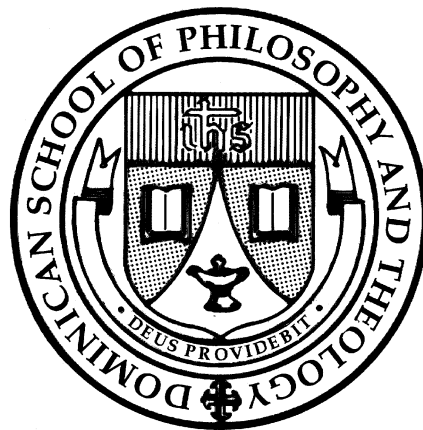


# DSPT

DOMINICAN SCHOOL  
OF PHILOSOPHY & THEOLOGY



Handbook for Campus Safety  
and  
2019 Annual Security Report

Fall 2019  
2301 Vine St., Berkeley, CA 94708

# DSPT Campus Safety Policies and Annual Campus Security Report

---

## Table of Contents

DEFINITIONS, POLICIES, AND PROCEDURES .....	1
Policy on Preparation of this Handbook and Annual Campus Security Report .....	1
Campus Access and Use .....	2
Campus Safety Enforcement (Police and Fire) Authorities.....	2
Emergency Notification .....	3
Safety Guidelines for an Active Shooter on Campus .....	3
Timely Notification.....	4
Campus Safety Officers.....	4
Title IX Coordinator .....	4
Campus Security Authority (CSA).....	5
CSA Crime Reporting Obligation.....	5
Reporting Procedures for Emergencies and Criminal Activity .....	5
Policy on Alcohol Use and Illegal Drug Possession .....	6
Non-Violence and Prohibition of Firearms and Dangerous Weapons.....	9
Sexual Misconduct and Harassment – Definitions and Policies .....	10
General .....	10
Sexual Harassment by Students .....	15
Sexual Harassment by Faculty.....	16
Sexual Harassment by Staff or Administrators.....	16
Reporting Procedures, Confidentiality, Retaliation, Protection of the Alleged Harasser .....	17
Inter-GTU-School Complaints.....	18
Assistance for Survivors.....	18
Appendix A – Federal Trafficking Penalties for Controlled Substances .....	19
ANNUAL CAMPUS SECURITY REPORT .....	22
Information Concerning Registered Sex Offenders .....	22
Clery Act Crimes and Reportable Locations (Definitions) .....	22
Crimes (Section 1).....	23
CLERY ACT Reportable Arrests and Referrals (Section 2) .....	24
CLERY ACT Reportable Hate Crimes (Section 3) .....	25
Locations.....	25
DSPT CRIME INCIDENT REPORT FORM.....	30

## DEFINITIONS, POLICIES, AND PROCEDURES

### Policy on Preparation of this Handbook and Annual Campus Security Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act, codified at 20 U.S.C. 1092(f) as part of the Higher Education Act of 1965 (HEA), and the Higher Education Opportunity Act (HEOA) of 2008 ) is a federal law that requires colleges and universities to disclose certain information about campus security and crime statistics in a timely and regular manner, along with security and safety policies.

In addition, the Higher Education Opportunity Act, requires the publication of a Fire Safety Report and Missing Student information for campus locations which have on-campus student housing facilities. DSPT is exempt from this requirement because it does not have or maintain on-campus housing.

Dominican School of Philosophy & Theology (DSPT) highly values the individual and collective security of its students, faculty, and staff. The material that follows is designed to familiarize you with issues of safety and security at the DSPT campus. Furthermore, as a member of the Graduate Theological Union (GTU), DSPT is also concerned with the safety of all members of the consortium not only on the DSPT campus but throughout the “Holy Hill” area of the Union.

The information in this report comes from a variety of sources, including the City of Berkeley Police Department, and incidents reported to the member schools of the GTU. Because DSPT does not maintain on-campus housing, these elements are not included in this report. DSPT students may wish to refer to the relevant GTU policies located in its own [Campus Crime and Safety Report](#).

In compliance with the law, DSPT publishes annually all information pertaining to campus safety and security, various resources concerning where to obtain information, as well as the statistics on campus crime. This information is posted at the DSPT website on the Campus Safety, Security, and Quality page (see: <http://www.dspt.edu/campus-safety-and-security>). Students and employees are notified by email each Fall when the new Handbook for Campus Safety and Security Report is available. A paper copy of this report may be obtained by sending an email request to the Title IX coordinator or the Registrar.

DSPT relies on every community member to contribute to safety and security on campus by reporting crime and suspicious activities in a timely manner and using common sense when going about daily activities. Safety is a shared responsibility. We hope that you will use the information to help foster a safe environment for yourself and those who participate in our community.

## Campus Access and Use

Security of the campus is a responsibility shared by all students and employees. Employees are advised to keep unoccupied offices locked. Car doors should be locked.

Access to all space on the DSPT campus is limited to the official occupant of that space and that occupant's employees, students, guests and/or invitees. All areas of the DSPT campus are closed between the hours of 10:00 p.m. and 7:00 a.m. unless special arrangements have been made with the Administration Manager.

Keys allowing entry to DSPT buildings and offices are issued by the Vice-President of Finance and Operations. A list of persons holding keys is maintained by the School, and unauthorized copying or lending to unauthorized persons of keys is expressly forbidden. Violations of this policy may result in the loss of access privileges. DSPT Faculty and Staff are charged with responsibility for safeguarding the spaces under their control, maintaining custody of the keys provided to them, and reporting promptly their loss. The Vice-President of Finance and Operations has responsibility for close control of the activities of persons engaged in any form of maintenance or repair anywhere on the campus.

## Campus Safety Enforcement (Police and Fire) Authorities

The maintenance of functional lighting and appropriate pruning of foliage are an important part of preventing crime on and around the DSPT campus. Members of the community are asked to notify the Administration Manager of maintenance problems or concerns. Security and safety issues will be presented in the orientation program for new students and staff.

Neither DSPT nor the GTU has a campus law enforcement or safety staff. No employee of DSPT has within the scope of his or her employment police powers or the authority to arrest individuals. Consequently, persons affiliated with the School are urged to make use of the extensive safety resources provided by the City of Berkeley Police and Fire Departments, along with those of the University of California at Berkeley. Students and employees are encouraged to be responsible for their own safety and the security of others. You can do this by informing yourself about safety procedures and crime avoidance tips available from the City of Berkeley and the University of California. You may access this information at the following websites:

City of Berkeley Police Department: <http://www.ci.berkeley.ca.us/police/>

City of Berkeley Fire Department: <http://www.ci.berkeley.ca.us/fire/>

UC Berkeley: <http://police.berkeley.edu/>

The University of California operates a night escort service called BearWALK that GTU students may use. The service provides escorts who will walk you to your car, a shuttle bus, public transportation, or home if you live nearby. Call 642-WALK after dark until 5:30 AM while UC Berkeley is in session. Boundaries for the service are Vine Street to the north, Derby Street to the south, Milvia Street to the west and Prospect to the east. For more information go to: <http://police.berkeley.edu/>

In the event of a security emergency anyone on campus should call the Berkeley Police Department at 9-1-1 from a land telephone or 510-981-5911 from a cell phone. For non-emergency calls please call 510/981-5900.

## Emergency Notification

In the case of an immediate threat to the health or safety of students and employees who are located on or near the DSPT campus, school administrators will issue an immediate warning through the DSPT email system, on the DSPT website and, if warranted verbally throughout the campus.

The GTU maintains an alerting and warning service designed to contact faculty, students, staff and other interested parties to warn of situations on or near campus that may pose an immediate threat. The "GTU-Alert" system provides emergency, urgent and important information and instructions in other emergencies. This is an opt-in service. Members of the campus community must visit <http://www.e2campus.com/my/gtu/index.htm> or <http://www.gtulink.edu> and follow the instructions to activate the service. You will be asked to provide your contact information, specifying whether you would like to be alerted by phone (cell, home, office, TTY) or via text message or e-mail.

The GTU will activate this system in the event of an imminent threat to safety, in a serious emergency or on the occasion of an urgent situation. All personal information you may provide by signing up for this alert remains private and is not accessed by the GTU or others for any reason other than alerting you.

The GTU tests this system on a regular basis to ensure that it is functioning properly. The Vice President for Administration and Finance and the consortial IT staff are authorized to determine the content of the emergency communication and to initiate the system in the event of an emergency. If the emergency notification system is initiated all those who have registered for its use by completing the enrollment steps will be notified.

## Safety Guidelines for an Active Shooter on Campus

An active shooter is a person or persons who appear to be actively engaged in killing or attempting to kill people, most often in populated areas. In most cases active shooters use firearm(s) and display no pattern or method for selection of their victims. In some cases active shooters use improvised explosive devices to cause additional victimization and act as an impediment to law enforcement and emergency services responders. Active shooter situations are dynamic and evolve rapidly, demanding immediate response by the community and immediate deployment of law enforcement resources to stop the shooting and prevent further harm to the community. In the case of an active shooter on campus, be aware that the 911 system may become overwhelmed.

For additional information see the Guidelines noted below and refer to the U.S. Department of Homeland Security "[Active Shooter How to Respond](#)" guide, or the Homeland Security [Active Shooter Preparedness](#) website. You may also be interested in watching a [training video](#) prepared by The Ohio State University Administration and Planning.

In general, how you respond to an active shooter will be dictated by the specific circumstances of the encounter. If you find yourself involved in an active shooter situation, try to remain calm and call 911 as soon as possible.

If an active shooter is on the DSPT campus you should:

- Try to remain calm.
- Try to warn other faculty, staff, students and visitors to take immediate shelter.

- Try to inform (or direct someone to inform) a member of the Senior Staff/Administration so that a campus emergency notification can be engaged.
- Proceed to a room that can be locked or barricaded.
- Lock and barricade doors or windows.
- Turn off lights.
- Close blinds.
- Turn off radios or other devices that emit sound.
- Keep yourself out of sight, stay away from windows and take adequate cover/protection, i.e. concrete walls, thick desks, filing cabinets.
- Silence cell phones.
- Have one person call 911 and provide as much detail as possible, including any information about the offender(s), any victims, any suspicious devices, etc.
- Wait patiently until a uniformed police officer, or a university official known to you, provides an "all clear." Unfamiliar voices may be an active shooter trying to lure you from safety; do not respond to voice commands until you can verify with certainty that they are being issued by a police officer or university official.
- Rescuing people should only be attempted if it can be accomplished without further endangering the persons inside a secured area.

*What to expect from responding police officers.* The objectives of responding police officers are to immediately engage or contain the active shooter(s) in order to stop life threatening behavior; identify threats such as improvised explosive devices; and identify victims to facilitate medical care, interviews and counseling. *Do exactly as the officers instruct.* The first responding officers will be focused on stopping the active shooter and creating a safe environment for medical assistance to be brought in to aid the injured.

### Timely Notification

In the event that a situation arises, either on or off the DSPT campus, that, in the judgment of the administration, constitutes an ongoing or continuing threat as a result of a "Clery crime," a campus wide "timely warning" will be issued. The warning will be issued as soon as the pertinent information is made available through the DSPT email system to students, faculty, staff; it will also be posted on the "Campus Safety, Security, and Quality" page of the website. If the threat is considered ongoing, a paper notice will be posted throughout the DSPT campus. Anyone with information warranting a timely warning should report the circumstances to the Title IX Coordinator, or any CSA officer.

Students and employees may also wish to consult either a) the UC Berkeley Crime Map page for detailed information and crime reporting in the UCB campus Clery geography (see: <http://police.berkeley.edu/crimemap/>); or b) the City of Berkeley Police Department "CrimeView Community" for localized information on reported crimes (see: <http://berkeley.ca.crimeviewcommunity.com/default.aspx>).

### Campus Safety Officers

#### Title IX Coordinator

DSPT designates a Title IX coordinator who is responsible for ensuring compliance with all federal regulations related to campus safety and security. The coordinator also is responsible for investigating complaints of harassment, discrimination, and other sex-based complaints from

students, staff and faculty, and for ensuring that the DSPT community is properly trained on the importance of complying with Title IX regulations.

The Title IX Coordinator maintains records of all crime and other security information for the DSPT community. The Coordinator is responsible for gathering, recording and disseminating this information and for decisions regarding the content, time and manner of distribution. This includes collecting and preparing the Annual Security Report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and the Campus Crime Statistics Act.

### **Campus Security Authority (CSA)**

The Clery Act identifies certain categories of students, school employees and contractors as Campus Security Authorities (CSAs) who have federally mandated responsibilities to report crimes that are reported to them. The intent of including non-law enforcement personnel in the role of CSA is to acknowledge that some community members and students in particular may be hesitant about reporting crime to the police, but may be more inclined to report incidents to other campus-affiliated individuals. The CSA is responsible for gathering, recording and disseminating records of all crime and other security information.

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

### **CSA Crime Reporting Obligation**

A Clery Act crime is considered "reported" when it is brought to the attention of a CSA or local law enforcement personnel by a victim, witness, other third party or even the offender. The crime reporting party need not be affiliated with DSPT. If a CSA receives Clery Act qualifying crime information and believes it was provided in good faith, meaning that there is reasonable basis for believing that the information is not rumor or hearsay, then, the crime is Clery Act reportable and will be treated as such by the CSA.

### **Reporting Procedures for Emergencies and Criminal Activity**

Members of the DSPT community, or any other person authorized to be present on the campus, should report any suspected criminal activity or other emergency that poses a threat to life or property.

- If immediate danger to life or property exists, dial 911 from a land line or 510/981-5911 from a cell phone for the Berkeley Police Department.
- If immediate danger is not present, call the Berkeley Police Department at 510/981-5900 to report criminal activity.

In all cases, report the incident to the Title IX coordinator, a CSA, or to any senior administrator. You may use the attached Crime Incident Report or obtain a Crime Incident Report form either from the DSPT website, Title IX coordinator, Registrar, or from the GTU Business Office, 2400 Ridge Road, Berkeley.

Because DSPT does not have a campus law enforcement staff, a crime report should be filed with the City of Berkeley Police Department. Afterwards, the crime also should be reported to the DSPT CSA, who will make sure every report received under this policy is properly investigated and that appropriate action is taken.

Victims or witnesses to crimes may report crimes to CSAs on an anonymous basis, who will include such anonymous reports in Annual Security Report crime totals. The purpose of this type of report is to comply with the reporting party's wish to keep the matter anonymous, while taking steps to contribute to future campus safety. With such data, DSPT can maintain accurate records of the number of incidents and determine if there is a pattern of crime with regard to a particular location, method, or offender, and as appropriate, alert the community to potential danger.

### **Policy on Alcohol Use and Illegal Drug Possession**

DSPT respects the rights of community members to exercise their legal options regarding alcohol consumption and recognizes that responsible alcohol use can be compatible with healthy adult behavior and successful social events. As such, DSPT has identified expectations of behavior that support the safe and legal consumption of alcohol. Any student or employee who consumes alcohol remains responsible for any violation of this policy.

DSPT is committed to maintaining an environment in which all members of the School community work together in an atmosphere free from drugs and alcohol misuse or abuse. Unlawful possession, manufacture, use, dispensation, or distribution of illicit drugs and alcohol or abuse of drugs or alcohol by students, faculty, administration, staff, residents, and tenants is prohibited on any DSPT property or any part of DSPT activity.

Persons who qualify under California Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on any DSPT owned or controlled property, or during any DSPT sanctioned activity regardless of location. Failure to follow this policy may result in termination of employment and/or dismissal from academic programs, in addition to prosecution by police authorities.

*Behavior:* Students or employees in lawful possession of alcohol shall not disrupt the community on campus, or in the surrounding environment. Those who use alcohol shall do so in a way that does not compromise, or infringe on, the rights and safety of others. Organized drinking games or items used for the purpose of quick or mass consumption of alcohol are prohibited. Public intoxication at events where there is pressure or an expectation to consume excessive amounts of alcohol is prohibited. "Pre-gaming" (the consumption of large amounts of alcohol in a short period of time prior to attending a social event) and "doing shots" of hard alcohol is strongly discouraged because these behaviors maximize the dangers associated with intoxication and the risk of alcohol poisoning.

The laws of the State of California specify that people under the age of 21 may not consume, possess or distribute alcohol. In addition, it is unlawful for any person to sell, furnish or give any alcoholic beverage to anyone under the age of 21. Minors who use false identification in order to obtain alcoholic beverages are guilty of a misdemeanor. In compliance with state and local laws, serving alcohol to intoxicated persons or to sell, furnish or provide alcohol to a person under the age of 21 is prohibited.



Operating a vehicle under the influence of alcohol is prohibited. "Vehicle" is defined as anything used for transporting people or goods, especially on land, such as a car, truck, bicycle or cart.

*Sanctions.* DSPT does not shield its students from the law or from the consequences of their own behavior. Violations of federal, state or local law, occur at the risk of the individuals and are not the responsibility of the School. DSPT shall not serve as a haven from law enforcement agencies.

Any member of the student body, faculty, administration, staff, resident, or tenant found responsible for violating this policy may be subject to immediate dismissal from the student's program of study, termination of employment, or cancellation of lease or other rental agreements as applicable. All sanctions are cumulative, and past conduct history is taken into consideration when issuing a sanction. Sanctions may also be enhanced based on the severity of the behavior and impact on the DSPT community. More than one sanction may be imposed for any single violation. Determination of the sanction(s) to be imposed are made by the senior administration of DSPT, with the President having final authority. In the case of a violation, a written record will be created by the Academic Dean or President, as appropriate, and placed in the permanent file of the member.

*State and Federal Sanctions.* The following are some of the legal sanctions under local and California State law concerning drugs and alcohol. Federal penalties are listed at the Federal Drug Enforcement Agency website, and in the table at the end of this document. These are merely set forth as an example of the various sanctions, and are not meant to be all inclusive of every law. In addition, laws are often amended and sanctions changed. Many offenses and sanctions are case specific, and therefore this notice shall not be deemed to be legal advice.

1. Open Container Age 21: Possession of an open container of alcohol on public streets, sidewalks, highways, parking lots or alleys can result in a \$108 fine (California Business And Professions Code section 25620 (a)).
2. Minor in Possession (MIP): Any person under the age of 21 years who has any alcoholic beverage in their possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of \$250 or the person shall be required to perform not less than 24 hours or more than 32 hours of community service hours (California Business and Professions Code section 25662 (a)).
3. Driving Under the Influence (DUI): Driving under the influence with a blood alcohol content (BAC) level of .08 or higher or driving under the influence of a drug or combination of both is a misdemeanor with possible fines of upwards of \$7,000, county prison sentence, and driver's license suspension (California Vehicle Code sections 23152 (a) & (b)).
4. Cycling Under the influence (CUI): Bicycling under the influence (.08 BAC or higher) can result in jail sentencing and a base fine of \$250. Riders under 21 may also lose their driver's license for one year (California Vehicle Code section 21200.5).
5. Selling Alcohol without a License: is a misdemeanor (California Business and Professions Code section 23301).
6. Drunk in Public (DIP): Public intoxication is considered disorderly conduct, which is a misdemeanor offense and can result in jail time and a fine (California Penal Code section 647(f)).
7. Furnishing Alcohol to a Person Under 21 or an Intoxicated Person: Selling or furnishing alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor (California Business and Professions Code section 25658).

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute illegal drugs. For the unlawful possession of illegal drugs, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes an illegal drug to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fined otherwise authorized by law.

As a condition of enrollment in, or employment by DSPT, members of the student body, faculty, administration, or staff will notify the School of their conviction for any criminal drug statute occurring in DSPT no later than five days after such conviction.

*Associated Risks and Local Resources.*

The risks associated with the use of illegal drugs, pharmaceuticals and other substances and the abuse of alcohol are numerous and include physical and mental impairment, emotional and psychological deterioration, and potentially devastating effects on family and friends. There are obvious risks, such as suffering a hangover, being charged with driving under the influence or while intoxicated, and sustaining or causing personal injury. There are a number of less obvious risks associated with alcohol and other drug abuse that students might not realize, including:

- Poor academic and/or job performance
- Initiating nonconsensual sexual activity, which could lead to expulsion and criminal liability
- Being subjected to nonconsensual sexual activity, which could lead to psychological and physical trauma including sexually transmitted infections
- Jeopardizing future career prospects (e.g., admission to law school or government employment)

In addition, alcohol and other drug abuse puts the user at considerable health risk, which can include, nausea, vomiting, cancer, liver damage, elevated blood pressure, psychotic episodes, hallucinations and, in some cases, death. In addition to the risk to the abuser of illicit drugs and alcohol are the risks to other students and the entire DSPT community. Students and employees interested in further information are encouraged to visit the UC Berkeley Health Resources page: [http://uhs.berkeley.edu/AlcoholDrugs/Consequences\\_effects.shtml](http://uhs.berkeley.edu/AlcoholDrugs/Consequences_effects.shtml).

Students who suspect that they or one of their fellow students has an alcohol or drug abuse problem are encouraged to contact any of the faculty or senior administration. Several drug and alcohol counseling, treatment, and rehabilitation programs are available to GTU faculty, students and employees. Check your health insurance program for the closest location. In addition you may find these resources helpful:

- The New Bridge Foundation: 1820 Scenic Avenue in Berkeley provides assessment, residential inpatient rehabilitation programs, partial day programs, outpatient individual and group counseling sessions and educational workshops. New Bridge accepts private insurance.
- Chrysalis: 3837-3845 Telegraph Avenue, Oakland, (510) 450-1192. Chrysalis is a drug and alcohol prevention, treatment, and recovery facility for women 18 years of age and older.
- Merritt Peralta Institute, Summit Medical Center: 3012 Summit Street, Oakland, (510) 652-7000. Residential inpatient, outpatient, day treatment (mornings and/or evenings offered), workshops, group counseling.

- A local Alcoholics Anonymous may be reached at 510/839-8900 and a local Narcotics Anonymous program may be reached at 510/444-4673.

*Policy Distribution Procedures:*

DSPT will distribute this Policy on Alcohol Use and Illegal Drug Possession to all employees, faculty and students on an annual basis using the following procedure:

- Students will receive a copy of the Drug-Free Workplace Policy at the time of initial enrollment and at the beginning of every Fall semester thereafter. Annually, the Registrar will ensure that the enrollment agreement is signed by every student to acknowledge receipt of the Drug-Free workplace policy. A copy of this acknowledgement form will be kept in the Registrar's office.
- Faculty and Staff employees will receive a copy of the Drug-Free Workplace Policy with the initial agreement of employment. It will be read, and the signature page will be returned with the employment agreement. Annually, the Title IX coordinator will be responsible for distributing the policy to current Faculty and Staff employees.

This policy will be reviewed on biennial basis by the Senior Administration of the School. All data (reports) filed during the review period also will be reviewed by the Administration and used to determine the efficacy of the policy and area(s) of improvement.

### **Non-Violence and Prohibition of Firearms and Dangerous Weapons**

No individuals shall possess any firearms or dangerous weapons on the DSPT campus at any time. Exceptions include law enforcement officials licensed to carry a weapon. Members of the DSPT community are prohibited from making threats or engaging in threatening violent activities. This list of behaviors includes, but is not limited to:

- Causing injury to other person(s);
- Making threats of any nature;
- Aggressive, hostile, or violent behavior such as intimidation of others, attempts to instill fear in others, or subjecting others to emotional distress;
- Intentionally damaging School property or the property of another employee, student, or member of the public;
- Possession of a weapon while on DSPT School property, performing DSPT School business, or while attending a DSPT-sponsored event;
- Committing an act motivated by, or related to sexual harassment or domestic violence.

*Sanctions.* DSPT does not shield its students from the law or from the consequences of their own behavior. Violations of federal, state or local law, occur at the risk of the individuals and are not the responsibility of the School. DSPT shall not serve as a haven from law enforcement agencies.

Any member of the student body, faculty, administration, staff, resident, or tenant found responsible for violating this policy may be subject to immediate dismissal from the student's program of study, termination of employment, or cancellation of lease or other rental agreements as applicable. All sanctions are cumulative, and a student's past conduct history is taken into consideration when issuing a sanction. Sanctions may also be enhanced based on the severity of the behavior and impact on the DSPT community. More than one sanction may be imposed for any single violation. Determination of the sanction(s) to be imposed are made by the senior administration of DSPT,

with the President having final authority. In the case of a violation, a written record will be created by the Academic Dean or President, as appropriate, and placed in the permanent file of the member.

## **Sexual Misconduct and Harassment – Definitions and Policies**

### **General**

DSPT is committed to creating and maintaining a community in which all persons who participate in School programs and activities can work together in an atmosphere free of all forms of harassment, exploitation, or intimidation, including sexual. Many forms of sexual misconduct are also prohibited by federal law, including Title IX of the Higher Education Act of 1965, the Violence Against Women Reauthorization Act (VAWA) of 2013, and California state laws. Violation of these laws could result in criminal prosecution and civil liability in addition to disciplinary actions by the DSPT.

Every member of the DSPT community should be aware that the School is strongly opposed to sexual harassment. It is the intention of the School to take whatever action may be needed to prevent, correct, and, if necessary, discipline behavior that violates this policy.

As part of the **Campus SaVE Act** initiated in July 2014, DSPT requires all students, faculty, and employees to participate in a primary prevention and awareness training program sponsored by Get-Inclusive. All students are required to complete the training program in the fall semester which follows matriculation. All faculty and staff must complete and renew training every three years, or at the discretion of the Title IX coordinator, who is responsible for registering new members of DSPT for this training. The coordinator will also keep on file a record indicating who has/not completed the required training.

Sexual misconduct can include a wide range of behaviors, including sexual assault or harassment, partner violence, stalking, voyeurism, and other behaviors that have the effect of threatening another person. Not all misconduct involves sexual contact, but may also include behavior such as threatening speech or displaying photographs or other material of a sexual nature. Many forms of sexual misconduct are also prohibited by federal law, including Title IX of the Higher Education Act of 1965, the Violence Against Women Reauthorization Act (VAWA) of 2013, and California state laws. Violation of these laws could result in criminal prosecution and civil liability in addition to disciplinary actions by the DSPT. DSPT expressly prohibits unlawful harassment, including sexual harassment and sexual violence and will respond to violations of Title IX by protecting the victim and conducting a prompt and thorough investigation.

The following behaviors are among the forms of sexual misconduct that violate DSPT policy. Definitions and examples are provided to assist in the understanding of prohibited conduct.

**CLOSE PERSONAL RELATIONSHIPS AFFECTING TEACHING, MENTORING AND SUPERVISORY FUNCTIONS** — Except where explicit and advanced authorization has been obtained in writing from a senior administration official of the School, no person who is employed by DSPT may participate in a close personal relationship with an individual who is a member of the DSPT community for whom the person provides or may (by virtue of DSPT assigned position or functions) reasonably be expected in the future to provide teaching, mentoring or supervision. Supervision includes grading or other academic evaluation, job evaluation, decisions pertaining to promotion, the direct setting of salary or wages, and job, internship, educational, or employment references or recommendations.

Close personal relationships include dating, sexual and similar close personal relationships that are or are not consensually undertaken by the supervisor and the individual. Such relationships do not include the usual and customary socializing at DSPT of teacher-student; mentor-mentee; supervisor-employee; faculty member-graduate student; co-workers; and supervisor-student employee. A person provides supervision when she or he oversees, directs or evaluates the work of others, including but not limited to, managers, administrators, directors, deans, chairs, advisors.

**COERCION** — is a form of force which comprises unreasonable pressure for sexual activity. When someone makes clear that they do not want to participate in a sexual activity, that they want to stop, or that their limit is at a certain point, continued pressure to act beyond that point can be coercive.

**CONSENT** — is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. The individuals consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating relationship is not sufficient to constitute consent. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent must be affirmative and be ongoing throughout a sexual activity and can be revoked at any time. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other to engage in the sexual activity

**DATING VIOLENCE** — means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**DOMESTIC VIOLENCE** — This is a form of sexual violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or someone similarly situated under California domestic or family violence law.

**FORCE** — is the use of physical violence or imposing on someone physically to gain sexual access. Other forms of force include intimidation (implied threats), threats and coercion that overcome resistance or produce consent. For example, “Have sex with me or I’ll hit you.” “Okay, don’t hit me; I’ll do what you want.”

**FORCIBLE FONDLING** — The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

**FORCIBLE SEX OFFENSE** — Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

**FORCIBLE RAPE— (EXCEPT STATUTORY RAPE)** The carnal knowledge of a person, forcibly and/or against that person’s will or not forcibly or against the person’s will in instances where the victim is incapable of giving consent because temporary or permanent mental or physical incapacity.

**FORCIBLE SODOMY** — Oral or anal sexual intercourse with another person, forcibly or against that person’s will or not forcibly or against the person’s will in instances where the victim is

incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

**INCAPACITATION** — is a state where someone cannot knowingly give consent. It may occur as the result of alcohol or other drug use. This Policy also applies to a person who is incapacitated as a result of sleep, mental disability or from taking rape drugs (Rohypnol, GHB, Burundanga, Ketamine, etc.).

**INCEST**— Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**PROHIBITED CONDUCT** — In the context of this policy, Prohibited Conduct refers to matters of sexual assault, sexual harassment, sexual misconduct, dating violence, domestic violence, stalking, discrimination based on race, color, national or ethnic origin, sex, age, disability, religion, sexual orientation, gender identity or expression, veteran status, or any other characteristic protected by law.

**RAPE** — is defined as “penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.” This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

**RAPE - ATTEMPTS TO COMMIT RAPE** — are assaults or attempts to commit rape and are classified as Attempts to Commit Rape.

**RETALIATION** — Retaliation means any adverse action taken against a person because he or she reported a concern or conduct that may be prohibited or participated in an investigation of such a report or assisted another person in making such a report.

**SEX OFFENSES, NONFORCIBLE**— (Except Prostitution Offenses) Unlawful, non-forcible sexual intercourse.

**SEXUAL ASSAULT** — is defined as the imposition of non-consensual sexual conduct excluding rape, including but not limited to oral copulation, penetration by a foreign object, or touching, caressing, fondling, or touching of a person's genitalia, buttocks, or breasts.

**SEXUAL ASSAULT WITH AN OBJECT**— To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

**SEXUAL CONTACT – NON-CONSENSUAL**— Any intentional sexual touching, however slight, with any object, by any person upon any other person, that is without consent or is by force. “Person” is regardless of gender status.

**SEXUAL EXPLOITATION** — is defined as taking non-consensual or abusive sexual advantage of another person for one’s own advantage or benefit or advantage of another person. The following scenarios illustrate incidents that are sexual exploitation:

Causing or attempting to cause another person to become drunk, drugged or otherwise incapacitated with the intent of engaging in a sexual behavior.

Recording, photographing or transmitting images of sexual activity and/or the intimate body parts (groin, genitalia, breasts or buttocks) of another person without their consent.

Allowing third parties to observe sexual acts and voyeurism (spying on people who are engaging in sexual acts or who are doing other intimate activities such as undressing, showering, etc.)

Exposing one’s genitals in non-consensual circumstances or inducing someone to expose their genitals.

Knowingly transmitting a sexually transmitted disease or virus to another person without his or her knowledge.

Sexually-based stalking and bullying

**SEXUAL HARASSMENT** — is defined as any unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as assault or acts of sexual violence. Sexual harassment can take different forms depending on the harasser and the nature of the harassment. The conduct can be carried out by school employees, other students, and nonemployee third parties, such as a visiting speaker. Students and staff of any sex can be victims of sexual harassment and the harasser and the victim can be of the same sex.

The conduct can occur in any DSPT or GTU program or activity and can take place in school facilities or at off-campus locations such as a member school classroom, office or apartment. The conduct can be verbal, nonverbal, or physical.

One form is quid pro quo or “this for that.” Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature constitutes sexual harassment when it is implicitly or explicitly suggested that submission to or rejection of the conduct results in adverse educational or employment action. An example is a student advisor asking a student to have sex in exchange for keeping quiet about a student’s violation of the plagiarism policy.

Another form of sexual harassment involves hostile environment. It is sexual harassment when an individual receives unwelcome sexual advances, unwanted verbal, physical, or visual behavior of a sexual nature, or is made to feel uncomfortable because of their gender or sexual orientation.

Conduct that may constitute sexual harassment may include one or more of the following:

Physical conduct — unwanted touching, blocking normal movement, or interfering with studies or work.

Verbal conduct — epithets, derogatory comments, slurs, or humor of a sexual nature.

Visual conduct — leering, making sexual gestures, displaying suggestive objects or pictures, cartoon posters in a public space or forum.

Written conduct — letters, notes, or electronic communications containing comments, words or images as described above.

The following scenarios illustrate incidents that are classified as sexual conduct and may constitute sexual harassment if unwelcome:

A faculty member tells a student that his or her grade can be improved if the student performs a sexual act for the faculty member.

A student scrawls graffiti of a sexual nature on the book of another student.

A GTU official sends a student a text message to arrange a time to meet for a sexual encounter. Sending such a text message would constitute sexual conduct

**SEXUAL INTERCOURSE, NON-CONSENSUAL (OR ATTEMPTS TO COMMIT THE SAME)** — Any sexual intercourse, with any object or body part, by any person upon any other person, that is without consent or is by force. “Person” is regardless of gender status.

**STALKING** — is the act of willfully, maliciously, and repeatedly following or willfully and maliciously harassing another person and making a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family or suffer substantial emotional distress. For the purpose of determining whether stalking has occurred, harass means “engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose. Course of conduct means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Credible threat means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct.

**STATUTORY RAPE**—Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of instruction, employment, or participation in other School activity; or
2. submission to or rejection of such conduct by an individual is used as a basis for evaluation in making academic or personnel decisions affecting an individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s performance or creating an intimidating, hostile, or offensive School environment.

In determining whether the alleged conduct constitutes sexual harassment, consideration shall be given to the record of the incident as a whole and to the totality of the circumstances, including the context in which the alleged incident (s) occurred.

*Preserving Evidence.* It is important that victims take steps to preserve and collect evidence; doing so preserves the full range of options available, be it through the School’s administrative complaint procedures or criminal prosecution. To preserve evidence:

1. do not wash your face or hands
2. do not shower or bathe



3. 3.do not brush your teeth
4. 4.do not change clothes or straighten up the area where the assault took place
5. 5.do not dispose of clothes or other items that were present during the assault, or use the restroom
6. 6.seek a medical exam immediately

If the victim has already cleaned up from the assault, he/she can still report the crime, as well as seek medical or counseling treatment. The victim may contact the police, consult with the campus Title IX Coordinator, or a local sexual assault victim resource center (listed under “Assistance for Survivors”).

### **Sexual Harassment by Students**

Any incident of sexual harassment by a student (including students with teaching or classroom responsibilities) toward any other student, faculty or staff member or administrator that the complainant cannot or does not desire to resolve directly with the alleged harasser should be reported to the Personnel Representative. If the incident involves the Vice-President, the President should be notified.

The Title IX Coordinator will review and investigate the complaint as deemed appropriate to determine the merits of the allegation. The investigation may involve interviews and/or written statements from the complainant, the alleged harasser and any witnesses who may be able to provide pertinent information about the facts of the case. In the course of the investigation, the alleged harasser will be informed of the allegation, the identity of the complainant, the facts surrounding the allegations and will be afforded the opportunity to respond to the allegations.

As a result of the investigation, the alleged harasser may be found not to have committed a violation of School rules and regulations or may be found responsible for such violations or other inappropriate behavior. The results of the investigation may fall into two categories:

- i. **Unfounded.** The alleged harasser is found not to have committed sexual harassment in violation of School rules or regulations and the complaint is thus determined to be without merit. If the complaint is determined to be without merit, the complaint will be regarded as resolved.
- ii. **Founded.** If after conducting the investigation the complaint is determined to be with merit, i.e., there was sexual harassment or other inappropriate conduct, the complaint will be resolved by formal or informal procedures as described below:
  - (a) **Informal Resolution.** In appropriate circumstances and with the approval of both the complainant and the alleged harasser, the investigator may attempt private mediation in an effort to resolve the alleged complaint without the need for additional proceedings.
  - (b) **Formal Resolution.** The Dean will take appropriate disciplinary action against the individual(s) responsible for such behavior. Such individuals are subject to sanctions, including, but not limited to, a verbal or written warning, mandatory counseling, a ban from specific areas of the School, loss of specific student privileges, community service, loss of housing privileges, disciplinary probation, disciplinary suspension or permanent dismissal. Students found responsible may ask for review of the matter by

the President. Students dismissed from the school may appeal dismissal from the School.

The results of the investigation will be communicated in writing to both the complainant and respondent.

#### **Sexual Harassment by Faculty**

Any incident of sexual harassment by a faculty member that the complainant cannot or does not desire to resolve directly with the alleged harasser should be reported to the Academic Dean. The initial discussion between the complainant and the Dean is for the purpose of providing guidance as to the complainant's options and available procedures. After discussion with the complainant, the Dean will begin an investigation at the request of the complainant. If the incident involves the Dean, the President should be notified.

The Academic Dean will review and investigate the complaint as deemed appropriate to determine the merits of the allegation. The investigation may involve interviews and/or written statements from the complainant, the alleged harasser and any witnesses who may be able to provide pertinent information about the facts of the case. In the course of the investigation, the alleged harasser will be informed of the allegation, the identity of the complainant, the facts surrounding the allegations and will be afforded the opportunity to respond to the allegations.

The results of the investigation may fall into two categories:

- i. **Unfounded.** If the complaint is determined to be without merit i.e., the alleged harasser is found not to have committed sexual harassment in violation of School rules or regulations, the complaint will be regarded as resolved.
- ii. **Founded.** If after conducting the investigation the complaint is determined to be with merit, i.e., there was sexual harassment or other inappropriate conduct, the complaint will be resolved by formal or informal procedures as described below:
  - (a) **Informal Resolution.** In appropriate circumstances and with the approval of both the complainant and the alleged harasser, the investigator may attempt private mediation in an effort to resolve the alleged complaint without the need for additional proceedings.
  - (b) **Formal Resolution.** The Academic Dean will take appropriate disciplinary action, including, but not limited to, counseling or education about sexual harassment, a verbal or written reprimand, or other disciplinary sanctions up to and including suspension. Faculty appeals from such disciplinary actions will be handled pursuant to the procedures for Faculty Grievances as outlined in the Faculty Handbook. If the investigation reveals that the conduct is such that dismissal is contemplated, the procedures for Termination shall be followed. The results of the investigation will be communicated in writing to both the complainant and respondent.

#### **Sexual Harassment by Staff or Administrators**

Any incident of sexual harassment by a staff member or administrator toward a student, faculty member or other staff member or administrator, that the complainant cannot or does not desire to resolve directly with the alleged harasser, should be reported to the Vice-president and CFO or at the option of the complainant, it may be reported to the complainant's or the alleged harasser's supervisor who will report it to the Vice-president and CFO. The initial discussion between the

complainant and the Vice-president and CFO or supervisor is for the purpose of providing guidance as to the complainant's options and available procedures. After discussion with the complainant, the Vice-president and CFO will begin an investigation at the request of the complainant. If the incident involves the Vice-president and CFO, the President should be notified. If the incident involves the President, any of the Schools officers or any member of the Board of Trustees should be notified.

The Vice-president and CFO, will investigate the complaint and determine whether there is a reasonable basis for believing the alleged violations of the policy have occurred or that there has been other inappropriate conduct. The investigation may include oral interviews and/or written statements from the complainant, the alleged harasser and any witnesses who may be able to provide pertinent information about the facts of the case. In the course of the investigation, the alleged harasser will be informed of the allegations, the identity of the complainant, the facts surrounding the allegations and will be afforded the opportunity to respond to the allegations.

The results of the investigation may fall into two categories:

- i. **Unfounded.** If the complaint is determined to be without merit i.e., the alleged harasser is found not to have violated School rules or regulations, the complaint will be regarded as resolved.
- ii. **Founded.** If after the conducting the investigation the complaint is determined to be with merit, i.e., there was sexual harassment or other inappropriate conduct, the alleged harasser's supervisor, in conjunction with the Vice-president and CFO, will take appropriate disciplinary action which may include (but not be limited to) counseling or education about sexual harassment, verbal or written reprimands, suspension or termination. Staff personnel may appeal such decisions in the same manner as other staff grievances. Administrators may appeal such decisions to the President. If the President is involved, appeal may be made to the Vice-Chancellor of the School.

The results of the investigation will be communicated in writing to both the complainant and respondent.

### **Reporting Procedures, Confidentiality, Retaliation, Protection of the Alleged Harasser**

1. **Confidentiality.** Sexual harassment is a particularly sensitive issue that may affect any member of the School community. The right to confidentiality of all parties involved in a sexual harassment charge shall be strictly adhered to insofar as it does not interfere with the School's legal obligation to investigate allegations of sexual harassment when brought to the School's attention and to take corrective action.
2. **Non Retaliation.** Any attempt by a member of the faculty, staff or administration, or student, to penalize or retaliate in any way against a person bringing a sexual harassment charge is prohibited and will be treated as a separate incident to be reviewed in its own right.
3. **Protection of the Alleged Harasser.** In the event allegations are not substantiated, all reasonable steps will be taken to restore the reputation of the alleged harasser if it was damaged by the proceeding. A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to the full range of the Schools disciplinary procedures from official reprimand to dismissal.

- 4. Reporting Procedures.** As mentioned above, a victim should first contact local police to report a sexual offense. The victim should also contact a DSPT CSA and the “Crime Incident Report Form” should also be completed.

#### Inter-GTU-School Complaints

If the alleged perpetrator of the sexual harassment is a member of the faculty, staff or a student of another GTU member school, GTU itself or one of its affiliates, then the DSPT representative who received the complaint should notify the Academic Dean, President or Director of the alleged perpetrator’s school or affiliate. The investigation and resolution of the complaint will be conducted by and according to the policies of the alleged perpetrator’s institution. A copy of that institution’s procedures should be made available to the complainant as soon as possible. The Academic Dean of DSPT should maintain close communication with those conducting the investigation from the perpetrator’s institution and insure that the DSPT complainant is treated justly.

#### Assistance for Survivors

DSPT does not maintain any campus counseling services. If you have been a victim of a sexual crime there are other options available to you. Your health insurance provider may provide counseling services as part of your coverage and you should check with them first. There are other services available in the Berkeley area, including the following:

- Bay Area Women Against Rape provides free 24-hour comprehensive services to victims of sexual assault. Website: <http://www.bawar.org> Telephone: 510/845-7273 or 510/845-RAPE.
- Alameda County Medical Center, Highland Hospital Sexual Assault Center, 1411 E. 31st Street, Oakland provides 24-hour assistance, including medical treatment and examination, advocacy and counseling support for victims of sexual assault. Website: <http://www.highlandahs.org/our-services/specialty-services/medical-counseling>. Telephone 510/437-4688.
- City of Berkeley Adult Clinic, 2640 Martin Luther King Jr. Way 510/981-5290.
- City of Berkeley Domestic Violence Crisis Line 510/562-3731.
- City of Berkeley Mobile Crisis Team (MCT) is available every day from 10:30 AM to 11:00 PM at 510/981-5254.
- Men Overcoming Violence, 1385 Mission Street, Suite 300, San Francisco 415/626-6704.

Regardless of whether a survivor chooses to report a crime to local law enforcement, the Title IX Coordinator or their designate will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, safe-space zones, residence hall relocation, adjustment of course schedules or work-study employment, a leave of absence, transportation arrangements, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved. Violations of these directives and/or protective measures will constitute violations that may lead to disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by the Administration.

## Appendix A – Federal Trafficking Penalties for Controlled Substances<sup>1</sup>

Federal Trafficking Penalties for Schedules I, II, III, IV, and V (except Marijuana)				
Schedule	Substance/ Quantity	Penalty	Substance/ Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<p><b>First Offense:</b> Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.</p>	Cocaine 5 kilograms or more mixture	<p><b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.</p> <p><b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p> <p><b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.</p>
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 grams or more mixture	
I	Fentanyl Analogue 10-99 grams mixture		Fentanyl Analogue 100 grams or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 grams mixture		LSD 10 grams or more mixture	
II	Methamphetamine 5-49 grams pure or 50-499 grams mixture		Methamphetamine 50 grams or more pure or 500 grams or more mixture	
II	PCP 10-99 grams pure or 100-999 grams mixture		PCP 100 grams or more pure or 1 kilogram or more mixture	

<sup>1</sup> See Drug Enforcement Agency <http://www.dea.gov/druginfo/ftp3.shtml>, accessed on 12/10, 2015.

Substance/Quantity	Penalty
Any Amount Of Other Schedule I & II Substances  Any Drug Product Containing Gamma Hydroxybutyric Acid  Flunitrazepam (Schedule IV) 1 Gram	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than Life. Fine \$1 million if an individual, \$5 million if not an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any Amount Of Other Schedule III Drugs	<b>First Offense:</b> Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. <b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any Amount Of All Other Schedule IV Drugs (other than one gram or more of Flunitrazepam)	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any Amount Of All Schedule V Drugs	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. <b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances	
Marijuana 1,000 kilograms or more marijuana mixture or 1,000 or more marijuana plants	<b>First Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. <b>Second Offense:</b> Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana 100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants	<b>First Offense:</b> Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual. <b>Second Offense:</b> Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50million if other than an individual.
Marijuana 50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants  Hashish More than 10 kilograms  Hashish Oil More than 1 kilogram	<b>First Offense:</b> Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual. <b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
Marijuana less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual. <b>Second Offense:</b> Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.

Hashish 10 kilograms or less	
Hashish Oil 1 kilogram or less	

## ANNUAL CAMPUS SECURITY REPORT

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

### Information Concerning Registered Sex Offenders

Information about registered sex offenders under section 17010(j) of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S. Code 14071(j), may be obtained from the City of Berkeley Police Department. The Berkeley Police Department is located at 2100 Martin Luther King Way, Berkeley, CA 94704 and may be reached by phone at 510/981-5900.

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

“Megan's Law” makes available to adults and organizations information on "serious" and "high-risk" sex offenders in their local community. The information on a registered sex offender includes:

- name and known aliases;
- age and sex;
- physical description, including scars, marks and tattoos;
- photograph, if available;
- crimes resulting in registration;
- county of residence;
- zip code (based on last registration).

Viewing this information is free. The State of California maintains a website that provides detailed information about registered sex offenders that can be viewed by going to <http://www.meganslaw.ca.gov/index.aspx?lang=ENGLISH>. This website will provide you with a map of registered sex offenders by name, address, city, zip code, county, parks and schools.

### Clery Act Crimes and Reportable Locations (Definitions)

The crime data tables provided in this report reflect the mandatory reporting offenses as specified in the Jeanne Clery Act (Act). The tables display crime data over the past three calendar years and are separated by Act defined locations. The data reported on liquor laws, drug laws, and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.



## Crimes (Section 1)

**Murder:** The willful (non-negligent) killing of a human being by another. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

**Manslaughter:** The killing of another person through gross negligence. Gross negligence is the intentional failure to perform a manifest duty in reckless disregard of the consequences as affecting the life or property of another.

**Sex Offense – Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. The individuals consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating relationship is not sufficient to constitute consent. Lack of protest or resistance does not mean consent, nor does silence mean consent. Consent must be affirmative and be ongoing throughout a sexual activity and can be revoked at any time.

- *Forcible Rape:* The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- *Forcible Sodomy:* Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- *Sexual Assault With An Object:* The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- *Forcible Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Sex Offense - Non-forcible:** Unlawful, non-forcible sexual intercourse.

- *Incest:* Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape:* Non-forcible sexual intercourse with a person who is under the statutory age of consent. Any unlawful, but consensual sex act with another person. (Includes attempts)

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear. The taking of personal property in the possession of another, from his/her immediate presence, and against his/her will, accomplished by means of force or fear. (Includes attempts).

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a

weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed. An unlawful assault upon the person of another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether or not an injury occurred.)

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned - including joy riding).

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property of another, etc.

**Dating Violence:** The term “dating violence” means 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.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by:

1. A current or former spouse or intimate partner of the victim
2. By a person with whom the victim shares a child in common
3. By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
4. By a person similarly situated to a spouse or the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
5. 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 or the jurisdiction in which the crime of violence occurred.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

#### **CLERY ACT Reportable Arrests and Referrals (Section 2)**

**Drug/Narcotic Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadones); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

(Drug/narcotic violations referred for campus disciplinary action under the Campus Code need not be reported to the Police Department).

**Alcohol Violations:** The violation of state laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.) (Alcohol violations referred for campus disciplinary action under the Campus Code need not be reported to the Police Department.) The Clery Act does not require the reporting of public drunkenness or driving while under the influence offenses.

**Weapons Violation:** the violation of state laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

### CLERY ACT Reportable Hate Crimes (Section 3)

**Hate Crimes:** A crime involving one or more of the above listed crimes (in Section 1), the crimes of theft, simple assault, intimidation and/or vandalism (see below) reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

- *Larceny-Theft:* (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
- *Simple Assault:* An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- *Intimidation:* To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- *Destruction/Damage/Vandalism of Property:* To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### Locations

**On Campus.** For the purpose of this policy, crimes reported as “on campus” include those occurring on the main DSPT campus property at 2301 Vine Street and the surrounding grounds.

**Non-Campus** means any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is being used in direct support of, or in relation to, the institution's educational purposes, is frequented by students and is not within the same reasonably contiguous geographic area of the institution.

**Residential** means property owned or controlled by the institution used to provide housing for the institution's students.

**Public Property** means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus. The Clery Act does not require disclosure of crime statistics for public property that surrounds non-campus buildings or property.

With the passing of the Violence Against Women Reauthorization Act (VAWA) of 2013, the crimes of domestic violence, dating violence, and stalking were added to the list of crimes that DSPT is required to collect statistics for and report. The Act clarified that in very limited circumstances, a school may remove reports of crimes that have been "unfounded" by law enforcement officials and require DSPT to disclose these numbers in the annual report. This "unfounded" category has been added to the crime statistics.

CRIME STATISTICS FOR THE DSPT CAMPUS (N. B. DSPT does not maintain on-campus student housing)					
	Year	On Campus	Non-campus Property	Public	Unfounded
Offense Categories					
Murder/Non-negligent manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Sex Offense - Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Sex Offense – Fondling	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Sex Offense – Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Sex Offense – Statutory rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Burglary	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

CRIME STATISTICS FOR THE DSPT CAMPUS (N. B. DSPT does not maintain on-campus student housing)					
	Year	On Campus	Non-campus Property	Public	Unfounded
Motor Vehicle Theft	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arson	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Hate Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Liquor Law Arrests	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations (Referred for Disciplinary Action)	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Drug Law Arrests	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Drug Law Violations (Referred for Disciplinary Action)	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Illegal Weapons Possession Arrests	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Illegal Weapons Possession Violations (Referred for Disciplinary Action)	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
	2016				

CRIME STATISTICS FOR THE DSPT CAMPUS (N. B. DSPT does not maintain on-campus student housing)					
	Year	On Campus	Non-campus Property	Public	Unfounded
Domestic Violence		0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

**Hate Crimes:** There were no reported Hate Crimes (crimes based on prejudice, including actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability) for the years 2016, 2017 and 2018.

## DSPT CRIME INCIDENT REPORT FORM

To be completed by a Campus Security Authority

Please use this form (complete both pages) to report the required information about specified crimes (listed below) pursuant to the Federal Clery Act. The information collected from these forms is used to prepare a compilation of statistical crime information for inclusion in the School's Annual Campus Crime Report.

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

The School will use this form to determine the category of the crime or incident and the location under which the incident should be reported according to the requirements of the Clery Act. Please forward this completed form to the current CSA.

Name of Campus Security Authority: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Date of report: \_\_\_\_\_

Report made by: \_\_\_\_\_ Victim

\_\_\_\_\_ Third Party (specify relationship to victim) \_\_\_\_\_

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

Description of the incident or crime: \_\_\_\_\_

---

---

---

---

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

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

---



**Sex Offenses**

*Examples of sex offenses are rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape.*

Was this crime a sexual offense? \_\_\_\_\_ Yes \_\_\_\_\_ No

Was it a rape or attempted rape? \_\_\_\_\_ Yes \_\_\_\_\_ No

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

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

Victim: Yes, alcohol \_\_\_\_\_ Yes, drugs \_\_\_\_\_

Assailant: Yes, alcohol \_\_\_\_\_ Yes, drugs \_\_\_\_\_

**Hate Crimes**

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

Was this crime motivated by hate or bias? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, identify the category of prejudice:

- Race       Ethnicity       National Origin
- Religion       Disability       Sexual Orientation

If yes, provide a brief explanation of the determination: \_\_\_\_\_

---

**Alcohol, Drug and Weapons Law Violations:**

Check all that apply

- Alcohol       Drugs       Weapons

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

---

Number of individuals arrested or referred for DSPT disciplinary action: \_\_\_\_\_