



CAMPUS CRIME AND SAFETY REPORT

AUGUST 30, 2022

INTRODUCTION

The Graduate Theological Union (GTU) highly values the individual and collective security of its students, faculty, and staff. This is so not only because we care about individual safety, but also because safety is a pre-requisite for the creation of an academic community devoted to research, learning and teaching. Because of this everyone at the GTU has a role in making sure we have a safe environment.

In addition, the Congress and Department of Education have established many requirements for campus crime policies and reporting. The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), codified at 20 U.S.C. 1092(f) as part of the Higher Education Act of 1965 (HEA), and the Higher Education Opportunity Act (HEOA) of 2008 require that the GTU disclose policy information and crime statistics as part of a campus crime and safety report published annually.

This report serves as the campus security report for the Graduate Theological Union for the academic year 2022 - 2023.

At the GTU, the Chief Operating Officer has the responsibility for gathering statistics, identifying reportable crimes and providing them to the Department of Education and the public, and for the preparation of this report. The Chief Operating Officer is also the official Title IX Coordinator for the GTU. The Associate Dean of Students is responsible for student services including procedures for student disciplinary actions for sexual assault and rape. The campus crime and safety report can be viewed on the GTU website and copies of it may be obtained from the Graduate Theological Union, office of Human Resources and from the office of the Associate Dean of Students.

The information in this report comes from a variety of sources, including the City of Berkeley Police Department, incidents reported to the Graduate Theological Union, and the member schools of the consortium.

WHAT TO DO IN CASE OF AN EMERGENCY

The GTU maintains an emergency alert system designed to notify the campus community of an imminent threat to safety or security. In the event of an emergency the GTU will activate the GTU-Alert system. If you are new to the GTU or if you have not set up your alert system, please take a moment to do so. The GTU will use this system to notify you in case of an emergency see the section below on “Major Campus Emergency Notification” for information about this service and how to sign up.)

PREPARE FOR AN EARTHQUAKE

Learn evacuation routes in the event of a serious earthquake. Make sure you have three days of emergency food and water in your apartment or home.

Faculty and staff members have been issued evacuation packs that are designed to be kept by their desks in the event of an emergency. Those with these packs are encouraged to keep a small amount of emergency supplies in the pack in case they have to evacuate a building.

MISSING STUDENT NOTIFICATION POLICY

The school has developed a policy regarding the reporting, investigating and emergency notifications necessary in the event any resident student is believed to be missing. The policy provides that school officials be notified that a member of the GTU community is or is suspected of being missing.

Upon notification that a member of the school community may be missing, the Office of the Associate Dean of Students will conduct an investigation to determine facts regarding the report. If the investigator determines that the student may in fact be missing, the investigator will notify the school campus security officer and the City of Berkeley Police Department.

The City of Berkeley Police Department will make the determination that the student is missing. If the police department has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the school will attempt to contact the emergency contact in accordance with the student's designation.

If the student is under 18 years of age and is not emancipated, the school will attempt to notify the student's custodial parent or guardian and any other designated contact person.

CAMPUS SAFETY

The GTU informs students and employees annually about campus security procedures and practices by dissemination of this report.

The Graduate Theological Union does not have a campus law enforcement or safety staff. No employee of the GTU has, within the scope of his or her GTU employment, police powers or the authority to arrest individuals.

Since the GTU does not have its own safety staff, the GTU urges persons affiliated with the school to make use of the extensive safety resources at the City of Berkeley Police and Fire Departments and the University of California at Berkeley. The GTU encourages students and employees to be responsible for their own safety and the security of others. You can do this by informing yourself about safety procedures and crime avoidance tips available from the City of Berkeley and the University of California. You may access this information at the following websites:

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

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

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

UC Berkeley offers comprehensive free night safety services made up of [BearWalk escort](http://nightsafety.berkeley.edu/nightsafety/escort) (nightsafety.berkeley.edu/nightsafety/escort), [night shuttle buses](#), and a [door-to-door service](#). The time of day determines what services are available. BearWalks are available from dusk to 3:00am, night shuttles run on routes from 7:30pm to 3:00am, and the door-to-door service is available from 3:00am until 5:30am. Go to <http://nightsafety.berkeley.edu/> or call 510-642-9255 (642-WALK). Boundaries for the service are Cedar Street to the north, Derby Street to the south, Milvia Street to the west and Prospect to the east.

GTU'S MAIN SECURITY PROVISIONS

CONTACTING THE POLICE DEPARTMENT

Since the GTU does not have a police department or any individual with police authority, it relies on the Police Department of the City of Berkeley. You are encouraged to contact this department immediately in the event of a security emergency by calling 9-1-1 from a land telephone and 510-981-5911 from a cell phone. For non-emergency calls please call 510-981-5900.

RESTRICTED ACCESS TO BUILDINGS

Most buildings at the GTU are not open to the public, but are intended for use by faculty, students, staff, vendors and others with legitimate business with the school. Access to these buildings is intended for the use of these people only.

The Flora Lamson Hewlett Library is open to the public.

MAJOR CAMPUS EMERGENCY NOTIFICATION

The GTU maintains an alerting and warning service designed to contact faculty, students, staff and other interested parties to warn of situations on or near campus that may pose an immediate threat. The "GTU-Alert" system provides emergency, urgent and important information and instructions in other emergencies. This is an opt-in service. Members of the campus community must visit <https://gtu.omnilert.net/subscriber.php> and click the "SIGN UP" link on the upper right hand corner of the screen. If you have signed up in the past, but have forgotten your login/password you can click the appropriate link under the login boxes to get back in the system. Please remember to ALWAYS include an outside email address in addition to your gtu.edu address in the event that the emergency causes a disruption to email services.

Follow the instructions to activate the service. You will be asked to provide your contact information, specifying whether you would like to be alerted by phone (cell, home, office, TTY) or via text message or e-mail.

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

The GTU tests this system on a regular basis to ensure that it is functioning properly. The Chief Financial Officer will determine the content of the emergency communication and initiate the notification system. If the GTU initiates the emergency notification system, those who have registered for its use by completing the enrollment steps will be notified according to the method(s) they selected.

ACCESS TO THE GTU CAMPUS AND BUILDINGS

Access to all space on the GTU campus is limited to the official occupant of that space and that occupant's officers, employees, students, guests and/or invitees. All areas of the GTU campus are closed between the hours of 8:00 p.m. and 7:00 a.m. unless special arrangements are made with the Chief Operating Officer.

Keys and access cards allowing entry to GTU buildings and offices are issued by the Facilities Department. The Facilities Department maintains a list of persons holding keys and access cards. Unauthorized copying or lending to unauthorized persons, of keys or access cards is expressly forbidden by the GTU. Violations of this policy may result in the loss of access privileges.

SECURITY OF GTU CAMPUS BUILDINGS

The building at 2400 Ridge Road has a sophisticated security and fire alarm system that automatically notifies authorities in the event of fire or unauthorized entry. GTU personnel monitor the buildings at 2465 Le Conte Avenue and 2452 Virginia Street.

Members of the GTU community are charged with responsibility for safeguarding the spaces under their control, maintaining custody of the keys and access cards to which they have been entrusted, and reporting promptly the loss of any such keys or cards.

The Chief Operating Officer has responsibility for close control of the activities of persons engaged in any form of maintenance or repair anywhere on the campus.

PROCEDURES TO REPORT CRIMINAL ACTIVITY AND EMERGENCIES

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

If immediate danger to life or property exists, dial 911 from a land line or 510-981-5911 from a cell phone for the Berkeley Police Department.

If immediate danger is not present, call the Berkeley Police Department at 510-981-5900 to report criminal activity.

In all cases, report the incident to the GTU Chief Operating Officer or other senior administrator. You may use the attached Crime Incident Report or obtain a Crime Incident Report form from the GTU Chief Operating Officer, 2400 Ridge Road, Berkeley.

The Chief Operating Officer will make sure every report received under this policy is investigated and take appropriate action to remedy the problem.

The Graduate Theological Union urges that all crimes be reported. Since the GTU does not have a campus law enforcement staff, a report should be made to the City of Berkeley Police Department. After such a report is made, the crime should be reported to the GTU Chief Operating Officer.

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

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

INFORMATION ABOUT REGISTERED SEX OFFENDERS

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

Federal law requires persons who must register as sex offenders to provide notice to the state if they are employed by or a student at an institution of higher education. Since the Graduate Theological Union does not have a campus police department, sex offenders must register with the chief of police of the City of Berkeley. They must notify the chief of police within 5 days of enrolling in the GTU, moving to the City of Berkeley, or of being convicted of an offense qualifying them as sex offenders. The Family Educational Rights and Privacy

Act (FERPA) does not prohibit institutions from disclosing information about registered sex offenders.

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

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

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

DRUG FREE CAMPUS AND WORKPLACE

The Graduate Theological Union strives to maintain its campus communities and workplaces free from illegal use, possession, or distribution of alcohol or of controlled substances as defined in the Controlled Substances Act, 21 United States Code Sec. 812, and by regulation at 21 Code of Federal Regulations Sec. 1308.

Unlawful manufacture, distribution, dispensing, possession, use, or sale of alcohol or of controlled substances by GTU employees and students in the workplace, or on GTU premises, at official GTU functions, or on GTU business is prohibited. In addition, employees and students shall not use illegal substances or abuse legal substances in a manner that impairs work performance, scholarly activities, or student life.

Employees, including student employees, found in violation of this policy may be subject to corrective action, up to and including dismissal, or may be required at the discretion of the GTU to participate satisfactorily in a treatment program at their own cost. Students found in violation of this policy may be subject to corrective action, up to and including dismissal from academic programs as set forth in relevant GTU policies and in campus regulations.

In addition, employees and students involved in such illegal activity are subject to legal sanctions under local, State, and Federal law. An employee convicted of any criminal drug statute for a violation occurring in the workplace is required to notify the Human Resources Officer or the Chief Operating Officer, of such a conviction no later than five days from the date of the conviction.

The GTU complies with California State law, which prohibits possession or use of alcohol by or sale of alcohol to, anyone less than twenty-one years of age. Abuse of alcohol on the GTU campus is prohibited.

The health risks associated with the use of illicit drugs and the abuse of alcohol are many. Detailed information concerning the known health hazards resulting from the abuse of drugs and alcohol may be obtained from your physician, or from the GTU Human Resources Office.

Several drug and alcohol counseling, treatment, and rehabilitation programs are available to GTU faculty, students and employees. Check your health insurance program for the closest location. In addition, you may find these resources helpful:

- The New Bridge Foundation, 2323 Hearst Avenue, 866-772-8075 in Berkeley provides assessment, residential inpatient rehabilitation programs, partial day programs, outpatient individual and group counseling sessions and educational workshops. New Bridge accepts private insurance and is conveniently located directly across the street from the library.
- The Merritt Peralta Institute at Summit Medical Center provides residential inpatient, outpatient, day treatment, workshops and group counseling. To reach the institute by phone number call 510-652-7000.
- Alcoholics Anonymous information and meetings in California may be found at <http://www.aa.org>
- Eastbay Intergroup Central Office of Alcoholics Anonymous at 510-839-8900 Or <http://www.eastbayaa.org>
- Narcotics Anonymous information and meetings in Alameda County can be found at <http://www.naalamedacounty.org>
- Alameda County Offices Behavioral Healthcare Services- Substance Use Disorders (SUD) Treatment and Prevention Info can be found at: http://www.acbhcs.org/sobering_svcs/sobering.htm. Their provider list can be found at http://www.acbhcs.org/Providers/SUD/docs/resources/SUD_providers_dirctory.pdf

See the personnel manual or student mailing for complete delineation of policy and educational programs for drug and alcohol abuse.

PROHIBITED SEXUAL MISCONDUCT AND TITLE IX

The Graduate Theological Union is committed to creating and maintaining an environment free of all forms of harassment, exploitation, and intimidation. Every member of the GTU community should be aware that such behavior is prohibited by law and school policy. The GTU will not tolerate sexual misconduct or harassment in any form, including acquaintance

or date rape or violence, sexual assault, stalking or domestic violence. The GTU will take appropriate action to prevent, correct, and discipline behavior that is found to violate school policy or laws proscribing such activity.

This policy affects students and employees of the Graduate Theological Union. Students enrolled at GTU member schools should contact their school for policies on sexual misconduct and harassment. The GTU Faculty Handbook governs faculty members of the GTU. For staff members and administrators, provisions contained in the GTU Employee Handbook as well as memoranda of understanding prohibit conduct that violates the law and school policy, and provide for disciplinary action for inappropriate conduct.

SEXUAL ASSAULT VICTIM'S BILL OF RIGHTS

Victims and complainants of rape, sexual assault and misconduct have the right to be informed:

- about notifying appropriate law enforcement authorities with the assistance of GTU personnel if requested;
- about off campus counseling, mental health and other services;
- that the GTU will change academic and living situations after an alleged report if those changes are requested by the victim or complainant and are reasonably available;
- that the victim or complainant and the accused are entitled to the same opportunities to have others present during a school disciplinary proceeding; and,
- about the outcome of the school's disciplinary proceedings.

SEXUAL MISCONDUCT POLICIES AND DEFINITIONS

The Graduate Theological Union is a community of scholars and students that strives to be free of sexual misconduct and harassment. In fact, the GTU has no tolerance for such activities and takes all complaints and accusations of misconduct seriously. Such acts can profoundly impact a student's personal and academic life, a faculty member's ability to provide guidance and assistance to students, and a staff member's ability to provide the support services that this community needs. We therefore urge everyone in this community to take action if you believe an incident of misconduct or harassment has taken place. Our goal is to make you and others safe, respected and able to work productively at the GTU.

Sexual misconduct can include a wide range of behaviors, including sexual assault or harassment, partner and domestic violence, stalking, voyeurism, and other behaviors that have the effect of threatening another person. Not all misconduct involves sexual contact, as in the case of threatening speech or displaying photographs or other material of a sexual nature.

Many forms of sexual misconduct are also prohibited by federal law, including Title IX of the Higher Education Act of 1965, the Violence Against Women Reauthorization Act (VAWA) of 2013, and California state laws. Violation of these laws could result in criminal prosecution and civil liability in addition to disciplinary actions by the GTU.

The GTU prohibits all forms of sexual misconduct, including sexual and gender related violence of any form, assault, harassment, domestic violence, dating violence, and stalking. These terms each encompass a broad range of behavior. The following behaviors are among the forms of sexual misconduct that violate GTU policy. Definitions and examples are provided to assist in the understanding of prohibited conduct.

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

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

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

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

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

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

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

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

FORCIBLE SODOMY — Oral or anal sexual intercourse with another person, forcibly or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of youth or because of temporary or permanent mental or physical incapacity.

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

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

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

The following scenarios illustrate incidents that are classified as Rape:

A female college student attended an off-campus party. She drank heavily until she had difficulty standing and was slurring her speech. Two male students offered to walk her home. Once in her dorm room, she passed out. She awoke the next day in pain and found used condoms in her bed. She reported that she was raped to the local police department.

One night, a woman's husband was very drunk and he accused her of sleeping around. He became enraged and pushed her onto the bed and penetrated her with an object. She was too afraid to struggle.

A student was drinking with a classmate. The classmate gave her a pill that he said would make her "feel really good." After taking the pill, the woman did not recall what happened. A rape kit indicated semen from sexual penetration.

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

The following scenarios illustrate incidents that are classified as Attempts to Commit Rape:

A man attacked a woman on the street, knocked her down, and attempted to rape her. A pedestrian frightened the man away before he could complete the attack.

At a local bar, a man slipped gamma-hydroxybutyrate (GHB), a drug sometimes used to facilitate sexual assault, into the drink of his date. However, the man could not convince the woman to leave her friends and go home with him. After an investigation, detectives concluded that the man intended to rape the woman.

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

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

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

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

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

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

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

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

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

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

Sexually-based stalking and bullying.

SEXUAL HARASSMENT — is defined as any unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, such as assault or acts of sexual violence. Sexual harassment can take different forms depending on the harasser and the nature of the

harassment. The conduct can be carried out by school employees, other students, and non-employee third parties, such as a visiting speaker. Students of any sex can be victims of sexual harassment and the harasser and the victim can be of the same sex.

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

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

Another form of sexual harassment involves hostile environment. It is sexual harassment when an individual receives unwelcome sexual advances, unwanted verbal, physical, or visual behavior of a sexual nature, or is made to feel uncomfortable because of their gender or sexual orientation. Conduct that may constitute sexual harassment may include one or more of the following:

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

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

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

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

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

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

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

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

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

STALKING — is the act of willfully, maliciously, and repeatedly following or willfully and maliciously harassing another person and making a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family or suffer substantial emotional distress. For the purpose of determining whether

stalking has occurred, harass means “engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose. Course of conduct means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Credible threat means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct.

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

OTHER DEFINITIONS

ADVISOR OR SUPPORT PERSON — is a person who provides emotional support to a Complainant or Respondent and who may be present in a non-participating role to provide moral support during any meeting or proceeding under this Policy. The advisor or support person may be a currently enrolled student, parent of the student, or a GTU faculty or staff member. Non-participating means that the advisor or support person is silent and does not speak or present information during the meeting or proceeding under this Policy. Attorneys are not permitted to participate in any Campus meeting or proceeding under this Policy, absent advance written consent of the Title IX Coordinator and agreement to terms.

CLERGY MEMBER — means “a priest, minister, religious practitioner, or similar functionary of a church or of a religious denomination or religious organization.” Communications made in confidence with a clergy member may be privileged under the “clergy-penitent privilege” described in Evidence Code sections 1032-1034. A person who meets this statutory definition may also meet the definition of a pastoral counselor for purposes of Title IX and Clergy Act, which dictate various campus officials’ obligations to report sexual assault to campus authorities.

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

COMPLAINANT — A student, faculty or staff member who has made an allegation against another person of Prohibited Conduct.

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

INCAPACITATION — is a state where someone cannot knowingly give consent. It may occur as the result of alcohol or other drug use. This Policy also applies to a person who is

incapacitated as a result of sleep, mental disability or from taking rape drugs (Rohypnol, GHB, Burundanga, Ketamine, etc.)

PASTORAL COUNSELOR — means a person who is associated with a religious order or denomination, is recognized by that religious order or denominations as someone who provides confidential counseling and is functioning within the scope of that recognition. In this context, a pastor who is functioning as an administrator of GTU or as a student advocate would not be exempt from the reporting obligations under Clery Act and Title IX.

PREPONDERANCE OF EVIDENCE — The standard used by the GTU, in compliance with directives by the Office of Civil Rights of the Department of Justice, in demonstrating facts in an investigation of a Title IX complaint. Preponderance of evidence means the greater weight of evidence, that the evidence on one side outweighs the evidence on the other side.

RESPONDENT — A student, faculty or staff member who is accused of engaging in Prohibited Conduct.

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

STANDARD OF EVIDENCE — In determining whether the elements of a complaint against a Respondent are sustained, the GTU will use a “preponderance of evidence” standard.

VAWA — refers to the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f)). This act amended the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act (Clery) under the Campus Sexual Violence Elimination Act provisions (Campus SaVE Act).

WITNESS — refers to any individual who either witnessed an incident or who has relevant information regarding a case that is being investigated.

PREVENTION OF SEXUAL ASSAULT AND RAPE

As a part of the GTU’s commitment to maintaining its campus and programs free from sexual misconduct and discrimination, this report and the GTU’s Title IX policies will be disseminated widely to the GTU community through publications, websites, student orientations, and other appropriate channels of communication.

The Title IX Coordinator is responsible for overseeing the GTU’s efforts at training, prevention and education as it relates under this Policy. The Title IX Coordinator and the Deputy Coordinators will receive appropriate training for the intake and handling of reports of sexual misconduct, including those that are victim-centered, and trauma informed.

GTU will also provide other employees with online training relating to this Policy every two years.

In addition, in an effort to prevent all forms of sexual misconduct from occurring on the GTU campus or within the GTU community, the GTU will provide incoming students and faculty, at the start of the academic year, with a copy of this Policy, and may also provide additional

materials designed to educate students on sexual misconduct and how to prevent it from occurring. Education programs shall promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and shall be designed to prevent all misconduct prohibited under this Policy from occurring, to empower victims, to identify safe and positive options for bystander intervention, and to help recognize warning signs of abusive behavior and how to avoid potential attacks.

Students, faculty and staff of GTU are all encouraged to take part in education and training programs provided by the GTU that are designed to prevent sexual misconduct.

In addition, the Graduate Theological Union uses a number of other means to prevent sexual assault and rape, including:

- having clear policies and serious consequences for violations of sexual misconduct policies;
- education and training for students, faculty and staff;
- encouraging students to and staff members to inform themselves about crime prevention techniques, such as those offered by the City of Berkeley Police Department;
- encouraging students and staff members to make use of the public safety resources, such as the night escort service provided by the University of California at Berkeley;

REPORTING A CONCERN

The GTU encourages all individuals to seek assistance from a medical provider and law enforcement as soon as possible after an incident that may be sexual misconduct. Prompt reporting helps to ensure preservation of evidence and facilitates the identification and location of witnesses. The GTU encourages anyone who has been a victim of prohibited conduct to report concerns immediately. Complaints should be filed as soon as possible, but within one year of the alleged discrimination.

A report of sexual misconduct or a Title IX concern may be reported by:

Reporting directly to the GTU's Title IX Coordinator or one of the Deputy Coordinators

The GTU will promptly review and thoroughly consider all reports of incidents that may be sexual misconduct, violations of Title IX, or other actions addressed in this Policy. The GTU will take prompt action to prevent, correct and discipline behavior that is found to violate this Policy, where appropriate, in the judgment of the GTU.

The filing of a report is independent of any criminal investigation or proceeding that may take place by governmental authorities or law enforcement, and both the GTU and criminal investigations may be pursued simultaneously.

RESPONDING TO SEXUAL ASSAULT AND RAPE

If you are the victim of assault your personal safety and well-being are most important. We encourage you to go to a safe place as soon as you are able, and if you are comfortable doing so, sharing what has occurred with someone you trust. Sharing as much specific information as you can remember may help if you decide to report the assault to the school and or the police. You should also try to preserve any evidence of the assault, even if you are not certain you wish to report the assault to the police.

It is important for you to think about medical care even if you have chosen not to report the assault to the police. You should also be examined by a doctor as soon as possible for any injuries you may have suffered but cannot immediately see. This may also be a way for you to preserve evidence of the assault. Under some circumstances medical health care providers are required to report crimes such as sexual assault to the police department.

Since the Graduate Theological Union does not maintain a police force, we encourage you to report all violations of the law involving sexual assault or rape immediately to the City of Berkeley Police Department. If you do so, the police should come to you and take an initial report. They will ask you questions to ascertain the type of crime committed, the description of the assailant, and any evidence that might be secured.

You may also go directly to a hospital emergency room and the hospital will call the appropriate authorities. Highland Hospital in Oakland has a Sexual Assault Response Team (SART), a team of specially trained nurse practitioners, rape advocates and police officers. They also have up to date equipment to help with evidence collection. If you go to the hospital directly, most of the questioning will take place there.

The GTU also encourages you to report incidents of sexual assault and rape to the Title IX Coordinator or a Deputy Coordinator. Their contact information is:

Title IX Coordinator: Marie Lucero, 510-649-2437, mlucero@gtu.edu and Chief Operating Officer's Office, 2400 Ridge Road, Berkeley, CA 94709.

Deputy Coordinator (for students): Wendy Arce, Associate Dean of Students, 2400 Ridge Road, Berkeley, CA 94709, 510-649-2440 and;

Deputy Coordinator (for faculty and staff): Sylvie Tisnado, Manager of Human Resources, 2400 Ridge Road, Berkeley, CA 94709, 510-649-2577.

You may also report to any other senior administrator of the Graduate Theological Union. Although you are not required to report incidents to the Police Department or District Attorney, the GTU encourages you to do so. GTU officials will honor your request for confidentiality, but they shall report anonymous information to the Title IX Coordinator, so that the incident can be included in GTU crime statistics.

The GTU encourages bystander intervention to prevent harm when there is a risk of domestic violence, dating violence, sexual assault or stalking. If you see something taking place that you believe is wrong, the GTU encourages you to speak up or contact someone who can assist you in preventing an incident from happening.

If you are a GTU official and an incident is reported to you, you should inform the person in writing of her or his right to inform the Berkeley Police Department or District Attorney. The person shall also be informed of the importance of preserving evidence required for proof of possible criminal activity, and of the availability of school officials to assist the individual in notifying authorities of the incident.

Although the GTU does not maintain any on campus counseling services, there are other options available to you. Your health insurance provider may provide counseling services as part of your coverage and you should check with them first. There are other services available in the Berkeley area, including the following:

Bay Area Women Against Rape provides free 24-hour comprehensive services to victims of sexual assault. Website: <http://www.bawar.org> Telephone: 510/845-7273 or 510/845-RAPE.

Sexual Assault Crisis Line-Highlands General Hospital 510-437-4688 (24 hour crisis line). Medical assistance, counseling, support services immediately after incident and any time thereafter.

City of Berkeley Adult Mental Health Services Clinic, 2640 Martin Luther King Jr. Way 510/981-5290.

Center for Family Counseling 510/562-3731.

City of Berkeley Mobile Crisis Team (MCT) is available every day from 11:30 AM to 10:00 PM at 510/981-5254.

East Bay Crisis Support Services and Suicide Prevention 800/309-2131.

Men Overcoming Violence, 1385 Mission Street, Suite 300, San Francisco www.menovercomingviolence.org.

There are also several national organizations that may be able to provide you with important information and assistance:

- National Domestic Violence Hotline, 800/799-SAFE (7233)
- National Sexual Assault Hotline, 800/656-HOPE (4673)
- Stalking Resource Center, 202/467-8700
- National Teen Dating Abuse (“Love is Respect”) Helpline, 866/331-9474

OFF CAMPUS COUNSELING SERVICES

While there are many Bay Area resources for counseling services, two counseling centers may be of interest to the GTU community.

The Interfaith Counseling Center of the Bay Area <https://interfaithcc.org/> offers a variety of services including psychotherapy, pastoral counseling, spiritual direction, and other counseling services. Trained and licensed therapists and counselors are available. Reduced

fees may be available to GTU students, faculty, staff and families. There are two Bay Area locations. An office is located in San Anselmo at 15 Austin Avenue, San Anselmo, CA 94960 and may be reached at 415-256-9701.

4614 California, formerly the California Counseling Institute, is a collective of psychotherapists in private practice who share in a mission to aid the healing transformation of individuals, couples, and families from all backgrounds through the integration of psychotherapy and spirituality. 4614 California is not itself a business, but rather it is a place for independently operating therapists to work in community. 4614 California has offices in San Francisco at 4614 California Street. Call 415-379-4591 to speak with someone to set up an appointment or visit <http://www.4614california.com/>.

JFK University's Oakland Community Counseling Center provides low-cost counseling to Alameda County residents and is staffed by advanced graduate students in the Counseling Psychology programs at JFK University's College of Psychology. <https://www.jfku.edu/jfk-universitys-oakland-community-counseling-center-provides-essential-services-to-alameda-county-residents/>

CONFIDENTIALITY

The GTU will make reasonable and appropriate efforts to preserve the Respondent's and Complainant's privacy and protect the confidentiality of information. Should the Complainant request confidentiality the Title IX Coordinator or Deputy Coordinator will inform him or her that the GTU's ability to respond may therefore be limited, but that where feasible, it will take reasonable steps to prevent prohibited conduct and limit its effects. The Title IX Coordinator or Deputy Coordinator will also inform the Complainant that it is not always possible to provide confidentiality and that the GTU's decision to share information with others is subject to other considerations.

The GTU is required by law to report certain types of reported sexual misconduct in its annual crime statistics report. Names and other identifying details of the incident are not made public in the annual crime report. The GTU is also required by law under certain circumstances to report any incident which might be classified as a violent crime, hate crime, or sexual assault to law enforcement. While the GTU strongly encourages and will assist the Complainant in filing a report with the Police or other trauma services, ultimately it is up to the Complainant whether or not to take this action.

Except if required by governmental agencies, the GTU will not disclose a victim's identity unless the victim consents to being identified after being informed of his or her right to have identifying information withheld. If a victim does not consent to disclosing his or her identity, the alleged perpetrator's identity will not be disclosed either, unless required by governmental authorities.

CONFIDENTIAL REPORTING OPTIONS

Persons who would like to speak to someone in confidence about an experience of sexual misconduct or about another's experience of sexual misconduct, should contact off-campus

rape crisis counselors, domestic violence resources, private agencies, external mental health agencies and external clergy members.

Victims of sexual assault, rape, domestic violence or stalking may request that the GTU change academic and living situations. The GTU will change those situations if it is able to do so and if the changes requested by the victim are reasonably available.

If a student, administrator, faculty or staff member is determined to have committed sexual assault, rape, acquaintance rape, or other forcible or non-forcible sex offense, disciplinary action up to and including dismissal from academic programs or employment may be imposed by the GTU.

ANONYMOUS REPORTING

Anonymous reports, or reporting without disclosing the reporter's name, can be made, but anonymous reporting is not the preferred way. Depending on the information received, the GTU's ability to respond to an anonymous report may be limited. The Title IX Coordinator or Deputy Coordinator will review anonymous reports received by GTU and determine whether an investigation and response is appropriate.



CRIME STATISTICS

REPORTABLE OFFENSES

Under the federal “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act”, formerly the “Student Right to Know and Campus Security Act”, the Graduate Theological Union annually distributes statistics on crimes on and around its campus. The GTU collects the crime statistics from the Berkeley Police Department and includes any crimes reported to the GTU but not appearing in the Police Department statistics.

The following crimes and reportable offenses are included.

Murder or Manslaughter: the willful killing of one human being by another.

Negligent Manslaughter: the killing of another person through gross negligence.

Sex offenses: any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Robbery: taking or attempting to take anything of value from the car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault: unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary: unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft: theft or attempted theft of a motor vehicle.

Arson: 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.

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.

Stalking: 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.

Hate Crimes: includes all the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias, including race, gender, religion, sexual orientation, ethnicity, national origin or disability. The GTU reports these crimes, regardless of if there was bodily injury or not, including crimes of larceny-theft, simple assault, intimidation, and destruction, damage or vandalism of property.

REPORT CATEGORIES

These offenses are reported according to their occurrence in the following location categories:

CAMPUS (1) Buildings or property owned or controlled by the Graduate Theological Union within the same reasonably contiguous geographic area and used by the school in direct support of, or in a manner related to, the GTU's educational purposes, including residence halls; and (2) buildings or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the GTU but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

NON-CAMPUS 1) Buildings or property owned or controlled by a student organization that is officially recognized by the institution; or (2) buildings or property owned or controlled by the GTU that is used in direct support of, or in relation to, the GTU's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. The GTU has no Non-Campus buildings or property.

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. Public property statistics are compiled and supplied by the City of Berkeley Police Department.

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

Because the GTU does not own properties of the member schools or affiliated institutions the GTU does not include crime statistics from those properties. Each of the member schools files a separate report with that information and you can obtain a copy of the report by contacting the school.

SOURCES OF DATA

The Graduate Theological Union relies on the City of Berkeley Police Department to provide statistics on crimes committed on campus, non-campus and public property as defined in the section of this report titled Reportable Offenses.

The Graduate Theological Union also relies on crimes reported to “campus security authorities.” Although every effort is made to avoid duplication between Police Department and campus security authority incidents, individual incidents may be reported multiple times within the same calendar year.

“Campus security authorities” includes the Chief Operating Officer, as well as officials of the GTU who have significant responsibility for student and campus activities.

CRIME STATISTICS FOR THE GRADUATE THEOLOGICAL UNION

Offense	Year	Campus	Non Campus	Public	Total
Murder or Manslaughter	2021				
	2020				
	2019				
Negligent Manslaughter	2021				
	2020				
	2019				
Sex Offense – Forcible	2021				
	2020				
	2019				
Sex Offense – Non Forcible	2021				
	2020				
	2019				
Robbery	2021				
	2020				
	2019				
Aggravated Assault	2021				
	2020				
	2019				
Burglary	2021				
	2020				
	2019				
Motor Vehicle Theft	2021				
	2020				
	2019			2	2
Arson	2021				
	2020				
	2019				
VAWA					
Domestic Violence	2021				
	2020				
	2019				
Dating Violence	2021				
	2020				
	2019				
Stalking	2021				
	2020				
	2019				
Arrests					
Weapons	2021				

CRIME STATISTICS FOR THE GRADUATE THEOLOGICAL UNION

Offense	Year	Campus	Non Campus	Public	Total
	2020				
	2019				
Drugs	2021				
	2020				
	2019				
Alcohol	2021				
	2020				
	2019				
Hate Crimes					
Any crime	2021				
Any crime	2020				
Any crime	2019				
Disciplinary Actions					
Illegal Weapons Possession	2021				
	2020				
	2019				
Drug Law Violations	2021				
	2020				
	2019				
Liquor Law Violations	2021				
	2020				
	2019				

STUDENT HOUSING AND FIRE SAFETY REPORT

The GTU does not own or maintain any student housing.

EMERGENCY PLAN

The GTU publishes an emergency procedures plan, including instructions on evacuation, fire prevention, earthquake safety and other topics regarding emergency planning. This report may be obtained by contacting the GTU at 510-649-2430. The GTU tests this plan on a regular basis to ensure that it is functioning properly.

CRIME REPORT

Federal law requires that employees of the GTU who have a “significant responsibility for student and campus activity” to report crimes, even if the victim does not wish to be identified. This requirement includes faculty, student advisors, and any staff member directing student activities.