad-based educational programs to help prevent intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking and to create a consciousness and an awareness about gender issues from an interdisciplinary, multicultural perspective. The programs and campaigns seek to be culturally relevant, sustainable and responsive to the needs of the community. Programs are assessed for value. They consider risks and protective factors on the individual, institutional, community, and societal levels.

Some of the educational and prevention efforts provided by the College include:

Sexual assault awareness efforts led by the Center for Women and Gender Equity and Director of the CARE Center are carried out throughout the academic year. These efforts address risks, statistics, safety, consent, coercion, and on and off campus resources through educational programs, classroom and residence hall presentations, bulletin board displays, and brochures and posters that are made available throughout the campus.

The Center for Women and Gender Equity and Director of the CARE Center provides ongoing programming to raise awareness about sexual assault, gender violence and systematic oppression through programs such as: Gray Zones, V-Day: Until the Violence Ends, Denim Day, The Clothesline Project, and Take Back the Night.

Programs addressing sexual assault, gender violence, and gender socialization are offered as a regular component of Weekend of Welcome and the First Year Experience. Bystander Intervention programming led by the campus-wide Green Dot committee to provide students with realistic ways they can interrupt behavior they believe may lead to all forms of sexual violence.

All employees must complete on-line harassment prevention training, which includes training on the crimes in the Violence Against Women Act (VAWA) at least once every two academic years. (An academic year is defined as July 1 to June 30.) Employees who are on an approved and/or legally mandated leave during the academic year are not required to fulfill this requirement while on that leave but will be expected to do so in the next academic year following their return from such leave.

Prevention & awareness information is provided to all new employees during the New Employee Orientation, conducted by a member of the Title IX committee. The training includes the basic aspects of Title IX and VAWA and methods of reporting.

Prevention & awareness information is provided to all incoming students during “Weekend of Welcome” and includes the topic listed above, as well as training on the definition of “consent” and the campus policies related to VAWA.

RISK REDUCTION TIPS

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior and how to avoid potential attacks.

If you find yourself in an uncomfortable sexual situation, these suggestions may help you to reduce your risk:

- If you have limits, make them known before things go too far.
- Tell a sexual aggressor “NO” clearly and loudly.
- Try to extricate yourself from the physical presence of a sexual aggressor.
- Grab someone nearby and ask for help.
- Realize that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Watch out for your friends and ask that they watch out for you. Make a plan for how you’re all going to get home safely and never leave anyone behind.
- If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk for being accused of sexual misconduct.

DON'T MAKE ASSUMPTIONS. About consent. About someone’s sexual availability. About whether they are attracted to you. About how far you can go. About whether they are physically and mentally able to consent to you. Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you. Mixed messages from your partner should be a clear indication that you should step back, defuse the sexual tension, and communicate better. Perhaps you are misreading them. Perhaps they haven’t figured out how far they want to go with you yet. You need to respect the timeline with which they are comfortable. Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.



Understand that consent to some forms of sexual behavior does not necessarily imply consent to other forms of sexual behavior.

On this campus, and pursuant to state law, silence and passivity cannot be interpreted by you as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

A bystander is someone other than the victim who is present when an act of intimate partner violence (dating violence, domestic violence), non-consensual sexual contact, sexual assault, sexual misconduct, and stalking is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent intimate partner violence, non-consensual sexual contact, sexual assault, sexual misconduct, and stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse. Using directing, delegating, or distracting actions, active bystanders can help reduce/eliminate risk.

Examples of active bystander intervention include actions that include:

- Not leaving an overly intoxicated person in a bar/party alone;
- Walking a classmate to their class;
- Calling Public Safety when a potentially violent situation is unfolding;
- Not leaving an unconscious person alone (alerting an RA, Public Safety, etc.);
- Intervening when someone is belittled, degraded, or emotionally abused (e.g. walking victim away from abuser, contacting others for help, like the Counseling Center, RA, Dean)



CAMPUS SEX CRIMES PREVENTION ACT **(SEX OFFENDER REGISTRATION INFORMATION)**

In addition, as provided by the Campus Sex Crimes Prevention Act, the Contra Costa County Sheriff's Office maintains a Megan's Law database of sex crime offenders, information may be obtained in person from the Sheriff's office located at 500 Court Street, Martinez, Monday-Friday, 9 a.m. to 4 p.m. or thorough the California Department of Justice website which lists designated registered sex offenders in California at: <http://www.meganslaw.ca.gov>

OFF-CAMPUS LOCATIONS

The Department of Public Safety solicits crime data information from law enforcement agencies for off-site campus locations where:

- The College sponsors student travel for campus events for two nights or more and any location where the College sends students at the same time each year (e.g. an annual Labor Day sports tournament);
- The college sponsors student lodging for education abroad.
- The college hosts undergraduate or graduate classes at a location away from the main campus. For Saint Mary's College of California, this is the LEAP program (Liberal Education for Arts Professionals).

For the 2020 calendar year, no Clery crimes were reported at LEAP locations. No Clery crimes or hate crimes were reported to police or campus security authorities at any of the other above locations (noted in the charts at the end of the report).

REPORT AVAILABILITY

Saint Mary's College Crime Statistics are always available through the U.S. Department of Education web site [OPE ID: 00130200]: www.ope.ed.gov/security

As provided by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, Saint Mary's College of California through its Department of Public Safety, annually provides notice and makes available copies of the Annual Security and Fire Safety Report, to the campus community, prospective students, employees and the public. Each Annual Security and Fire Safety Report includes statistics for the past three years concerning crimes and incidents (whether they occurred on campus, in off-campus building and property owned or controlled by the College, or on public property adjacent to campus) reported to campus security authorities. Each Security Report also provides campus policies and practices concerning security – how to report sexual assaults and other crimes, crime prevention efforts, policies/laws governing alcohol and drugs, victims' assistance programs, student discipline, college resources, and other matters. The Security Report is publicly available electronically or hard copy in the following ways:

Electronically:

https://www.stmarys-ca.edu/sites/default/files/attachements/files/asr_2021.pdf

Person: Department of Public Safety, Administrative Office, 111 Assumption Hall Mail or

Telephone Request: Department of Public Safety 1928 Saint Mary's Road Moraga, CA 94575-3111 (925) 631-4052.

CAMPUS FIRE SAFETY ANNUAL COMPLIANCE REPORT

OVERVIEW

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008. It requires all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire-related on-campus statistics. The following public disclosure report details. All information required by this law as it relates to Saint Mary's College.

GENERAL STATEMENT OF SAINT MARY'S COLLEGE STUDENT RESIDENT HOUSING

At Saint Mary's College, all residence halls are covered with integrated fire sprinkler systems and a redundant fire alarm monitoring systems which are monitored 24 hours/day, seven days/week by a private alarm service that immediately reports all fire alarms to the Moraga-Orinda Fire District and the Department of Public Safety.

RESIDENCE HALL FIRE SAFETY SYSTEMS

Residence Hall Fire Safety Systems are located in the charts at the end of this report.

RESIDENCE HALL FIRE DRILLS

Fire drills are held at least once per calendar year for each residence hall. Fire drills are mandatory supervised evacuations of a building. Fire drills are scheduled with Campus Housing, and individual residence hall staff.

Evacuation route maps are posted in each resident room showing where the closest egress route is and the assembly area outside. Students who fail to leave the building during a fire drill are subject to referral to the Office of Community Life and subject to sanctions and criminal prosecution.

FIRE SAFETY

All students are expected to observe the following regulations critical to the prevention of residence hall fires:

- The use or possession of any dangerous chemical or explosive material, including but not limited to, fireworks, gunpowder, gasoline or propane is prohibited within the residence halls.
- Tampering with fire alarms, fire sprinklers, smoke detectors or fire extinguishers is a violation of state law and is prohibited.
- Propping open doors for any purpose other than emergency evacuation is prohibited.
- Room doors, breezeways, corridors, stairways, and building exits must be kept clear of obstructions at all times. Balconies, breezeways and patios must not be used as storage areas.
- All students and guests must evacuate any building in which a fire alarm sounds in accordance with all local, state and federal law.
- Students who continually activate a fire alarm because of cooking or preventable circumstances may result in the student receiving disciplinary action and/or a service fee.

BALCONIES & BREEZEWAYS

Furniture is not permitted on the balconies and breezeways with the exception of specifically constructed outdoor deck furniture approved in advance by the Campus Housing Office. No more than six (6) persons may be on a townhouse balcony outside the suite of a townhouse at any one time. Alcohol is not allowed on balconies, breezeways, courtyards, or patios, which are considered public areas. Barbecues, cooking, refrigerators and/or other appliances are not allowed on balconies, breezeways, courtyards, or patios. No materials, including but not limited to flags and banners, may be hung on balconies without permission from the Office of Residential Experience.

SMOKING/VAPING

Saint Mary's College promotes and fosters the health, safety, and comfort of all members of the residence hall community. Smoking/vaping is not permitted in residence rooms, on the breezeways, or in public areas of the residence halls (hallways, lounges, etc.). Also, students who smoke/vape are asked to be mindful of their location with regards to open doors and windows, and to ensure that smoking materials are disposed of properly. Any room damages created by smoking/vaping within the room are the responsibility of the residents of the room. See the Tobacco Policy for further details.

COOKING & MICROWAVES

Cooking is not permitted in the residence halls other than in those areas that are specifically designed or equipped for cooking by the College (i.e. townhouses and staff apartments). Kitchens in residence hall lounges are available for hall events and not intended for regular personal use. The heating of beverages, snacks, and popcorn in College approved microwaves is permitted. Students may use a personal microwave as long as it does not exceed 1,000 watts.

Barbecue (BBQ) Grills in/near Residences – Saint Mary's College allows students and student organizations the freedom to use outdoor BBQ grills for the purpose of achieving positive social interactions and community, while accepting responsibility for the use of the BBQ grills on campus. As with any other scheduled or non-scheduled social event, the sponsoring/attending students or student organization is responsible for managing the event involving the BBQ grills with concern for the health and safety of individuals present at the event. All policies and procedures of the College must be followed at all times. College staff/faculty members, Residential Experience staff, may ask students to discontinue the use of a BBQ grill at any time, for hazardous conditions (such as high winds, burn bans, fire season, etc.), or if smoke emissions become offensive to occupants of surrounding property. Failure to comply with a request to extinguish the fire/grilling may result in disciplinary action for the individual or organization hosting the event.

GUIDELINES FOR USE

Only non-treated wood, paper and charcoal briquettes may be used as burning materials. It is the responsibility of the individual/organization to provide needed materials. In addition, the individual/organization is responsible for any damage caused to surrounding grounds caused by fire/grilling. Fires must be completely extinguished immediately following the conclusion of the event. Smoldering coals, smoke, or residual heat may indicate the ability for a fire to reignite and must have dissipated prior to individuals leaving the area unattended. Lit fires must always be attended. Unauthorized possession or use of alcohol at the BBQ grills is prohibited. BBQ grills should only be used for cooking food and for no other purpose. If fire/smoke becomes unmanageable with use of fire extinguisher call Public Safety: 925-631- 4282. Fire Life Safety Education

FIRE SAFETY IMPROVEMENTS AND UPGRADES

Saint Mary's College Facilities Services Department annually reviews the fire systems in our residence halls and will make upgrades, repairs or revisions when problems are identified and during major building renovations.

FIRE/LIFE SAFETY INSPECTIONS

Saint Mary's College Facilities Services Department annually reviews the fire systems in our residence halls and will make upgrades, repairs or revisions when problems are identified and during major building renovations.

REPORTING A FIRE

Anyone reporting a fire should contact Public Safety (925-631-4282) or 911.

In case of a fire, please sound the nearest fire alarm and evacuate the building. Evacuation procedures are as follows:

- Know the emergency routes from your room and hall.
- Check to see if your door is hot or has smoke around it. If so, stay in your room and wait to be evacuated by firefighters.
- Shut your door tightly when you leave.
- Exit your building and follow the directions of staff members.
- DO NOT remain in courtyards or in close proximity to the buildings.



Remain in designated locations until cleared for re-entry by a member of the residential experience staff acting in behalf of public safety or the fire department.

If you can use a fire extinguisher in your building without endangering yourself, please do so. However, our first concern is your safety. Do not attempt to extinguish a fire if your personal safety becomes threatened.

STATISTICS AND REPORTS OF ON-CAMPUS STUDENT HOUSING FIRE(S)



2022 Fire Statistics – One reportable incident

2021 Fire Statistics – No reportable incidents



2020 Fire Statistics – No reportable incidents

DEFINITIONS

FIRE —

Any instance of open flame or other burning in a place not intended to contain

FIRE DRILL —

A supervised practice of a mandatory evacuation of a building for a fire.

FIRE-RELATED INJURY —

Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

FIRE-RELATED DEATH —

Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire, or deaths that occur within 1 year of injuries sustained as a result of the fire.

FIRE SAFETY SYSTEM —

Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire including: sprinkler or other fire extinguishing systems, fire detection devices, standalone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights, smoke-control and reduction mechanisms, and fire doors and walls that reduce the spread of a fire.

VALUE OF PROPERTY DAMAGE —

The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity, including: contents damaged by fire, related damages caused by smoke, water, and overhaul, however it does not include indirect loss, such as business interruption

FIRE LOG —

A fire log is kept in conjunction with the crime log at the Public Safety Department open to the public during normal business hours. The fire log records any fire that occurred in an on-campus student housing facility and includes information such as the nature, date, time and general location of each fire.

CLERY STATISTICS: CHARTS AND MAPS

[2022 Crime Statistics](#)

[2021 Crime Statistics](#)

[2020 Crime Statistics](#)

[Fire Safety Information - Residence Halls](#)

2022 Crime Statistics

Offense	On-Campus Property*	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder / Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	3	3	0	0
Fondling	0	1	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	1	0	0
Burglary	3	1	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	1	0	0
Stalking	2	0	0	0
Arrests - Weapons: Carrying, Possessing, etc.	0	0	0	0
Disciplinary Referrals - Weapons: Carrying, Possessing, etc.	0	0	0	0
Arrests - Drug Abuse Violations	0	0	0	0
Disciplinary Referrals - Drug Abuse Violations	0	0	0	0
Arrests - Liquor Law Violations	0	0	0	0
Disciplinary Referrals - Liquor Law Violations	1	0	0	0
*On-Campus Property includes offenses counted in "On-Campus Student Housing Facilities"				

Hate Crimes: There were no hate crimes reported in 2022.

2021 Crime Statistics				
Offense	On-Campus Property*	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder / Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	2	2	0	0
Fondling	4	4	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary	1	1	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
Arrests - Weapons: Carrying, Possessing, etc.	0	0	0	0
Disciplinary Referrals - Weapons: Carrying, Possessing, etc.	0	0	0	0
Arrests - Drug Abuse Violations	0	0	0	0
Disciplinary Referrals - Drug Abuse Violations	0	0	0	0
Arrests - Liquor Law Violations	0	0	0	0
Disciplinary Referrals - Liquor Law Violations	0	0	0	0
*On-Campus Property includes offenses counted in "On-Campus Student Housing Facilities"				

Hate Crimes: There were no hate crimes reported in 2021.

2020 Crime Statistics

Offense	On-Campus Property*	On-Campus Student Housing Facilities	Noncampus Property	Public Property
Murder / Non-negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Rape	5	4	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	2	2	0	0
Burglary	2	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	4	2	0	0
Arrests - Weapons: Carrying, Possessing, etc.	0	0	0	0
Disciplinary Referrals - Weapons: Carrying, Possessing, etc.	0	0	0	0
Arrests - Drug Abuse Violations	0	0	0	0
Disciplinary Referrals - Drug Abuse Violations	0	0	0	0
Arrests - Liquor Law Violations	0	0	0	0
Disciplinary Referrals - Liquor Law Violations	0	0	0	0
*On-Campus Property includes offenses counted in "On-Campus Student Housing Facilities"				

Hate Crimes: There were no hate crimes reported in 2020.

Saint Mary's College of California
FIRE SAFETY INFORMATION

Student Residential Building

Residence Hall Facility	Fire Alarm *3 Monitoring	Full *1	Partial *2	Smoke Detection	Fire Extinguisher Devices *4	Evacuation Plans & Placards	Number of Fire
		Sprinkler System	Sprinkler System				Evacuation Drills Annually
Ageno, Edward S. - East	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1
Ageno, Ferdinand & Camille	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Ageno, Marjorie David	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Ageno, Michael E.	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Ageno, Edward S. - West	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1
Aquinas	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Assumption	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Augustine	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Becket	Yes	Yes	n/a	Rooms & Common Areas Monitored	Common Areas by Code	Yes	1
Clays Hall - North	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Clays Hall - South	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
De La Salle	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Freitas	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1
Guerreri East	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1
Guerreri West	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1
Justin	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
Mitty	Yes	Yes	n/a	Rooms Battery Op; Common Area Monitored	Common Areas by Code	Yes	1
More	Yes	Yes	n/a	Rooms & Common Areas Monitored	Common Areas by Code	Yes	1
Sabatte	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1
Siena	Yes	Yes	n/a	Rooms & Common Areas Monitored	Common Areas by Code	Yes	1
Syufy	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1
Thille	Yes	Yes	n/a	Rooms & Common Areas Monitored	All Suites & Common Areas by Code	Yes	1

*1 Full Sprinkler system is defined as having sprinkler in both common areas and individual bedrooms.

*2 Partial sprinkler system is defined as having sprinklers only in common areas.

*3 Fire alarm monitoring provided by Bay Alarm Company, 24 hours per day, seven days per week.

*4 Fire extinguishers are provided in suites with approved cooking facilities in addition to extinguishers placed in laundry rooms and common spaces per Fire Code.