



UNIVERSITY OF  
**SILICON VALLEY**

**2023  
ANNUAL SECURITY  
AND  
FIRE SAFETY  
REPORT**

# TABLE OF CONTENTS

A MESSAGE FROM THE DEAN OF STUDENTS	1
SAFE CAMPUS POLICY	2
REPORTING OF CRIMES AND/OR EMERGENCIES	2
AUTHORITY OF SECURITY PERSONNEL & RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES	3
VOLUNTARY CONFIDENTIAL REPORTING	3
PROFESSIONAL COUNSELORS	4
CAMPUS FACILITIES ACCESS AND SECURITY	4
MAINTENANCE OF FACILITIES WITH SECURITY CONSIDERATIONS	4
CAMPUS SAFETY MEASURES AND PROGRAMS	5
CRIME PREVENTION TIPS	5
TIMELY WARNINGS	6
EMERGENCY ALERTS	6
EMERGENCY RESPONSE AND EVACUATION PROCEDURES	6
EVACUATION INSTRUCTIONS	8
WEAPONS POLICY	9
ALCOHOL AND DRUG-FREE CAMPUS POLICY	10
THE UNIVERSITY'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING	11
DEFINITIONS APPLICABLE TO FEDERAL LAW PURSUANT TO THE VIOLENCE AGAINST WOMEN ACE	12
TRAINING, INTERVENTION AND PREVENTION EFFORTS	12
RISK REDUCTION TIPS	13
REPORTING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING	14
DESIGNATED TITLE IX COORDINATORS	15
ONGOING CARE AND CONFIDENTIAL RESOURCES	16
INVESTIGATION AND DISCIPLINARY PROCEDURES	16
APPEALS	18
NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY	19
SEX OFFENDER REGISTRY	21
MISSING STUDENT POLICY AND PROCEDURES	21
FIRE SAFETY EDUCATION AND AWARENESS	23
PREPARATION OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT AND DISCLOSURE OF CRIME & FIRE STATISTICS	24
CRIME STATISTICS DEFINITIONS OF TERMS	25
CALIFORNIA PENAL CODE DEFINITIONS OF TERMS	27
FIRE STATISTICS DEFINITION OF TERMS	30
CRIME STATISTICS	32
FIRE STATISTICS	33

## **A MESSAGE FROM THE DEAN OF STUDENTS**

The University of Silicon Valley Office of Student Services and members of the University administration take the issue of campus security seriously. We are committed to providing a safe environment for students, faculty, staff, and visitors. Part of that commitment involves providing information about campus security and our obligation to preventing and responding to crime on campus.

We hope you find this report valuable. Please take the time to review it carefully, and in particular, the crime prevention tips. Personal safety is the responsibility of the overall University community and we need your assistance to ensure that the University of Silicon Valley remains a safe place for students to learn, professors to teach, and employees to work.

If you have questions or suggestions about campus security and safety at the University of Silicon Valley, please contact the Office of Student Services at (408) 498-5137.

## SAFE CAMPUS POLICY

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“*Clery Act*”) requires the University of Silicon Valley (USV) to disclose to the public specific crime-related information on an annual basis. Information for the completion of this report is provided by university offices such as Student Services, Campus Security Authorities, and from information provided by local law enforcement agencies surrounding the campus. Each of these offices are contacted annually to provide updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased, or controlled by USV. This report also includes institutional policy statements addressing campus security and safety. Additionally, USV further complies with the Clery Act by issuing timely warnings of certain crimes that may constitute a serious or ongoing threat to the campus community.

USV maintains a daily crime log that records all crime reported to the campus. USV also maintains a daily fire log that records incidents occurring in campus student housing. Both of these logs are available to the public upon request.

In compliance with the Clery Act, USV must report campus crime statistics, campus offenses, and security measures to all students and employees each year. Prospective students and employees shall receive a notice of its availability and a brief summary of its contents. The university will publish the report electronically, but the university will give students, employees, and potential students or employees a paper copy upon request and individually inform them of the availability of the report in electronic format. The university sends official annual notifications with a link to the new report to all currently enrolled students via their email address that is on file with USV and to all faculty and staff via their official University email address. Contact the Office of Student Services or the Compliance Department for clarification, additional information, or for a paper copy.

## REPORTING OF CRIMES AND/OR EMERGENCIES

The safety and security of students, visitors, faculty, and staff (collectively “USV community”) is a top priority of the University of Silicon Valley. It requires the cooperation and support of USV community; therefore, all members of USV community are responsible for reporting, as soon as possible, all crimes occurring on campus or on public property adjacent to the campus to a Campus Security Authority (CSA) and/or local law enforcement officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire university community that all incidents are reported accurately and immediately so that the institution has the opportunity to investigate the situation and determine if follow-up actions are required, including to determine if there is a need to issue a timely warning or emergency notification alert.

Designated CSAs include the Dean of Students, VP of Information Technology and Campus Services, Director of Human Resources, and the Chief Compliance Officer and can be reached as outlined below:

Department	Room Number	Phone Number
Student Services	108	(408) 498-5137
IT & Campus Services	187	(408) 498-5151
Human Resources	188	(408) 498-5148
Compliance	191	(408) 498-5125

To report a crime (non-emergencies), contact the Dean of Students at (408) 498-5137 or dial x137 from any campus phone or in person by going to room 108. To report a crime (emergencies), call 911 or the San Jose Police Department at (408) 277-8911. Campus phones are available in case of emergencies during business hours. After contacting law enforcement officials, please notify one of the CSAs listed above.

All reports will be investigated. Campus personnel are responsible for completing incident and/or accident reports and for responding to emergencies. They are also responsible for enforcing other regulations such as parking, the use of controlled substances, weapons, and underage drinking.

Incident reports are maintained on file by their nature, date, time, general location, and disposition of the complaint. The Dean of Students and/or the Director of Human Resources maintains a record of the incident reports for a maximum of three years. Additionally, all incidents are recorded on a Daily Crime Log. The University shall

make the Crime Logs available to the public within two business days of receiving a written request unless disclosure of such information would:

- Be prohibited by law;
- Jeopardize the confidentiality of the victim;
- Jeopardize an on-going criminal investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection; or
- Result in the destruction of evidence.

In response to a report of criminal activity or suspected criminal activity, CSAs will contact the appropriate local authorities, as necessary. University employees do not have the authority to make arrests, however we advocate a close working relationship with the San Jose Police Department. In the event of a criminal investigation, USV will cooperate with law enforcement agencies as required.

University personnel of chartered campus organizations must report criminal incidents committed by students while participating in university-sponsored activities both on and off campus and properties. These reports must be submitted in writing to the Dean of Students. Students who violate the Student Conduct Code or who commit crimes of misdemeanor or felonious nature, as defined by the Criminal Code of California, while participating in university-sponsored activities will be subject to a hearing before administrative personnel or a duly appointed committee. The Dean of Students will report violations of local, state, and/or federal laws to the appropriate law enforcement officials, as required.

### **AUTHORITY OF SECURITY PERSONNEL AND RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES**

USV does not have a campus police department; however, we may employ security officers at times. We also rely on the university's staff members to implement safety and security procedures. All incidents of a criminal nature will be investigated by university administration and, in appropriate cases, reported to appropriate law enforcement agencies as required. It is important to know that a formal police report or investigation is not needed in order for a crime to be included in the crime statistics provided in this report.

In the event that we employ security officers, neither they nor the CSAs have arrest powers. Security officers and CSAs have authority to enforce campus security policies and will work in partnership and consult with the San Jose Police Department. Security officers, if hired, will be primarily responsible for patrolling the university's parking lot to ensure the safety and security of students and staff. They will provide a visible presence for crime deterrence.

All of the University of Silicon Valley's owned and/or controlled property is within the jurisdiction of the San Jose Police Department. USV does not have a Memorandum of Understanding formalized with local law enforcement, however the university will work with local law enforcement when needed to address incident of crime or sexual violence. USV maintains a compliant relationship with the San Jose Police Department in that they maintain enforcement and arrest authority for all crimes occurring on our property. In the event of a criminal investigation, investigation authority rests with the San Jose Police Department.

Additionally, the University works with the San Jose Police Department and housing complex security agencies to monitor and record criminal activity occurring in student housing. The University also works with local law enforcement agencies to monitor criminal activities occurring at non-campus locations for officially recognized student organizations.

### **VOLUNTARY CONFIDENTIAL REPORTING**

The University of Silicon Valley encourages accurate and prompt reporting of all crimes to the San Jose Police Department at (408) 277-8911 when the victim of a crime elects to, or is unable to, make such a report. Due to police reports being public records under the state law, the San Jose Police Department cannot hold reports of crimes in confidence.

If you are a victim of a crime and do not want to pursue action within the University or the criminal justice system, you have the right to decline notifying law enforcement authorities. You may, however, still want to consider

making a confidential report. Depending on the circumstances of the crime you are reporting, you might be able to file a report while maintaining confidentiality. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With this information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the University regardless of if the victim is pursuing action with the university or the criminal justice system. In limited circumstances, USV may be required to pursue further action. In those instances, we will inform those involved. Confidential reports can be made to the Chief Compliance Officer.

### **PROFESSIONAL COUNSELORS**

Pastoral and professional mental health counselors who are appropriately credentialed and hired by USV to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. USV does not employ pastoral counselors. USV maintains a contract with a local mental health practice for the purpose of providing professional counseling services to currently enrolled students. Students wishing to make a confidential report may request a referral for counseling services via the counseling website or by contacting the Dean of Students.

USV provides employees with access to three confidential counseling sessions through the Employee Assistance Program. USV does not have procedures for professional counselors for students or those through the Employee Assistance Program to inform individuals of any procedures to report crimes on a voluntary and confidential bases. As a matter of policy, USV will provide a list of off-site resources where confidential counseling can take place.

### **CAMPUS FACILITIES ACCESS AND SECURITY**

USV's administrative offices will be open to staff, students, prospective students and their families, guests and invitees during business hours (Monday through Friday, 9:00 am to 6:00 pm). Students and staff gain access to the facilities via assigned access badge. All visitors must sign in and be accompanied by their host on campus. During non-business hours, access to the campus is restricted to students, faculty and staff only. With approval, guests must be escorted at all times by their inviting staff or faculty member.

Students may access the administrative offices after 6:00 pm to make payments, purchase equipment, or to speak with the Financial Aid department until 7:30 pm. An Academic Advisor is also available for students Monday through Thursday until 7:00 pm. Student classrooms will be open to staff and students during class hours (Monday through Friday, 7:30 am to 10:15 pm and Saturday 8:00 am to 1:00 pm). Emergencies may necessitate changes or alterations to any posted schedule.

Students are permitted on the premises outside of normal business hours and during the weekends when participating in university-related activities or university-sponsored events. USV does not recognize and therefore does not track criminal activity related to any off-campus student organizations. Such monitoring or recording of criminal activity by students is the responsibility of local police agencies.

Student housing facilities are open to assigned housing students 24 hours a day, 7 days a week. Students are granted key access to their assigned housing unit and are not permitted key access to any other units. No additional unit keys will be released to individuals who are not assigned to the specified unit. Crescent Village, North Park, River View, Elan, and The Enclave are gated communities requiring use of an access card or access fob to gain access to the residential buildings.

All housing complexes employ the services of a security patrol company who monitors the security of the property after leasing office hours. USV employs Resident Assistants who are trained to address student concerns and monitor security of the residential housing units. Resident Assistants serve in an on-call capacity 24 hours a day, 7 days a week except for dates when the University is closed. Contact information for security patrol and the Resident Assistant on duty is provided to students via the Resident Assistant Duty Calendar.

### **MAINTENANCE OF FACILITIES WITH SECURITY CONSIDERATIONS**

The Facilities Department maintains the university's buildings and grounds with concern for safety and security. This department inspects campus facilities regularly and promptly makes repairs. Students and employees must notify the Facilities Department to report any hazard. The Facilities Department routinely inspects university facilities to

review lighting and environmental safety. The interior and exterior lighting systems on campus are constructed and maintained in such a manner as to provide a well-illuminated facility to help deter criminal activity. Locks and security devices are kept in working order.

Access to campus facilities is limited to those persons who have authority to use them. All students, faculty and staff with proper university ID are permitted to be in the building from 6 am until 1 am, the following evening, on weekdays and from 8 am until 9 pm on weekends. Campus building is locked, and security systems are activated automatically after hours. USV contracted the security company, Sonitrol, to monitor the building after hours.

## **CAMPUS SAFETY MEASURES AND PROGRAMS**

The University of Silicon Valley encourages students and staff to assume responsibility for their own personal safety and security by taking common sense precautions. Precautions might include walking to your car at night with a fellow student or asking a Facilities Department employee to walk you out. Another is keeping your car locked and parked in a well-lit area with valuables placed out of sight.

The university provides information to students and staff about security procedures and practices and crime prevention strategies through a variety of programs including, but not limited to:

- General information is distributed to new students during New Student and New Hire Orientations.
- The university partners with the San Jose Police Department to develop and implement community outreach presentations relating to crime awareness and services.
- All supervisors are required to participate in annual training on sexual harassment.
- Drills to practice emergency evacuation procedures are conducted semi-annually. Drills may be announced or unannounced.
- The university has developed an Injury and Illness Prevention Program that educates employees for maintaining a safe workplace environment.

USV will conduct semi-annual safety programs, including primary prevention programs, designed to inform students and employees about campus security procedures and practices, bystander intervention, crime prevention, and to encourage students and employees to be responsible for their security and the security of others.

## **CRIME PREVENTION TIPS**

The University of Silicon Valley recognizes the importance of security for all students and staff while on campus property. Although students and staff may not be able to prevent someone from committing a crime, there are various preventative measures a person can take. Following these safety tips can help reduce the chance of becoming a victim of crime:

- Avoid dark, secluded places when alone.
- Walk with others, making sure to stay in well-lit areas.
- Lock car doors while on campus and keep valuables locked in the automobile trunks and/or out of sight.
- Tell someone where you are going and when you can be expected to return.
- Vary your route and schedule if you exercise outdoors on a regular basis.
- Do not overload yourself with books or other items. Keep your hands free.
- Carry a purse close to your body, preferably in front. If it has a shoulder strap, be prepared to let it go if snatched.
- When confronted by thieves, give them what they want. Do not pursue the thieves. Get a detailed description and call the police immediately.
- Never leave laptop computers, textbooks, cellular telephones, book bags, purses, or other valuables unattended in classrooms, the library, common study areas, or outdoor spaces.
- Head to an area with other people present if a stranger approaches you and you feel concerned or uncomfortable.

## **TIMELY WARNINGS**

In the event that a situation arises either on campus, on public property adjacent to the campus, or on non-campus property that constitutes a serious or continuing threat to personal safety, a campus wide timely warning will be issued. The warning will be issued based on the judgement of the President or designee. The warning will be issued to the entire campus community through: a memo to students, faculty, and staff; posters; university-wide email distribution; the university's website ([www.usv.edu](http://www.usv.edu)); social media; and/or text alert system. Timely warnings will provide the time, location, and type of crime committed; as well as what students and staff should do to protect themselves, all pertinent details as long as they do not compromise law enforcement efforts, and how to contact the university and law enforcement with additional information. Timely Warnings hold confidential the names of any victims and are intended to aid in the prevention of similar crimes.

Anyone with information warranting a timely warning should immediately report the circumstances to the Dean of Students or another Campus Security Authority. An assessment will be conducted to determine the appropriateness of a timely warning following the report of any Clery Act crime. Generally, timely warnings will be issued for the following crimes: arson; aggravated assault; criminal homicide; robbery; burglary; sex assaults; and hate crimes. The alert will be disseminated as soon as pertinent information is available. All measures will be taken to ensure protection of the identity of the complainant. The President or his designee is responsible for the creation of the content and dissemination of the Timely Warning.

As each situation presents a different set and level of safety and security concerns, the university may conclude upon review that a timely warning is not warranted because the crime did not pose a serious or continuing threat to personal safety, or that it may compromise law enforcement efforts. In those instances, the President or designee will document the decision and the supporting rationale on the Timely Warning Notification Form. Additionally, Timely Warnings may not be disseminated for crimes reported to a pastoral or mental health counselor due to limitations of information provided and the confidential nature of reports to these individuals.

## **EMERGENCY ALERTS**

All members of the campus community are expected, upon learning of an emergency from any source, to immediately communicate all information to the President or designee and local authorities, if applicable. The President or designee will work with local law enforcement and other public safety agencies as appropriate to confirm the situation.

Emergency alerts and notifications are issued without delay upon confirmation that there has been a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or staff. These threats consist of a range of hazards, including but not limited to natural disasters, violent crimes, or environmental dangers. USV employs RAVE Alert as its emergency notification system and may also utilize one of the following methods: mobile phones, landlines, email, text messaging, and/or social media. RAVE Alert provides the university with an easy and proven method of communicating with the affected and/or entire campus community before, during, and after such emergencies. The alerts will include the nature, type, urgency, and severity of the incident, as well as any other such factors that are deemed appropriate by the President or designee. The alerts will conclude with an overview and resolution of the crisis disposition. Additional useful information relating to the incident may be subsequently transmitted via the RAVE Emergency Alert system as well.

In the event that a campus emergency may impact the neighboring community, USV will partner with local public agencies to alert the broader community. USV may use a variety of methods to inform the surrounding community of an emergency on campus. This includes: circulating posters, flyers, or letters; emailing local businesses; posting notifications on our website; posting notifications on social media; and/or through phone calls. Additionally, the university may provide notifications to family members.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

USV maintains a Safety and Security Plan (SSP) to respond to the needs of the campus community and the broader community, during and after the occurrence of a critical situation. The SSP is intended to communicate the policies and procedures for employees and students to follow in an emergency situation. It also serves as a guide for campus personnel, visitors, students, and community members to address a wide range of potential crisis situations. The plan's procedures are designed to be flexible in order to accommodate situations of various types and magnitudes.



The hard copy of the plan and test records are located in the Campus Services department and is under the responsibility of the Vice President of Information Technology and Campus Services. The plan will indicate the date on which the last plan review and update was performed. USV has also established an Emergencies Procedures Guide containing safety rules and evacuation procedures to be observed by students and staff.

The University of Silicon Valley has designated procedures to follow in case of most emergencies that could happen on campus. All students, staff, and visitors are expected to follow established procedures to the best of their abilities. The Campus Security Committee reviews the written Emergency Procedures Guide and regularly tests emergency preparedness by conducting response drills and evacuation procedures at least semi-annually. Tests include both announced and unannounced drills and exercises. For announced drills and exercises, the University publicizes its emergency response and evacuation procedures in advance of the drill. This includes sending a community-wide notification to remind students and employees of the University's emergency response and evacuation procedures. USV documents the execution and results of each exercise and includes the date, time, description of drill or exercise, and status (announced or unannounced) as well as any partnerships in testing with local authorities (if applicable). After action reviews are conducted to evaluate emergency procedures and capabilities.

When an emergency or disaster arises, the PRESIDENT, or his/her designee, will activate those parts of the Safety and Security Plan and Procedures, which are specific to that incident. University personnel and appropriate resources will be utilized to provide priority protection for: health and safety of students, employees and visitors; shelter and recovery/preservation of property; and restoration of the instructional programs.

The following definitions are provided as guidelines to assist administrators in determining the appropriate action:

- **MINOR EMERGENCY:** An incident, potential or actual, which will not seriously affect the overall functional capability of the University.
- **MAJOR EMERGENCY:** An event, potential or actual, which affects an entire building or buildings and which will disrupt the overall operations of the University. Outside emergency services will be required as well as major efforts from all service organizations within the University. Major considerations and decisions will usually be required from administrative officials or designated employees during times of a crisis.
- **DISASTER:** A natural or human-caused, wide-spread event or occurrence which seriously impairs or halts University operations. In some cases, casualties and property damage may be incurred. The coordinated effort of all designated personnel and available University resources is required to effectively control the situation. Outside emergency services will be necessary.

Success is dependent on a realistic approach to the problems likely to be encountered and on the personnel available during an emergency or disaster and is therefore, based on the following assumptions:

- The succession of events in an emergency is not predictable; therefore, support and operational plans may be modified to meet the requirements of the situation.
- Disasters may affect residents in the geographical location of the campus; therefore, city, county and federal emergency services may not be reasonably available.
- A major emergency or disaster is likely to be declared if information indicates that such a condition is developing or is probable.

While the structure of this plan remains the same, its implementation may vary depending on available resources and staff until the proper officials can be notified.

Each classroom contains a posted *Emergency Procedures Guide* that provides a quick list of actions to be taken by all students and employees with regard to emergency or disaster incidents that could occur that would affect our campus community. The guide includes evacuation instructions in case of emergency. It has been formatted into a flipchart prototype that is easy to read and understand. The guide can also be found on our website at: <https://usv.edu/safe>.

In the event of fire, personal injury, or criminal action, someone witnessing the incident should notify the nearest instructor or staff member immediately. That person should also notify the supervisor in charge of disaster management (or their designee) during an emergency in the following order:

1. President
2. Chief Financial Officer
3. Chief Academic Officer
4. Vice President of Information Technology and Campus Services
5. Vice President of Operations
6. Director of Human Resources
7. Dean of Students

If the situation is a dire emergency, an employee should call 911 before contacting any university personnel.

If a serious or life-threatening emergency caused by natural disaster or human hands occurs, a supervisor in charge of disaster management, or their designee, will be responsible for issuing timely notifications of all threats that represent a serious and continuous threat to the campus community. These notifications will be made immediately and without delay unless doing so would compromise efforts to assist a victim or contain, respond or otherwise mitigate the emergency. The safety of the campus will dictate the content and methods of notification.

When a crime or emergency is reported to a supervisor in charge of disaster management, or their designee, they will go directly to the scene and assess the situation. 911 will be contacted immediately if the situation warrants it and if necessary, the process to begin notifying the campus will begin. During instances of severe weather or natural disasters, staff will monitor weather information from the local TV/Radio stations and will listen for the civil defense sirens.

Emergency information will be communicated to the campus via the RAVE Emergency Alert system. The President or his designee, with information provided from assessment of the situation, will without delay determine the content and disseminate the message via the RAVE Emergency Alert System. All segments of campus and student housing deemed to be at risk of impact from the situation, as determined by the President, will receive the emergency notification. If time warrants, the campus voicemail will be changed to a recorded message notifying any students, staff, or family members who are not on the campus at the time of an emergency about the situation. Information about when the campus will reopen will also be recorded on the message.

If a situation should gain media attention, all inquiries will be referred to the President of the university.

## **EVACUATION INSTRUCTIONS**

In the event of a fire or notification of a fire by building alarm, it is important to follow these guidelines:

1. **WALK** do not run.
2. Assist any persons that have special needs.
3. Do not waste time gathering your belongings.
4. Determine which route your zone area corresponds to as identified in the Emergency Procedures Guide.
5. Quickly make your way to the nearest exit.
6. Go directly to the Evacuation Assembly Area.
7. Do not return to the campus until told to do so.

*For the quickest way out of the building, refer to the maps on the walls located throughout the building.*

## Evacuation Assembly Area



### WEAPONS POLICY

The University of Silicon Valley is committed to providing all employees, students, volunteers, visitors, vendors, and contractors a safe and secure workplace and academic setting by expressly prohibiting the possession of a firearm, weapon, or explosive compound or material on any campus property or within the designated university safety zone, which is defined as being in, on, or within 1,000 feet of the campus or other designated worksites. This policy extends to any university-sanctioned function.

Unless otherwise provided by law, it is unlawful for individuals to carry, possess, or have under their control any firearm, weapon, or unlawful explosive compound while within a university safety zone, a university building, on university property, at a university-sanctioned function, or on a bus or other transportation furnished by the university. Such buildings include any public-owned, public-leased, or public-operated building that houses any educational function.

The following are applicable exemptions to the weapons restrictions:

- Participants in organized sport shooting events or firearm training courses.
- Persons participating in military training programs conducted by the armed forces of the United States or the Texas Department of Defense.
- Persons participating in law enforcement training conducted by a certified police academy.
- Peace officers, law enforcement officers, prosecuting attorneys, campus police or security officers, and medical examiners employed by the state when acting in the performance of their official duties or enroute to or from their official duties.
- A weapon that is in a locked compartment of a motor vehicle or a locked firearms rack which is on a motor vehicle when that vehicle is being used by an adult over 21 who is not a student attending the university in order to bring or pick up a student at the university.
- Teachers and other university personnel who are otherwise authorized to possess or carry weapons provided the weapon is in a locked compartment of a motor vehicle or in a locked container or a locked firearms rack which is on a motor vehicle.

Unless otherwise provided by state law, it is an express violation of university policy for any individuals to use, possess, manufacture, distribute, maintain, transport, or receive any of the following on any university campus, on university property, at a university-sanctioned function, or on a bus or other transportation furnished by the university:

- Any firearm whether operable or inoperable as defined by state law, or any facsimile thereof including, but not limited to, paintball guns, BB guns, potato guns, air soft guns, or any device that propels a projectile of any kind.

- A dangerous weapon, machine gun, sawed-off shotgun or rifle, shotgun, or silencer as defined by law.
- A weapon whether operable or inoperable as defined by state law, or any facsimile thereof including, but not limited to, any knife with a blade that is two or more inches in length (e.g., switchblade, ballistic knife, straight-edge razor or razor blade, any bludgeon-type instrument (e.g., blackjack, bat, or club), any flailing instrument (e.g., nun chuck or fighting chain), stun gun or Taser, or weapon designed to be thrown (e.g., throwing star or oriental dart).
- Any bacteriological weapon, biological weapon, destructive device, detonator, explosive, incendiary, over-pressure device, or poison gas as defined by state law.
- Any explosive compound or material as defined by state law.
- Any hoax device, replica of a destructive device or configuration or explosive materials with the appearance of a destructive device including, but not limited to, fake bombs and packages containing substances with the appearance of chemical explosives or toxic materials.

Any employee or student who violates the provisions of this weapons policy shall be subject to disciplinary action up to and including termination. From a legal perspective, any person who violates this restriction shall be guilty of a felony and upon conviction shall be punished by a fine and/or imprisonment. Vendors or contractors who violate the provisions of this policy shall be subject to the termination of their business relationship with the university.

### **ALCOHOL AND DRUG-FREE CAMPUS POLICY**

In accordance with the Drug Free Schools and Communities Act Amendments of 1989, the University of Silicon Valley implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. University standards of conduct clearly prohibit the unlawful possession, use, or distribution of alcohol, controlled substances, or other illegal or dangerous drugs by students and staff members on campus or as part of any official sponsored off-campus activities.

University policies prohibit the possession, consumption, or sale of alcoholic beverages and illicit drugs on the campus, in university facilities, or at most university-related functions (excluding moderate alcohol use at certain approved university-sponsored functions). University policies also prohibit students under the influence of alcohol or drugs from appearing on the campus or at student-related functions and activities. The State of California sets 21 as the minimum age to purchase or possess any alcoholic beverages. The Drug and Alcohol Abuse Prevention Program annual notification provides information to current students and employees on drug and alcohol policies and procedures and included standards of conduct, disciplinary sanctions, applicable legal sanctions, health risks associated with drugs and alcohol, and available drug and alcohol treatment services. This information is also provided to students prior to enrollment, during new student orientation, and to employees prior to hire.

As noted in both the Employee Handbook and the Student Code of Conduct, the university will impose sanctions up to and including dismissal and referral for prosecution for the violation of these standards. Additionally, students may be disciplined for off-campus activities including the illegal use of alcohol or drugs. USV will report to local and/or state law enforcement, as applicable by federal and state drug laws, any student or staff member who is found in possession of, using, or selling illegal drugs on campus; as well as anyone who is found to have broken the state laws regarding underage drinking.

State and federal law prohibits the possession, manufacture, or distribution of various controlled substances. Penalties for these offenses vary depending upon the severity of the convictions but may include imprisonment of up to 40 years with large fines. Penalties double when the offenses occur within 1,000 feet of a postsecondary educational institution.

Except for cases in which the institution previously imposed sanctions for the term or other similar period for which students were enrolled as of the date of conviction, students shall forfeit any right to any academic credit otherwise earned or earnable for that term or other similar period. The educational institution shall subsequently revoke any such academic credit granted prior to the completion of administrative actions necessary to implement such suspensions.

Much has been written in recent years about the health benefits of moderate alcohol use. Unfortunately, that

information has also been viewed by some as permission to continue their ongoing abuse of alcohol. Likewise, while there are valid medical reasons to take legally prescribed drugs, it is not uncommon for an individual to lose control over their use of those medications and in some instance advance to such risk-taking behavior as seeking illegal drugs as a substitute. The University of Silicon Valley assists students and staff with drug- or alcohol-related problems by referring them to appropriate community resources designed to address these problems.

Once an addiction begins, it can carry a host of additional issues, including loss of self-control, judgment, motivation, memory, and the ability to learn. People who choose to abuse alcohol and/or drugs run the risk of incurring serious health problems such as high blood pressure, increased risk of cancer, heart disease, hepatitis, cirrhosis, alcoholism, drug addiction, brain damage, and in extreme cases sudden death. Additionally, individuals with substance abuse problems pose a serious risk to themselves and to others when they elect to drive under the influence. Any student who suspects that they or a friend might have a problem with alcohol or drug use should contact the Student Services Department for assistance.

The Student Services Department recognizes the importance of education and awareness concerning alcohol and other controlled substances. In an effort to better inform our students regarding the appropriate use of, risks associated with, and potential outcomes of alcohol use, the university provides programming and information available to all students. Notices will be posted on bulletin boards around campus, electronic message boards, and the university website announcing these events. For more information about upcoming programs and available information and resources, please contact the Dean of Students.

The Controlled Substance and Alcohol policies are applicable to students residing in university sponsored or non-sponsored housing. Should USV become aware of an infraction that takes place off campus, in non-university sponsored housing, or while attending a university sponsored off-site event (including but not limited to conferences and conventions), the student will be subject to the regulations set forth by the Judicial Procedures and Disciplinary Actions guidelines.

### **USV'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

In an effort to maintaining a campus culture of safety, the University of Silicon Valley will address issues of domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct by working with community partners to create an environment that is intolerant of abuse and is responsive to the needs of the victims and/or survivors. USV prohibits discrimination on the basis of sex or gender, as well as crimes of sexual violence and sexual misconduct in accordance with the Violence Against Women's Act (VAWA), Title IX, Student Conduct Code, and California state law. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings.

The University of Silicon Valley strives to cultivate an educational environment free of unwelcome harassment of any kind. Harassment is a violation of trust and a form of intimidation or exploitation which undermines the atmosphere of respect that is essential to the maintenance of a healthy work and academic environment. Harassment by students, staff, or faculty directly violates the mission and policies set forth by the University and is henceforth prohibited. Harassment of any student by an employee of USV will not be tolerated. Violation of this policy will result in disciplinary action. This policy applies to all members of the university community including students, faculty, staff, administrators, and any other persons conducting business with USV whether they are on or off campus. Harassment of University guests is also prohibited.

The University of Silicon Valley recognizes the importance of openness of discussion within its educational programs and seeks to maintain an atmosphere of mutual tolerance within the educational environment. To that end, this harassment policy is not meant to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, when, in the judgement of a reasonable person, they arise appropriately and with respect for others.

Additional student related concerns of sexual assault, sexual misconduct, dating violence or domestic violence (collectively "relationship violence") and stalking whether the alleged perpetrator (respondent) is student, faculty, staff, visitor, or other third party are serious criminal acts and are prohibited by students and employees. Definitions intended to provide a clear understanding of these acts can be found in the Code of Conduct contained within the Student Handbook.

USV utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. Sexual violence is a form of sexual harassment, and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking. In these situations, the University of Silicon Valley is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The university's process does not preclude adjudication under state law. The University of Silicon Valley prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX and the Campus SAVE Act, or this policy.

### **DEFINITIONS APPLICABLE TO FEDERAL LAW PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT**

- **Domestic Violence** – A felony or misdemeanor crime 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 jurisdiction in which the crime of violence occurred; 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 jurisdiction in which the crime of violence occurred.
- **Dating Violence** – 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 the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition: dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and dating violence does not include acts covered under the definition of domestic violence.
- **Sexual Assault** – Any form of unwanted or involuntary touching or penetration of intimate body parts by a person of the same or opposite sex. This includes an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.
- **Consent** – Affirmative, conscious, and voluntary agreement to engage in sexual activity. Neither the lack of protest or resistance nor silence constitutes consent. Consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity. A person who is incapacitated cannot consent. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.
- **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to; fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition: Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **TRAINING, INTERVENTION AND PREVENTION EFFORTS**

The University of Silicon Valley offers educational programs during New Student Orientation, Employee Orientation, and throughout the duration of the academic year. These programs promote awareness of sexual assault, risk reduction strategies, and safe bystander intervention strategies. Programs include, but are not limited to, sex positivity workshops, consent workshops, informational campaigns and participation in national and international sexual assault awareness programs. To ensure the effectiveness of these training and prevention efforts the University of Silicon Valley conducts bi-annual campus climate surveys.

The University of Silicon Valley attempts to foster a safe learning and working environment for all members of the campus community. To accomplish this, the University of Silicon Valley considers the educational programming that addresses all aspects of domestic violence, dating violence, sexual assault, and stalking (safety precautions and prevention, crisis management, reporting, medical and counseling services, the University of Silicon Valley discipline systems, academic schedules, the campus response to sexual violence, domestic violence, dating violence, and instances of stalking, and physical surroundings throughout the campus community).

The University of Silicon Valley develops educational programs to prevent domestic violence, dating violence, sexual assault, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. The university supports the educational programs by providing input and personnel to accomplish this task. For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the Student Services Department.

USV continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help.

If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK. Confront and report people who seclude, hit on, try to make out with, or have sex with people who are incapacitated. Speak up when someone discusses plans to take advantage of another person. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking. Refer people to on- or off-campus resources listed in this document for support or assistance.

USV encourages campus community members to learn how to intervene in ways that are appropriate to the situation and fit each individual's comfort level. Possessing knowledge and understanding risk factors and warning signs helps provide confidence when encountering a situation that isn't right. Even if the outcome does not change, bystander intervention helps reinforce the role everyone plays in preventing dating violence, domestic violence, sexual assault, and stalking. USV educates all students during New Student Orientation on the three D's of bystander intervention: Distract, Delegate, Direct. This method of bystander intervention educates students on the importance of identifying early warning signs and intervening as a method of prevention and provides methods a student can employ to successfully intervene in a safe manner. Students watch a video situation and are asked to identify times when each method can be utilized and are provided the opportunity to practice each mode of intervention.

## RISK REDUCTION TIPS

Sexual violence, dating violence, and stalking is never the victim's fault. The tips outlined below are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization and assault.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cash money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.

- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation, here are some things that you can try:

- **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- **Have a code word with your friends or family** so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Lie.** If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything.

## REPORTING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

It is important for all students, faculty, and staff members to know where to turn for help and what to do if they or someone they know becomes the victim of domestic violence, dating violence, stalking, and sexual assault. Whether the assailants are strangers, acquaintances, close friends, or dates, everyone needs to know how to get necessary treatment, counseling, and other services. Domestic violence, dating violence, stalking, and sexual assault are criminal offenses subject to prosecution under the law. These acts are also violations of the Student Conduct Code. Therefore, USV encourages victims of these crimes to talk to someone about what happened in order to get the support they need and so that the university can respond appropriately.

Victims have the right to pursue criminal and/or campus disciplinary proceedings and seek restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court; or have "no-contact" orders issued by the university. Victims also have the right to decline to report to or notify law enforcement. Those who choose to participate in legal action for offenses that occur on campus can contact the Student Services Department in Room 108 or call 911. If the crime occurred off campus, victims should contact the local police. Reporting of crimes is voluntary and may be reported in a confidential basis directly to the Chief Compliance Officer. USV will provide victims with



assistance in reporting the assault to proper law enforcement authorities if requested and will comply with restraining orders and protection from abuse orders obtained through law enforcement. If an order is violated; victims should reach out to local law enforcement for assistance.

If the offense is committed by a student, victims are encouraged, but not required to file a complaint with the Title IX Student Coordinator as soon as possible after the incident takes place. If the offense is committed by an employee, victims are encouraged, but not required to file a complaint with the Title IX Employee Coordinator as soon as possible after the incident takes place. The Title IX Coordinators have discretion to accept or issue a complaint and issue disciplinary action against a student or employee regardless of when the complaint is submitted if the conduct poses a possible threat to the university community or to individual members of the university community. A complaint may be prepared in writing or in person. The Title IX Coordinators are responsible for overseeing the report and investigation process. All reports of sexual harassment or violence to a Responsible Employee will be reported to a Title IX Coordinator for inquiry.

Designated Title IX Coordinators are as outlined below:

Name	Title IX Position	Room #	Phone Number
Carolus Brown, Dean of Students	Title IX Student Coordinator	108	(408) 498-5137
Leslie Anderson, Director of Human Resources	Title IX Employee Coordinator	188	(408) 498-5148
Dr. Reba Smith, Chief Compliance Officer	Confidential Reporting Agent	191	(408) 498-5125

Students and employees may seek assistance from one of the Title IX Coordinators or a confidential resource for requesting reasonable protective measures, including, but not limited to, changes to academic, living, transportation, and working situations, or restrictions on contact between parties and participation or attendance at university events or facilities. These accommodations are afforded to victims, when reasonably available, regardless of the victim's decision to report the crime to local law enforcement.

Title IX Coordinators are not confidential resources, therefore any information provided may require that the university follow up with an investigation. Although complete confidentiality cannot be guaranteed, the university strives to treat all parties with equal care, respect, and dignity and will to the best of their ability preserve the privacy of all parties involved. All reported acts of dating violence, domestic violence, stalking, and sexual assault will be included in the Daily Crime Log. Entries into the Daily Crime Log do not contain personally identifiable information and preserve the identity of the individuals involved. Retaliation for filing a complaint is strictly prohibited by Title IX and USV. Any accommodation or protective measure provided to the victim will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

The University of Silicon Valley respects the privacy of students, employees, and third parties and shares reports of sexual misconduct on a limited, "need-to-know" basis. If a complainant requests that a complaint is handled on a confidential basis, USV will honor that request where possible. The Title IX Coordinator reviews requests for confidentiality and determines whether such requests can be honored in light of factors such as the safety of the campus and the number of complaints against a respondent. USV will promptly notify the complainant of its determination regarding a request for confidentiality.

USV will provide written notification to victims, students and employees, which will include an explanation of their rights, outside resources, information on preserving evidence, how to request protective measures for academic, living, transportation, and working situations, and how to request orders of protection. In addition, the notification has information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the university and in the community whether the offense occurred on campus or not. The written notification of resources and options will be disseminated to all students and employees who make a report, regardless of whether or not the incident occurred on or off campus.

No individual will suffer any reprisals or retaliation for good-faith filing, pursuing or reporting any incidents of harassment, for making any complaints of harassment or for participating in any investigation of incidents of harassment. Retaliation includes threats, intimidation, reprisals and/or adverse actions related to education or

employment. No member of the university community will suffer any reprisals for seeking advice concerning a perceived unlawful harassment matter.

The University of Silicon Valley encourages the reporting of sexual violence and recognizes that some students may be reluctant to make such reports as a result of their personal consumption of drugs or alcohol at the time of the incident. USV has adapted an amnesty policy for all reports of harassment and discrimination. When circumstances are occurring concurrently with other policy violations, the individual reporting the concern or incident, or the individual who is the target of the harassment or discrimination is exempt from conduct repercussions for the secondary violation.

*In California, complainants and witnesses are protected from sanctions for violations of student conduct policies that occurred around the time of the reported incidents, unless the university finds the violations egregious.*

## **ONGOING CARE AND CONFIDENTIAL RESOURCES**

Students may seek assistance at any time from the Student Services Department at no charge. Referrals may be made upon request for relatives, partners, and friends of either the complainant or respondent to various support agencies. Benefited staff and faculty may seek assistance at any time from any medical facility or the Employee Assistance Program (EAP).

The University of Silicon Valley does not offer on-campus medical services. Individuals who wish to speak with someone in confidence about any experience of sexual misconduct may contact the contracted, personal mental health counselors on campus, or one of the following off-campus resources:

- National Sexual Assault Hotline: (800) 656 – HOPE
- Rape, Abuse, and Incest National Network: [www.rainn.org](http://www.rainn.org)
- Silicon Valley YWCA: (800) 572 – 2782 [www.ywca-sv.org](http://www.ywca-sv.org)
- Domestic Violence Services: (800) 799-7233 [www.domesticviolenceservices.com](http://www.domesticviolenceservices.com)
- National Sexual Violence Resource Center: [www.nsvrc.org](http://www.nsvrc.org)
- San Jose Police Department Victim Assistance Resources: [www.sjpd.org/bfo/community/victsassistance](http://www.sjpd.org/bfo/community/victsassistance)

Victims are encouraged to secure a place of safety, obtain necessary medical treatment, report the incident in a timely manner and provide an opportunity for timely collection of evidence. The preservation of evidence is crucial in sexual misconduct cases. Regardless of whether the individual chooses to report the incident, the University encourages survivors of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat injuries, test for and treat sexually transmitted diseases, test for pregnancy, and provide emergency contraception (if requested). In addition, hospitals can also test for the presence of alcohol or drugs and perform a rape evidence collection procedure or coordinate these services with another provider if needed.

Preserving evidence can be crucial in helping to prosecute assailants and/or obtaining a protective order. In cases of rape or sexual assault, physical evidence must be collected in a timely manner by a certified medical facility. Prior to a medical exam, victims of rape or assault should not bathe, change clothes, douche, use the toilet (if possible), smoke, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that the evidence may be preserved.

Victims of stalking should save evidence such as, letters, notes, emails, phone calls, videos, photos, texts, social media postings (Facebook, Twitter, etc.), computer and phone screenshots, voicemails and any other form of evidence that would be helpful. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult.

## **INVESTIGATION AND DISCIPLINARY PROCEDURES**

USV community members wishing to make a disciplinary complaint may do so by contacting the Dean of Students, Director of Human Resources, or Chief Compliance Officer. Upon receipt of a report of an alleged incident of sexual misconduct, the Title IX Coordinator or designee will immediately review all reports of sexual misconduct and will determine the appropriate response. If there are jurisdictional considerations that preclude Title IX consideration,

the complainant will be notified of such limitations. If the complaint is dismissed at this stage, the complainant will receive written notice of the outcome and has the opportunity to appeal the determination using the appeal procedure below.

Upon receipt of a report, a Title IX Coordinator will, if appropriate, commence an investigation of the allegation(s). The Title IX Coordinator will issue simultaneous written notification to the complainant and respondent, notifying them of the start of the investigation, providing a description of the incident being investigated, and outlining any interim protective measures that are in place. The Title IX Coordinator will then assign a trained Title IX Investigator to the case. All Title IX Investigators receive annual training regarding Title IX regulations, campus policies and procedures, trauma informed investigations, dating violence, domestic violence, stalking, sexual assault, and consent. Investigative and disciplinary procedures are determined based on the relationship of the respondent to the University.

The complainant and respondent will have an equal opportunity to provide witnesses and evidence throughout the process; the Title IX Coordinator will assist the parties in locating and identifying witnesses, as appropriate. The complainant and respondent have an equal opportunity to have present an advocate of their choosing. An advocate is an individual who may be present during all investigative and disciplinary proceedings but may not participate in the proceedings on their behalf or on the behalf of the complainant or respondent. The investigation will implement procedures for considering allegations that drugs or alcohol were used during the alleged incident.

If the respondent is a staff member, investigative and disciplinary proceedings will follow those outlined in the Employee Handbook. If the respondent is a faculty member, investigative and disciplinary proceedings will follow those outlined in both the Employee and Faculty Handbooks. Lastly, if the respondent is a student, investigative and disciplinary procedures will follow the process outlined in the Student Handbook. The investigation may include contacting the complainant, respondent, and witnesses to obtain additional information about the allegation(s).

Following the conclusion of the investigation the Title IX Investigator will prepare a written report outlining the facts collected during the investigation. The Title IX Investigator will indicate in the written report if the evidence collected throughout the investigation qualifies the incident as a violation of a policy in the Code of Conduct or if there is insufficient evidence to support a violation of the Code of Conduct. If the Title IX Investigator determined that there is sufficient evidence to support a violation of the Code of Conduct, the case is referred to the Dean of Students for adjudication through the student conduct process. If there is insufficient evidence to support a violation of a policy in the Code of Conduct, the complainant and respondent will be notified simultaneously in writing of the outcome and conclusion of the investigation. Both parties have the right to appeal this decision by following the student appeal procedure outlined below.

Cases referred to the student conduct process will follow student disciplinary procedures outlined in the Student Handbook. The respondent will be notified by email at least three days prior to the Due Process Hearing of the date and time of the Due Process Hearing and will be notified by email at least two days prior to the Conduct Hearing of the date and time of the Conduct Hearing.

During the Due Process Hearing the hearing officer will review with the respondent the facts collected during the investigation, potential policies violated and respondent rights throughout the conduct process. The respondent may provide any additional information that they believe is pertinent to the case, including witnesses. Following the review of the facts collected, policies involved, and rights, the respondent is provided the opportunity to accept responsibility for the policy violation, or not accept responsibility for the policy violation.

If the respondent accepts responsibility the hearing officer will assign sanctions and notify the respondent within five business days of the outcome of the hearing. The hearing decision, including sanctions, will be provided in writing, simultaneously to the complainant and respondent. Both individuals are permitted to appeal the decision following the appeal guidelines outlined below.

If the respondent does not accept responsibility, they are provided the opportunity to choose between an administrative hearing (by one individual) and a panel hearing (by three individuals from the Campus Judicial Committee). In cases of dating violence, domestic violence, stalking, and sexual assault, and in other cases where the safety of the community was placed at risk, the respondent is provided the opportunity to choose the method of the Conduct Hearing. At the Conduct Hearing and the hearing officer(s) determine if the facts presented

represent a preponderance of evidence. A determination of responsibility is then decided by the hearing officer(s). The hearing decision, including sanctions, will be provided simultaneously in writing to the complainant and respondent. Both individuals are permitted to appeal the decision following the appeal guidelines outlined below.

Sanctions for violations of the domestic violence, dating violence, stalking, and sexual assault policies include official warning, educational sanctions including counseling, contributed service, restitution, fines, loss of privileges, disciplinary probation, removal from housing, interim suspension, suspension, and expulsion.

Interim protective measures are available to individuals who report alleged sexual misconduct, as appropriate. Protective measures may include no contact directives, changes to academic situations for students, leaves for employees, housing transfer for students who are participating in student housing, if available, changes in working situations, transportation or other actions. USV is obligated to provide reasonable changes to a victim's academic situation upon request regardless of whether the victim chooses to report the crime to local law enforcement. Protective measures will be administered in a manner that reduces the burden on the complainant while preserving the fundamental fairness of the process. Requests for protective measures should be made to the Title IX Coordinator using the contact information provided above.

The burden of proof necessary to find an individual responsible for a policy violation is a preponderance of evidence. As defined by the University, a preponderance of evidence is met when the hearing officer(s) is presented with just enough evidence to make it more likely than not that a policy violation occurred. To further elaborate on this definition, the hearing officer(s) need to be surer than not that the respondent is responsible for the alleged policy violation.

All investigative procedures and adjudication will be conducted within 60 calendar days from the date the concern was reported. In the event that additional time is needed to finalize the investigations or any portion of the adjudication process, additional time may be granted in the presence of extenuating circumstances. The Title IX Coordinator will notify the parties of any delays and the reasons for the delays.

USV does not use mediation in cases where sexual assault has been alleged, even on a voluntary basis. Persons found to be in violation of the University's Harassment Policy are subject to disciplinary actions up to and including dismissal from the University or termination of employment. Sanctions for students include sexual assault or other related training, no contact directives, bans from specific areas of campus, professionalism infractions, removal from a course, requirement to change sessions, suspension, or termination from university. If a student is terminated from university, the notification will outline any requirements that must be met for reinstatement as well as the minimum timeframe required for requesting reinstatement. For employees, sanctions may include a final warning with sexual assault training or termination. As for third parties, USV will implement available sanctions, such as bans from campus, as appropriate. USV will abide by and support any sanctions imposed by law enforcement; and we will also provide remedies to the complainant and campus community, as appropriate, such as educational programming, policy review and revision, and counseling.

## **APPEALS**

Should the respondent or complainant deem the findings of the investigation and the decision made by the hearing officer(s) inaccurate, he or she has the right to an appeal within five (5) business days of the receipt of the decision on the basis of the following:

- The disciplinary action appears to be grossly disproportionate to the conduct infraction.
- There is evidence of procedural error that could change the outcome of the investigation.
- New relevant information is available that was not available at the time of the hearing.
- The decision is not supported by substantial information.

Appeal Request Forms must be submitted to the Chief Compliance Officer at: University of Silicon Valley, 191 Baypointe Parkway, San Jose, CA 95134, (408)498-5125, [compliance@usv.edu](mailto:compliance@usv.edu). Appeals must be filed within 5 calendar days of the date that written notice of the outcome was provided. Appeal requests after this timeframe may be eligible for a discretionary waiver. The Chief Compliance Officer will review the appeal promptly, but generally within 30 calendar days and provide the respondent and complainant with simultaneous written notice of any changes to the result and notice when the determination is final.

As required under the Clery Act, results of disciplinary proceedings for crimes of violence and sex offenses will be provided to the victim or next of kin, in the event that the victim died as a result of the crime upon written request. This is not a violation of Family Educational Rights and Privacy Act (FERPA).

### **NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

The University of Silicon Valley is dedicated to maintaining safe learning and working environments for students, employees, and third parties; and is committed to creating and maintaining an environment free of discrimination. In support of this commitment, USV prohibits discrimination, harassment, and retaliation based on a protected classification, including race, color, religion, sex, national origin, age, disability, veteran status, sexual orientation, gender identity, or genetic information. USV encourages the timely reporting of all incidents and concerns of harassment. Anyone who believes he or she has been the subject of discrimination should report the matter immediately. All members of the University community are responsible for participating in creating a campus environment free from all forms of prohibited discrimination and for cooperating with University officials who investigate allegations of policy violations.

USV will take prompt and appropriate action to (a) thoroughly investigate complaints of discrimination described in this policy; and (b) prevent, correct and, if necessary, discipline individuals who engage in behavior that violates this policy in accordance with existing University policies. Enforcement of this policy is subject to constitutional protections related to freedom of speech, association, and the press.

This policy applies to:

- All USV employees in all aspects of their employment relationship with the University;
- All USV students in all aspects of their participation in the University's educational programs and activities;
- All USV applicants, whether for employment or for admission to educational or University-sponsored programs, activities, or facilities;
- All persons or groups participating in or accessing University-sponsored programs, activities, or facilities; and
- All vendors or contractors in all aspects of their relationship with the University.

Definitions related to discrimination and harassment:

- "Discrimination" occurs when an individual, or group of individuals, is treated adversely because they belong to a classification of individuals that is protected from discrimination by a federal or state statute or University policy as set forth above. The failure to provide reasonable accommodations required by law or University policy based on disability or religious practice may constitute discrimination.
- "Harassment" is a specific form of discrimination. It is unwelcome behavior, based on a protected classification, that a reasonable person would perceive to be sufficiently severe or pervasive to create an intimidating, hostile, or offensive environment for academic pursuits, employment, or participation in University-sponsored activities.
- Additionally, "Sexual Harassment," whether between individuals of the same or different sex, includes unwelcome conduct of a sexual nature that is made, either explicitly or implicitly, a condition of an individual's education, employment, or participation in a University program or activity, and/or when the submission to or rejection of such conduct is a factor in decisions affecting that individual's education, employment, or participation in University-sponsored activities.
- Harassing conduct may take many forms, including verbal acts and name calling, as well as nonverbal behavior, such as graphic, electronic, and written statements, or conduct that is physically offensive, harmful, or threatening.
- "Title IX Sexual Harassment" is a subset of sexual harassment and is conduct, based on sex, that constitutes one or more of the following: (a) unwelcome conduct, occurring in the United States, that a reasonable person would find so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a University-sponsored education program or activity; (b) an employee conditioning the provision of an aid, benefit, or service of USV on an individual's participation in

unwelcome sexual conduct; or (c) any of the following specific acts of sexual harassment taking place within the United States and within a University-sponsored program or activity: sexual assault, dating violence, domestic violence, and stalking.

- "Retaliation" occurs when an adverse action is taken against an individual for engaging in protected activity. Protected activity consists of (a) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute or which University policy prohibits; (b) filing a complaint about such practice; or (c) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint. Adverse actions that are reasonably likely to deter a complaining individual or others from engaging in protected activity are prohibited.
- "Title IX Retaliation" includes taking materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX, or 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 related to Title IX Sexual Harassment.

Employees or agents of USV who (a) supervise other employees, graduate or undergraduate students, contractors, or agents; (b) teach or advise students or groups; or (c) have management authority related to a University-sponsored program or activity are required to:

- Engage in appropriate measures to prevent violations of this policy; and
- Upon receiving a report or having a reasonable basis to suspect that potential discrimination, harassment, or retaliation has occurred or is occurring, promptly notify and provide all available information and documentation to the Office of Institutional Equity

An individual who believes that he or she has been subjected to discrimination, harassment, or retaliation in violation of this policy should report the matter immediately to the Dean of Students, Director of Human Resources, or Chief Compliance Officer in order to obtain information about resolving concerns, including complaint-filing options and procedures, and to enable USV to take prompt remedial action.

Questions or comments about discrimination or harassment can be directed to:

Dean of Students  
191 Baypointe Parkway  
San Jose, CA 95134  
(408)498-5137  
[cbrown@usv.edu](mailto:cbrown@usv.edu)

Director of Human Resources  
191 Baypointe Parkway  
San Jose, CA 95134  
(408)498-5148  
[landerson@usv.edu](mailto:landerson@usv.edu)

Chief Compliance Officer  
191 Baypointe Parkway  
San Jose, CA 95134  
(408)498-5125  
[compliance@usv.edu](mailto:compliance@usv.edu)

In instances of sexual misconduct, the victim will be informed of his or her right to notify law enforcement agencies. In the event that the victim chooses to notify these authorities, the student will receive support and guidance in doing so by university personnel. The University will provide interim protective measures, including but not limited to, changing academic or living assignments, and enacting no contact orders when reasonably able. Interim protective measures are a method by which we ensure the safety and well-being of the individuals involved and prevent the recurrence of any future prohibited behavior. Interim protective measures are in effect throughout the duration of the investigative and adjudication process. Interim protective measures will be in place whether the victim decides to initiate an investigation or not.

Because of the nature of discrimination, harassment, or retaliation complaints, allegations often cannot be substantiated by direct evidence other than the complaining individual's own statement. Lack of corroborating evidence should not discourage individuals from seeking relief under this policy. No adverse action will be taken against an individual who makes a good faith allegation of discrimination, harassment, or retaliation under this policy, even if an investigation fails to substantiate the allegation. However, individuals who make dishonest statements or make statements with willful disregard for the truth during an investigation or enforcement procedure under this policy may be subject to disciplinary action in accordance with existing University policies.

Members of the University community may contact the Office of Student Services, Office of Human Resources, or

the Compliance Office at any time to ask questions about discrimination, harassment, retaliation, or complaint-filing procedures and may provide information without disclosing their names. This provision does not relieve managers, supervisors, instructors, or advisors of their responsibility to promptly report under this policy. University employees and students have the right to file discrimination, harassment, and/or retaliation complaints with outside agencies as well as with the University's Compliance Office. If an individual files a complaint with an external agency, the filing will not affect the University's investigation concerning the same or similar events.

Members of the University community who violate this policy will be subject to corrective action that could include reprimand, demotion, denial of promotion, termination from employment or from educational programs, or other appropriate administrative action. University employees or students who work or study at a worksite or program of an institution with which USV has entered into an Affiliation Agreement (Affiliate) are subject to this policy while at such worksite or participating in such program. Similarly, Affiliates are obligated under agreements with USV to comply with all applicable state and federal statutes and regulations regarding equal employment opportunity and nondiscrimination. If a university employee or student believes that he or she has been subjected to discrimination, harassment, or retaliation while working at or participating in a program of an Affiliate in violation of this policy, he or she should contact the Office of Institutional Equity in accordance with the reporting provisions of this policy.

Employees of USV who receive reports of discrimination, harassment, or retaliation shall maintain the confidentiality of the information they receive, except where disclosure is required by law or is necessary to facilitate legitimate University processes, including the investigation and resolution of discrimination, harassment, or retaliation allegations. USV has adapted an amnesty policy for all reports of harassment and discrimination. When circumstances surrounding an incident of harassment or discrimination are occurring concurrently with other policy violations, the individual reporting the concern or incident, or the individual who is the target of the harassment or discrimination is exempt from conduct repercussions for the secondary violation.

Inquiries concerning Title IX also may be made to the Office for Civil Rights at:

Department of Education, Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg.

400 Maryland Ave., SW

Washington, DC 20202-1100

Phone: (800)421-3481 / TDD: (877)521-2172

Fax: (202)453-6012

Email: OCR@ed.gov

Office for Civil Rights, San Francisco Office

U.S. Department of Education

Old Federal Building

50 United Nations Plaza

Room 239

San Francisco, CA 94102-4912

## **SEX OFFENDER REGISTRY**

The Campus Sex Crimes Prevention Act (Section 1601 of Public Law 106-386) is a federal law enacted in 2000 that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The Violent Crime Control and Law Enforcement Act of 1994 requires states to enact statutes or regulations that require those who are sexually violent predators or who are convicted of sexually violent offenses to register with appropriate state law enforcement agencies for ten years after release from prison.

Sex offender information is compiled by the Department of Corrections (DOC). The University of Silicon Valley does not have a Campus Police Department, and the university is not officially notified by the state regarding any registered sex offenders. However, since 2004 the public has been able to view information on sex offenders required to register with local law enforcement under California's Megan's Law. California's Megan's law provides the public with certain information on the whereabouts of sex offenders so that members of our local communities may protect themselves and their children. The law is not intended to punish the registrant and specifically prohibits using the information to harass or commit any crime against the registrant. Members of the public may access sexual offender information under California's Megan's Law maintained by California's Department of Justice at: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

## **MISSING STUDENT POLICY AND PROCEDURES**

The Higher Education Act of 1965 (as amended) states the University of Silicon Valley must issue a policy statement, prescribe certain procedures to be followed, and issue guidance to the campus community with regard

to reported and confirmed instances of missing resident students (students who live in campus housing facilities). Title 37 of the Crime Control Act of 1990, the National Child Search Assistance Act, states each Federal, State and local law enforcement agency shall report each case of a missing child under the age of eighteen (18) to the National Crime Information Center (NCIC) of the Department of Justice. Under provisions of this title, no law enforcement agency will maintain any policy that requires the observance of any waiting period before accepting a missing child or unidentified person complaint. USV will report all instances of missing children under the age of eighteen (18), in compliance with Title 37. USV observes no waiting period before accepting all missing person reports that are brought to their attention involving students, staff or visitors.

Upon entering university student housing, all residents will be given the opportunity to identify a confidential contact who will be contacted in the event that the student is deemed to be missing, to be referred to as the Missing Student Confidential Contact from henceforth. The Missing Student Confidential Contact may be different than the student's emergency contact. In the event that the student does not identify a Missing Student Confidential Contact the emergency contact will be contacted when appropriate.

Missing Student Confidential Contact information for resident students, which is maintained by the Student Services Department, shall be treated as confidential, accessible only to authorized university officials, and may not be disclosed outside the institution except to law enforcement personnel in furtherance of a missing person investigation. Residential students may designate a Missing Student Confidential Contact and contact information on an annual basis through the student housing application. Resident students shall be advised such missing person contact(s) will be notified within 24 hours by the university of a determination by that the resident student is missing.

Persons who have reason to believe a USV student in campus housing, a student under the age of 18, or a child participating in university-affiliated events has been missing should immediately notify one or more of the following offices and/or employees:

- Department of Student Services, Room 108:
  - Carolus Brown, Dean of Students – (408) 498 – 5137, [cbrown@usv.edu](mailto:cbrown@usv.edu)
- Campus Services, Room 187:
  - Andrey Fedin, VP of Information Technology – (408)498-5151, [afedlin@usv.edu](mailto:afedlin@usv.edu)

Upon receiving such report USV will generate a missing student incident report and begin an investigation to determine the validity of the report. If it is determined that the report is valid the University will take the following steps:

USV will immediately notify local law enforcement upon receiving a report of a missing resident student or student under the age of 18 (as well as any report involving a student, staff or visitor) if the disappearance is associated with any of the following circumstances:

- Evidence of suicidal thoughts or harmful behavior.
- Evidence of drug use, intoxication, or endangering behavior.
- Evidence of involvement in life threatening situations.
- Evidence of involvement with individuals who may endanger the student's welfare.

If it is determined a resident student (any age) is missing and the student has provided a Missing Person Confidential Contact, USV will notify the missing person contact within 24 hours. The notification may be through in-person contact, electronic or telephonic (telephone call or voicemail, email, facsimile, text message) communication, or through any other means appropriate to making timely notification. If a student registers multiple missing person contacts and the first person reached indicates the student is not missing, USV will attempt to reach each additional contact person in turn, unless the student in question is contacted by or contacts USV via contact information available in the university's Student Information System. University officials will document each attempt made to reach emergency contact persons.



If the resident is under age 18:

1. If the resident student is under age 18 and is emancipated (legally independent of parents), and USV has determined the student is missing, the university will make an immediate effort to notify both the custodial parent or guardian and the confidential contact person provided by the student. USV will immediately open an investigation whenever a resident or under the age of 18 student is reported missing. In the event a non-resident student, staff member or visitor is reported missing to the university, the police will facilitate filing a report to the agency of primary jurisdiction but will also provide liaison investigative services to that agency.
2. If it is determined a resident student is missing and the student is under 18 years of age and not emancipated, university representatives will attempt to contact the custodial parent or legal guardian within 24 hours to explain the situation. Resident students under 18 years of age and not emancipated shall be advised, upon applying to reside in student housing that the university must notify a custodial parent or guardian within 24 hours of determining the resident student is missing in addition to notifying any additional contact person designated by the student.

Following investigation into a report of a missing student, regardless of student age or residential status, if the student is deemed to be missing, the University will notify the San Jose Police Department within 24 hours of the report, unless the San Jose Police Department is the agency reporting the missing student to the University. The University will notify the San Jose Police Department in addition to contacting the student's Missing Person Confidential Contact, parent or custodial guardian, and/or emergency contact. The Dean of Students or her designee will contact the San Jose Police Department via phone to file the missing person report.

### **FIRE SAFETY EDUCATION AND AWARENESS**

The Office of Student Life works closely with the managers of the university's student housing facilities to ensure that all on-campus student housing facilities under the control of USV are in compliance with the local fire codes. Student housing facilities managed by USV include apartments in local apartment complexes and are commonly referred to as Student Housing and all of which are managed by the staff of the specific apartment complexes.

Fire safety systems protect all university-managed student housing facilities, and each system consists of fire alarms, smoke detection, and sprinkler protection. Strobe lights are equipped in certain rooms based on occupant need and required codes. Additionally, all student housing facilities and attached parking garages are equipped with fire extinguishers. Fire safety systems in student housing are monitored 24 hours a day, seven days a week by the apartment complexes and their off-site monitoring company. In student housing, the sprinkler system is monitored 24 hours a day, seven days a week by a contracted central station monitoring company that notifies the apartment complexes in the event of an alarm.

In the event of a fire in student housing or on campus students should contact the San Jose Fire Department by calling 911. Following notification of the fire department students and employees shall exit the building. Upon reaching safety individuals should notify the Resident Assistant on duty or the Dean of Students of the date, time, location, and other relevant information pertaining to the fire.

Fire safety education for student housing facilities is provided through the Office of Student Life. A fire safety awareness briefing is conducted for all occupants of these facilities shortly before they move in. Fire safety education topics include, but are not limited to, fire prevention, safe evacuation techniques, and fire extinguishers.

In the event of a fire or upon activation of any fire alarm, all building occupants are required to evacuate the building following the evacuation routes posted in each building. Evacuees are then required to retreat to a safe location at least 50 feet from the building. Any person who fails to evacuate during a fire alarm activation is subject to criminal complaints and/or disciplinary action through the student conduct process. Each student housing facility has a fire safety and evacuation plan.

At the direction of the apartment complexes, fire drills are performed at least two times during the academic year. Drills are performed between sunset and sunrise. This drill schedule is in compliance with the local fire

code. Residents found in violation of university policy are subject to disciplinary action through the student conduct process.

In adherence to the local fire code, the following is strictly prohibited in all student housing facilities: tampering or misuse of all fire safety equipment (which includes, but is not limited to, fire extinguishers, fire alarm pull stations, sprinkler heads, smoke detectors, heat sensors, "Exit" signs, emergency lighting, elevator phones, fire doors, and call boxes); blocking doorways; hanging objects from windows; hanging objects on/from fire safety equipment or the ceiling; and initiating false alarms. USV treats false alarms very seriously. Individuals who initiate false alarms are subject to local, state, or federal legal processes and/or disciplinary action through the student conduct process.

Smoking of any tobacco product or use of any electronic smoking devices in any indoor public place or workplace is prohibited. In order to maintain the highest levels of health and safety possible, the University of Silicon Valley prohibits smoking of any tobacco product or use of any electronic smoking devices in all residential buildings. Residents and occupants of facilities in which evidence of use of such a product is found are subject to action through the student conduct process and/or fines from the State of California.

Students are prohibited from using portable electrical appliances such as space heaters and hot plates. All apartments are equipped with a full kitchen as well as heating and air conditioning. Students should utilize the appliances authorized and provided by the respective housing complex. Students are not permitted to use candles or other open flames in student housing. Those housing units with gas stove tops are permitted use of the complex provided cooking appliances.

Assessment of current fire safety equipment and plans for future improvement are conducted and monitored by individual apartment complexes. The University works closely with each complex to communicate observations of fire safety equipment performance for consideration and inclusion in any future improvement projects.

All fire safety violations are considered very serious and may result in removal from residence. .

#### **PREPARATION OF THE ANNUAL SECURITY AND FIRE SAFETY REPORT AND DISCLOSURE OF CRIME AND FIRE STATISTICS**

The Annual Security and Fire Safety Report is compiled by the Campus Security Committee in compliance with the *Jeanne Clery Disclosure of Campus Security and Policy and Crime Statistics Act*. The report provides statistics for the previous three years concerning reported crimes that occurred on the campus's Clery geography. Information for the report is gathered by the Dean of Students in cooperation with local law enforcement. In order to ensure campus safety and security and to provide the most accurate statistics, USV encourages victims of, and witnesses to, the crimes and violations listed in the annual crime statistics to report them to a CSA promptly for the purposes of making timely warning reports and the annual statistical disclosure. CSA contact information is noted in earlier in the report.

USV maintains the Annual Security and Fire Safety Report, which includes Crime Statistics, on the disclosure page of our website at: [www.usv.edu/Disclosures](http://www.usv.edu/Disclosures). The report and statistics are updated by October 1st of each year. Current students and staff members will be notified of any updates or changes to the report or statistics via email distribution. Paper copies of this report can be obtained from the Student Services and/or Compliance Departments.

Current students and employees receive an annual notification via email that includes the link/URL to the appropriate page on the website, an explanation of the content of the report, and instructions on how to request a paper copy of the report (that includes the campus statistics) should they wish to obtain one. Additionally, prospective students receive a link to the report that includes the crime statistics during the enrollment process; and new employees receive this information during the onboarding process.

The statistics for campus incidents are compiled from the Campus Security Authority, who maintains records on disciplinary referrals and actions reported. The Compliance Office and Campus Security Authority determine which category a given incident fits for purposes of preparing this report and whether the incident occurred on campus or not. All documents related to compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act* will be retained for a period of three (3) years after publication of the report (which includes 3 years of data). This retention includes all documents relating to preparation of the annual security report and crime

statistics, including, but not limited to, all records and reports or reportable crimes, letters to and from law enforcement, and all copies of timely warnings or emergency notifications. The Dean of Students and Director of Human Resources, in partnership with the Chief Compliance Officer, are responsible for retention of the required documents. CSAs should forward all documentation related to Clery Act compliance to either the Dean of Students or Director of Human Resources as appropriate.

In preparation for disclosing annual crime and fire statistics, the Chief Compliance Officer compiles data from various sources. These sources include incident reports of Clery Act crimes (as defined below) reported to a CSA as well as all local law enforcement agencies with jurisdiction over the campus's Clery geographic area. USV requests information from the local law enforcement agencies regarding any Clery crimes occurring on campus, on non-campus property, in student housing, or in the public property contiguous to our campus.

## CRIME STATISTICS DEFINITIONS OF TERMS

Institutions must classify and count reported incidents based on the definitions specified by the Clery Act listed below:

- **Murder and Non-negligent Manslaughter:** The willful killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Rape:** 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, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or putting the victim in fear.
- **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 and probably would result in serious personal injury if the crime were successfully completed.
- **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 felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned. It also includes forcible entry, unlawful entry – no force, and attempted forcible entry.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle, including all cases where automobiles, motorcycles, etc. are taken by persons not having lawful access even though the vehicles are later abandoned (e.g., joyriding).
- **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.
- **Hate Crimes:** The number of each type of crime that falls into the above list; as well as larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property that are determined to be hate crimes. Hate crimes are crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin, disability, or gender identity.
  - **Simple Assault:** The 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.

- **Larceny-Theft:** The unlawful act of taking, carrying, leading, or riding away of property from the possession or constructive possession of another
- **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 consent of the owner or the person having custody or control of it.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the complainant; a person with whom the complainant shares a child in common; a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition: course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Weapon Law Violations:** The violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- **Drug Abuse Violations:** Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
- **On-Campus Property:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the first part of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).
- **On-Campus Housing:** Any student housing facility that is owned or controlled by the institution, or is

located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus.

- **Non-campus Building or Property:** 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 used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
- **Unfounded:** If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded" and not included in crime statistics. Only sworn or commissioned law enforcement personnel can deem a crime "unfounded".

## CALIFORNIA PENAL CODE DEFINITION OF TERMS

**261.** (a) **Rape** is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
  - (A) Was unconscious or asleep.
  - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
  - (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable

belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

- (b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
- (c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

**261.5 (a) Unlawful sexual intercourse** is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

- (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- (d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

**261.6.** In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “**consent**” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

**261.7.** In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

**262.** (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

- (1) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.
- (3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:
  - (A) Was unconscious or asleep.
  - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

**263.** The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

**269.** (a) Any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child:

(1) Rape, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.

(2) Rape or sexual penetration, in concert, in violation of Section 264.1.

(3) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286.

(4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 288a.

(5) Sexual penetration, in violation of subdivision (a) of Section 289.

(b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life.

(c) The court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

**242 Battery:** A battery is any willful and unlawful use of force or violence upon the person of another.

**243 Battery: Domestic & Dating Violence:** (e)(1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.

**243.4 Sexual Battery:** *The California Penal Code does not specifically define the term "Sexual Assault" but instead defines "Sexual Battery."*

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
- (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.
- (e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.

#### 646.9 Stalking

- (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes 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 is guilty of the crime of stalking.
- (b) For the purposes of this section, "harasses" 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.
- (c) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

For the purposes of this section, "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, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."

#### FIRE STATISTICS DEFINITIONS OF TERMS

Institutions must classify and count reported fire incidents based on the definitions specified by the Clery Act listed below:

- **Fire:** Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner. For purposes of fire reporting, this only applies to fires in on-campus student housing facilities and parking facilities/dining halls that are physically attached.
- **Fire Drill:** A supervised practice of a mandatory evacuation of a building for a fire.
- **Cause of Fire:** The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
- **Unintentional Fire:** A fire that does not involve an intentional human act to ignite or spread fire into an area



where the fire should not be.

- **Intentional Fire:** A fire that is ignited, or that results from a deliberate action, in circumstances where the person knows there should not be a fire.
- **Undetermined Fire:** A fire in which the cause cannot be determined.
- **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. This includes a person who dies within one 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. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone 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. This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption. For purposes of fire reporting, any claims made against USV for personal property damage are done directly through the state of California, so the university is not made aware of personal property damage values. As such, they are not included in reporting.

## CRIME AND FIRE STATISTICS

The following statistics are reported in compliance accordance with the Uniform Crime Reporting procedures and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics, which requires all colleges and universities receiving federal funds to publish the occurrence of certain criminal offenses reported to university safety departments, to other appropriate university officials, or to local police. Statistics are reported for the three most recently completed calendar years.

Crime Statistics												
Category	On Campus			On-Campus Housing Facilities			Non-Campus Property			Public Property		
	2020	2021	2022	2020	2021	2022	2020	2021	2022	2020	2021	2022
<b>Criminal Offenses</b>												
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	2*	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	1*	3*	0	1*	3*	0	0	0	0	0	0	0
Motor Vehicle Theft	34*	13*	19*	34*	13*	19*	0	0	0	3*	0	1*
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Offenses</b>												
Murder / Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA) Offenses</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>												
Weapons Possessions	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>												
Weapons Possessions	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Unfounded Crimes</b>												
<b>Total Unfounded Crimes</b>	0	0	0	0	0	0	0	0	0	0	0	0

\* These statistics include crimes that were reported to USV by local law enforcement.

While these crimes may not have occurred in our leased units, they have occurred at the apartment complexes where some of our student housing units are located.

**Statistics and Related Information Regarding Fires in Housing Facilities for 2020**

Housing Facilities			Total Fires in Each Building	Fire Number	Cause of Fire	Number of injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Crescent Village	Milano	320 Crescent Village Circle, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Crescent Village	Tesoro	310 Crescent Village Circle, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Crescent Village	Toscana	350 River Oaks Parkway, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Crescent Village	Verona	385 River Oaks Parkway, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 1	371 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 2	390 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 4	350 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 5	335 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 7	310 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 8	305 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Fountains at River Oaks	Building 16	373 River Oaks Circle, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
North Park	Cypress	85 Rio Robles, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
North Park	Laurels 3	135 Rio Robles East, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
North Park	Pines	60 Descanso Drive, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
River View	Building 1	55 River Oaks Place, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
River View	Building 2	3473 N.1st St., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
River View	Building 5	250 Brandon St., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
The Enclave	Building 1	4301 Renaissance Dr., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
The Enclave	Building 4	4325 Renaissance Dr., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
The Enclave	Building 6	4337 Renaissance Dr., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
The Enclave	Building 7	4349 Renaissance Dr., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
The Enclave	Building 8	4355 Renaissance Dr., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A

**Statistics and Related Information Regarding Fires in Housing Facilities for 2021**

Housing Facilities			Total Fires in Each Building	Fire Number	Cause of Fire	Number of injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Elan	Building 1	371 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 2	390 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 4	350 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 5	335 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 7	310 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 8	305 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Venue		3737 Casa Verde St., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Verdant		3700 Casa Verde St., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A

**Statistics and Related Information Regarding Fires in Housing Facilities for 2022**

Housing Facilities			Total Fires in Each Building	Fire Number	Cause of Fire	Number of injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire
Elan	Building 1	371 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 2	390 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 4	350 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 5	335 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 7	310 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Elan	Building 8	305 Elan Village Lane, San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Venue		3737 Casa Verde St., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A
Verdant		3700 Casa Verde St., San Jose, CA 95134	0	0	N/A	N/A	N/A	N/A