Annual Security Report
Bay Area Campus

September 30, 2015

320 Middlefield Road
Menlo Park, CA 94025
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Welcome to Fuller Theological Seminary’s Annual Security Report. It’s our goal that by reviewing the information within this report you will gain the knowledge needed to assess the safety and security of one of our many campuses*.

The Department of Campus Safety strives to create and provide a safe and secure environment that encourages academic excellence and learning to the Fuller Theological Seminary community.

Every member of the Fuller Theological Seminary community shares in the responsibility of helping to provide a safe and secure campus for its faculty, staff, students, and visitors. Campus Safety works together with the Menlo Park Police Department and other local emergency providers in a collaborative effort to ensure a safe and secure campus while located at our Pasadena Main campus.

If you have questions or concerns, please contact the Department of Campus Safety at 626-584-5444.

Sincerely,

Gary L. Mejia
Director, Department of Campus Safety

*See the annual security reports for all our campuses at the links below:

- [2015 Annual Security and Fire Safety Report – Pasadena (Main) Campus](#)
IMPORTANT TELEPHONE NUMBERS FOR BAY AREA CAMPUS EMERGENCIES:

To contact Police, Fire Department, and Ambulance or Paramedics  
**dial 911**

**PERSONNEL OR STUDENT EMERGENCIES**

Bay Area Campus Main Phone  
**Daytime**  
650-321-7444

Student Life & Services (Pasadena Campus)  
**Daytime**  
626-584-5433

Human Resources (Pasadena Campus)  
**Daytime**  
626-584-5454

**CRIME PREVENTION/REPORTING AND COUNSELING**

**BAY AREA CAMPUS**

Crime Prevention/Reporting  
Menlo Park Police Department  
650-330-6300

Counseling Services  
Menlo Park Crisis Center  
650-368-6655

**WORKING RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES**

The Bay Area Campus does not have any security personnel. Therefore, all crimes should be reported directly to the Menlo Park police department.
CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS

New employees are provided safety & wellness training during new employee orientation. New students are also provided safety training during new student orientation. Current employees and students are provided crime prevention and security awareness tips at least on a quarterly basis throughout the year via the Employee Site and the Quad.

TIPS FOR A SAFE AND SECURE CAMPUS

Learn and follow all seminary safety policies. These policies were created out of a concern for your welfare and consideration for the rights of others.

When walking or jogging:

— Go with someone.
— Stay away from isolated areas.
— Try and stay near street lights.
— Hold your purse or briefcase tightly, close to your body.
— A front pocket is safer for a wallet than a back one.

If you’re being followed:

— Cross the street or change directions.
— Keep looking back so the person knows you can’t be surprised.
— Go to a well-lit area. Enter a store, house or apartment, classroom, or library - anywhere there are people.
— Notice and remember as much as possible about the person so you can give a good description later.
— Contact the Menlo Park Police Department to report the incident.

If you’re held up:

— Don’t resist. No amount of money is worth taking chances with your life.
— Notify local police immediately.

Where you live:

— Keep your doors and windows locked day and night.
— Don’t let strangers in.
— Don’t leave a door unlocked for someone planning to come back later.

Protect personal and seminary property:
— Lock your door every time you leave.
— Don’t store your purse in an unlocked desk drawer.
— Don’t leave your belongings unattended in libraries, hallways, or classrooms.

If you are working late:

— Keep your office door locked.
— Lock all doors behind you when entering or exiting at night.

In a car:

— Keep doors locked while driving.
— Don’t pick up hitchhikers.
— Check the back seat before getting into a car.

Protect your car:

— Always lock your car and take the keys.
— Lock valuables in the trunk.
— Park in well lighted areas.

Report suspicious activity and vandalism immediately.

THE CAMPUS SECURITY ACT

ANNUAL SECURITY REPORT

This Annual Security Report is prepared annually by the Clery Team, a committee chaired by the Director of Institutional Policy Compliance, and consisting of members from the Department of Campus Safety, Human Resources, Student Life and Services, and Housing Services & Residential Community. The information presented in the report was collected by the joint efforts of the following departments: Auxiliary Services, Communications & Marketing, Department of Campus Safety, Information Technology Services, the Regional Campuses, Student Financial Services, Human Resources, Legal, Housing, and Student Life and Services. It includes crime data, along with policies pertaining to campus safety, crime, and fire safety, if applicable.

This Annual Report is published prior to October 1st of each year and distributed to all students and employees via the seminary’s website at:

http://www.fuller.edu/About/Institutional-Reports-and-Documents/Student-Right-to-Know-and-Consumer-Information/
Current students and employees will be notified via Fuller email or the student’s preferred email of the Annual Security Report’s publication. In addition, all applicants for admission or employment are provided upon request, a full copy of this report.

To obtain a printed copy of the report, please contact the Department of Campus Safety at 626-584-5450.

**CAMPUS SECURITY AUTHORITIES (CSA)**

Campus Security Authorities (CSAs) must report all crimes reportable under the Clery Act, including sexual assault, dating violence, domestic violence, and stalking. The report is made to Campus Safety.

The definition of CSAs include:

- campus safety/security office
- administrators/leaders with significant responsibility for student and campus activities
- individuals responsible for monitoring access to buildings or residential areas (front desk responsibilities/community coordinator)
- individual offices designated to receive crime reports

**List of Campus Security Authorities at Fuller**

- All Seminary Council (ASC) leaders
- Assistant Dean & Theological Mentor, Korean DMin Program
- Assistant Dean of Students
- Associate Provost for Accreditation and Educational Effectiveness
- Associate Provost for Information Services and Chief Information Officer
- Campus Safety (all employees in department):
  - includes Campus Safety Escorts and
  - contract security
- Chief Operating Officer
- Dean of Chapel and Spiritual Formation
- Dean of Students
- Dean of the School of Intercultural Studies
- Dean of the School of Psychology
- Dean of the School of Theology
- Director of Innovation
- Director/Manager of each regional campus
● Executive Director of Human Resources and Organizational Development
● Faculty advisor to a student organization
● Guest Center employees at front counter & their supervisors:
  ○ Guest Relations Representatives
  ○ Operations Manager
  ○ Director of Fuller Guest & Conference Center
● Housing Services & Residential Community (all employees in department):
  ○ includes Community Coordinators and
  ○ On-Call Childcare Workers
● Hubbard Library employees at the front counter & their supervisor:
  ○ Collection Management Assistants
  ○ Information Access Services Manager
● Human Resources (all employees in department)
● KSIS Director or Associate Director
● Library Director
● Title IX coordinators & Title IX administrator
● Vice President for Communications, Marketing, and Admissions
● Vice President for Diversity and International Ministries
● Vice President for Finance
● Vice President for Vocation and Formation

CONFIDENTIAL FULLER REPORTING OPTIONS: EXEMPT FROM REPORTING

By law, schools may identify confidential on-campus reporting options, which are exempt from mandated reporting, such as licensed clinicians or ordained clergy operating in that role. This allows an option for employees, students, and residents to report any instances of sexual assault, domestic violence, dating violence, and/or stalking in a completely confidential way, and which will not be reported to anyone else on campus unless requested by the victim. Any reporting required by the Clery Act for the Annual Security Report would only be aggregate, and would not identify any particular individual.

At Fuller, the confidential reporting options are listed below:

Director of Training, Fuller Psychological & Family Services - Irene Rapp, MS, LMFT
Director of Chapel & Staff Spiritual Formation - Rev. Jenn Graffius

In addition, Fuller Psychological & Family Services clinicians, operating in that capacity, will also maintain confidentiality under their professional license, or that of their supervisor.

(See specific contact information below.)
CRIME STATISTICS

In accordance with the Clery Act, Fuller Theological Seminary provides mandatory crime statistics as part of this Annual Report. The website to access this report is provided annually to all enrolled students, staff, and faculty via Fuller email or the student’s preferred email. The following table shows reported crimes from Campus Security Authorities and local law enforcement agencies in the specified categories for the preceding three years. The Department of Campus Safety on the Pasadena Campus requests crime statistics from law enforcement agencies with jurisdiction for all of Fuller’s reportable locations each year prior to the completion of this Annual Report. These statistics are included in the following table, along with crime statistics collected by Campus Safety.

![Crime Statistics Table]

Fuller Seminary officially recognized student organizations do not maintain off-campus locations or housing facilities. As such, there is no ongoing monitoring or recording by the Seminary through local police agencies of criminal activity associated with these types of facilities. The Bay Area campus also does not have any residential facilities.
These statistics reflect crimes that occurred on the Bay Area campus and all additional eligible locations in 2014, plus the previous two years. No non campus locations are associated with this regional campus, as all non campus locations are included in crimes statistics in the Pasadena (Main) campus Annual Security & Fire Safety Report.

DAILY CRIME LOG

Because the Bay Area campus does not have any on-campus security personnel and all crimes are reported directly to the Menlo Park police department, a daily crime log is not administered by this campus.

POLICIES AND PROCEDURES

A SAFE CAMPUS IS EVERYONE’S RESPONSIBILITY

Report Crime Promptly!

FULLER’S security policies and procedures are aimed at your safety and welfare. You help maintain your own safety on campus by following all security policies, and by using common sense safety practices, such as walking in groups; reporting suspicious activities; not leaving books, computers, or backpacks unattended; etc. The following will provide you with an overview of security facts that will be helpful to you. Everyone on campus should be safety conscious and follow security procedures.

Remember: A Safe Campus is Everyone’s Responsibility; Report all crimes promptly!

CRIME REPORTING POLICY, PROCEDURES, AND RESPONSES

When a crime occurs on-campus, students and /or employees should immediately report the incident to the Menlo Park Police Department.

It is Fuller’s policy to encourage accurate and prompt reporting of all crimes to the Department of Campus Safety and appropriate police agencies when the victim of crime elects to or is unable to make such a report.

TO REPORT A CRIME IN PROGRESS

To report a crime, dial 911. State "This is an emergency." Give the dispatcher:
• The nature of the crime/emergency
• Your name
• The phone number from which you are calling
• Your location

Do not hang up until you are sure no further information is required, unless there is an immediate threat to your safety.

After calling 911, notify the regional campus director/manager. Watch for the arrival of emergency personnel and assist in directing them to the appropriate location.

TO REPORT A CRIME WHICH HAS OCCURRED

Bay Area Campus: During campus hours (8 am – 5 pm), call the Menlo Park Police Department at 650-330-6300. Supply the following information to the police department:

• The nature of the crime
• Your name
• The phone number from which you are calling
• Your location

The seminary will cooperate fully with law enforcement agencies in the investigation and enforcement of applicable criminal laws on campus.

Victims or witnesses may voluntarily report crimes to a recognized Campus Security Authority (CSA) and request that a report be submitted to the Department of Campus Safety on a confidential or anonymous basis for inclusion in the annual disclosure of crime statistics (ASR). Based on the nature of the crime, or if act of violence, repeat behavior, or a weapon was involved, the report may not be able to be kept confidential. However, the incident will be noted in the daily crime log and crime stats, and if applicable, any timely warning if needed. The timely warning or crime logs will not include any information that would identify the victim. A Confidential Fuller Reporting Option may report crime stats in aggregate without providing any identifying information.

ACCESS TO CAMPUS

All outside groups seeking access to any regional campus must submit proper application materials to the regional campus director/manager, who will forward his/her recommendation regarding the group’s requested access to the Vice President for Communications, Marketing, and Admissions for approval. On-campus groups and co-sponsored requests must also be recommended by the regional campus director/manager and be approved by the Vice President for Communications, Marketing, and Admissions. Security considerations are reviewed prior to the approval of any request.
Seminary policy prescribes that all persons must report their presence in administrative buildings after 11 p.m. to the regional campus director/manager. All employees and faculty when on campus must show identification at any time upon request.

Visitors, as a general rule, are not authorized in buildings after normal business hours unless faculty, employees, or a seminary official escorts them. Students are admitted into buildings after normal business hours only when there is an authorized access list from the department head.

Unauthorized access to campus facilities is a violation of California Penal Code 626.6 (Committing act, or entry upon campus or facility to commit act, likely to interfere with peaceful activities; direction to leave; refusal to leave or reentry; punishment).

ACCESS TO CAMPUS RESIDENCES

The Bay Area regional campus does not have any campus residences.

HOW YOU CAN LEARN ABOUT CAMPUS SAFETY

The Student Handbook, available from the registrar’s page on the Fuller website (http://fuller.edu/registrar/), includes official statements of Fuller, and information regarding campus safety, student resources, campus services, etc.

ALCOHOL AND DRUG POLICIES

Fuller Theological Seminary is committed to maintaining an alcohol and drug-free environment, one conducive to the promotion of wellness and positive self-development of all members of its community. In keeping with this objective, the seminary will ensure that all of its campuses, workplaces, and activities are safe and free from the problems and risks associated with the unauthorized use and abuse of alcohol and the illegal use and abuse of drugs.

Out of respect for our bodies as temples of the Holy Spirit, as good stewards of our relationships with one another, and in relation to our individual and communal fitness for ministry, the unlawful manufacture, distribution, dispensing, possession or use of alcohol or illicit drugs by any member of the Fuller community on Fuller property or as part of any of its activities is prohibited. While the use of alcohol by adults is lawful, alcohol use by adults is prohibited on the Fuller campuses, outside of the privacy of an individual's Fuller provided housing.

Incidents on the Fuller campus or incidents involving members of the Fuller community may be reported to civil authorities for legal action. Local, state, and federal laws establish a variety of
penalties for the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, which includes alcohol as well as illicit drugs.

As required under section 120(a) through (d) of the HEA, the seminary educates the community about the dangers of drug and alcohol abuse in its Community Standards Statement on Substance Abuse and through other education programs, such as through seminars offered by the Institute for Recovery Ministry, or in wellness or other trainings including the Preventing Discrimination and Sexual Assault online training offered to all employees and students.

TIMELY WARNING POLICY

Fuller will provide timely warnings to the campus community of serious crimes (such as arson, criminal homicide, and robbery) reported to Campus Security Authorities, Campus Safety, or local law enforcement, which may be considered a threat to other students and employees, unless the information has already been provided in an emergency notification under its Emergency Response and Evacuation policy because the threat is immediate. Crimes only reported to a Confidential Fuller Reporting Option (Rev. Jenn Graffius or Irene Rapp, MS, LMFT) or Fuller Psychological & Family Services professional counselor acting in that capacity will not result in a timely warning. Identifying information and names of victims will be withheld as confidential and will not be included in a timely warning. The policy is contained within the Department of Campus Safety, Standard Operating Procedures, under Timely Warnings.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Notification Procedures

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, faculty, staff, and students will receive information sent directly to them via Everbridge Aware, e-mail, or communication from coworkers, supervisors, or Emergency Management Team members.

Description of Process

1. Determining an Emergency: When the regional campus director/manager, Director of Campus Safety or Fuller’s Emergency Management Team is made aware of a significant emergency or danger to the Fuller community, notification will immediately be sent out. If
the reported emergency is either not immediately identifiable as significant or not readily confirmed, Campus Safety will contact the Emergency Management Team and will first confirm the nature and details of the event before notifying the Fuller community. The Director of Campus Safety has the discretion to immediately send out notices to the Fuller community without prior review of the Emergency Management Team, when the situation warrants.

2. **Determining Segment or Segments of Campus to Receive Notification and Content of Notification:** The regional campus director/manager, the Department of Campus Safety, or Fuller’s Emergency Management Team, as appropriate to the situation, will notify all members of the Fuller community that could be affected by the emergency. If, for example, an emergency is happening near the Seattle campus, the situation may or may not require notifying students and employees at other campuses as well. The regional campus director/manager, the Director of Campus Safety, or the Emergency Management Team, as appropriate to the situation, will determine the scope the emergency and content of the emergency communication before sending out notification. Emergency communication will have as much pertinent information as is known at the time and as much as can be communicated to a particular device (some, like SMS, are limited by character length). Because priority is given to notifying the Fuller community as quickly as possible, subsequent communication will have additional information beyond the initial contact.

3. **Initiation of Notification System:** The Department of Campus Safety will contact Everbridge, the company that manages the emergency notification system, to initiate the emergency notification process.

Fuller will, without delay, initiate the notification system with necessary information in the event of significant emergency, unless issuing a notification will, in the professional judgment of the regional campus director/manager, Director of Campus Safety or the Emergency Management Team, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

**Members of Fuller’s Emergency Management Team**

1. Irene Neller, Chair, Vice President for Communications, Marketing, & Admissions
2. Paul Bang, Supervisor of Parking and Security
3. Bernadette J. Barber, Executive Director of Human Resources & Organizational Development
4. Mandy DiMarcangelo, HR Generalist
5. Jeanne Handjojo, Director of Auxiliary Services
6. Eric Jessen, Director of HR & Organizational Development
7. Teresa Lewis, Director of Institutional Policy Compliance & Title IX Administrator
8. Gary Mejia, Director of Campus Safety
9. Nate Merritt, Director of Facilities
10. Reed Metcalf, Media Relations & Communications Specialist
11. Kevin Osborn, Associate Provost for Information Services & Chief Information Officer
12. Inge-Lise Titheradge, Director of Housing Services and Residential Community
13. John Ward, Vice President for Finance
14. Wall Wofford, Director of Technology Support Services
15. Steve Yamaguchi, Dean of Students

Information Dissemination Procedure to the Larger Community

Immediately following a disaster, Fuller Seminary will be in contact with appropriate persons and offices in the City of Menlo Park to seek help as needed, and to make a situation report regarding any deaths or injuries to persons; the level and extent of destruction or major damages to buildings and other structures; and existing and potential problems with utilities. A primary and initial contact at this point will be the City of Menlo Park's Emergency Management Coordinator, in the City of Menlo Park's Fire Department. Additional contacts may be appropriate with other City offices, including the Police Department.

Secondly, we will communicate with our institutional neighbors to help coordinate a neighborhood response. This will be especially important if the level of disaster were to overwhelm the response capacities of our City's services—including fire and police departments, hospitals, and other organizations. Anticipating the possibility of such a situation, our neighborhood's major institutions are coordinated to provide emergency services and response assistance, both for our own staffs as well as neighborhood residents who may come to our various campuses and offices for assistance.

Third, we will also provide, in quick fashion, accurate information and communication with the media. Further, we will closely monitor all communications to ensure the accuracy of information presented to the public as well as our Fuller community. Also, through the Fuller emergency webpage we will provide rapid and frequently updated disaster situation reports and updates, which will be immediately available to the public and to our Fuller community including students, staff, faculty, alumni, and friends.

Recognizing that rapid changes are endemic to disaster situations, we will be in ongoing communication with the City, our neighboring institutions, the media, the public, and the Fuller community to keep them accurately informed of activities, progress, and needs.

Testing and Announcing Everbridge Aware

The Everbridge Aware system is tested each quarter on the Friday of week two. This ensures all students (even those who registered late) are included in that quarter’s test but are not
interrupted during class. The test goes to all methods of communication that Fuller has on record for each student in Banner and for each employee in Employee Self Service. These tests are announced in advance on Fuller’s student information system. The announcement includes links to Fuller’s emergency response and evacuation procedures. These tests are documented by the Department of Campus Safety and include a description of the exercise, date, time, and whether the test was announced.

The foregoing information is contained within the Department of Campus Safety, Standard Operating Procedures, under Emergency Response and Evacuation Procedures. The procedures can also be found on Fuller’s emergency webpage.

**DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

*Fuller Theological Seminary is committed to providing and modeling a learning, working, living, and community environment free of discrimination on the basis of sex, which includes all forms of sexual misconduct. Sexual misconduct includes sex discrimination, sexual harassment, sexual assault, and all forms of sexual violence.*

Fuller’s policy against sexual misconduct also includes protections against:

   Sexual Assault - Domestic Violence - Dating Violence – Stalking

The seminary, therefore, prohibits the offenses of dating violence, domestic violence, sexual assault, and stalking, as defined in its Title IX: Policy Against Sexual Misconduct. Fuller Theological Seminary issues this statement of policy to inform the seminary community of its programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for institutional investigatory and disciplinary action, if warranted, in cases of alleged dating violence, domestic violence, sexual assault, or stalking which will be followed regardless of whether the incident occurs on or off campus when it is reported to a seminary official, such as a Title IX Coordinator or other employee identified as a mandatory reporter, including supervisors and managers/administrators.

**FEDERAL CLERY ACT DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- **Domestic Violence:**
  - A Felony or misdemeanor crime of violence committed—
A) By a current or former spouse or intimate partner of the victim;
B) By a person with whom the victim shares a child in common;
C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
D) 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
E) 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.

ii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **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.
  i. The existence of such a relationship shall be 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.
  ii. For the purposes of this definition—
    A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    B) Dating violence does not include acts covered under the definition of domestic violence.
  iii. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- **Sexual Assault**: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is “any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.”
  o **Rape** is defined as 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.
  o **Fondling** is defined as the touching of the private parts of another person for the purposes 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 incapacity.
Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of 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 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.
  - For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

JURISDICTIONAL DEFINITIONS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

- Domestic Violence: The state of California defines domestic violence as follows:

  Domestic Violence has been defined under California law to mean the infliction or threat of physical harm against past or present adult or adolescent intimate partners, including physical, sexual and psychological abuse against the person, that is a part of a pattern of assaultive, coercive, and controlling behavior directed at achieving compliance from or control over that person.

  In addition, the California Family code has defined domestic violence to mean abuse perpetrated against any of the following persons:

  1. A spouse or former spouse.
  2. A cohabitant or former cohabitant.
3. A person with whom the respondent is having or has had a dating or engagement relationship.
4. A person with whom the perpetrator has had a child.
5. A child of or the presumed child of the perpetrator or victim.
6. Any other person related by consanguinity or affinity within the second degree.

Abuse means any of the following:

1. Intentionally or recklessly causing or attempting to cause bodily injury.
2. Sexual assault.
3. Placing a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
4. Conduct that can be prohibited as abuse by a court, including: Molesting, attacking, striking, stalking, threatening, battering, credibly impersonating, falsely personating, harassing, telephoning, destroying personal property, contacting, either directly or indirectly, by mail or otherwise, coming within a specified distance of or disturbing the peace.

- **Dating Violence:** The state of California defines dating violence as follows:

  California law does not define the term dating violence as such. However, violence between intimate or dating partners is a form of domestic violence.

  A dating relationship means a serious courtship; it is a social relationship between two individuals who have or have had a reciprocally amorous and increasingly exclusive interest in one another, and shared expectation of the growth of that mutual interest, that has endured for such a length of time and stimulated such frequent interactions that the relationship cannot be deemed to have been casual.

- **Sexual Assault:** The state of California defines sexual assault as follows:

  California’s criminal law does not define sexual assault, as such. Rather, California has defined many separate sex crimes such as unlawful sexual penetration, rape and sexual battery.

- **Sexual Battery**

  Generally, sexual battery consists of unlawfully touching the intimate part of another person’s body. “Intimate part” means the sexual organ, anus, groin or buttocks of any person, and the breast of a female. Sexual battery occurs when any of the following circumstances exist:

  1. Any person touches an intimate part of another person while that person is unlawfully restrained when the touching is against the will of the person
touched and is for the purpose of sexual arousal, sexual gratification or sexual abuse.

2. Any person touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated when 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.

3. Any person 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.

4. 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.

5. Any person 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.

- **Unlawful Sexual Penetration**

Sexual penetration is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification or abuse by any foreign object, substance, instrument or device, or by any unknown object.

Any person who commits an act of sexual penetration is guilty of a crime under the following circumstances:

1. When the act is accomplished against the victim's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the victim or another person.

2. When the act is accomplished against a victim who is at the time 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 or causing the act to be committed.

3. When the act is accomplished against a victim who is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed. “Unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:
1. Was unconscious or asleep.
2. Was not aware, knowing, perceiving or cognizant that the act occurred.
3. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
4. 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.
4. When the act is accomplished against a victim when the victim 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.
5. When the act is accomplished against a victim who submits under the belief that the person committing the act or causing the act to be committed 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. When 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.
7. When the act is accomplished with another person who is under 18 years of age.

- **Rape**

Rape is an act of sexual intercourse accomplished with a person, 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. This provision does not apply when the victim and perpetrator are spouses.
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. “Unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
1. Was unconscious or asleep.
2. Was not aware, knowing, perceiving or cognizant that the act occurred.
3. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
4. 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. This provision does not apply when the victim and the spouse are married.
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. This provision does not apply if the victim and perpetrator are spouses.
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. “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. The perpetrator does not actually have to be a public official.

- Unlawful Oral Copulation

Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person. It is a crime under the following circumstances:

1. The act of oral copulation is with another person who is under 18 years of age.
2. When 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.
3. When the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person.
4. Where the victim is at the time of the act 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.
5. The act is accomplished while confined in any state prison.
6. The victim is at the time unconscious of the nature of the act and this is known to the person committing the act. “Unconscious of the nature of the
act” means incapable of resisting because the victim meets one of the following conditions:

1. Was unconscious or asleep.
2. Was not aware, knowing, perceiving or cognizant that the act occurred.
3. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
4. Was not aware, knowing, perceiving or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.
7. The victim is at the time 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.
8. The victim is at the time 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, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered.
9. The victim 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.
10. The victim submits under the belief that the person committing the act someone known to the victim other than the accused, and this belief is induced by any artifice, pretense or concealment practiced by the accused.
11. 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.

- **Unlawful Sexual Intercourse with a Person Under 18**

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. 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.

- **Sodomy**

Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the act of sodomy. Sodomy is a crime when the act is accomplished upon a person under the age of 18 or when it is accomplished against the victim's will by
means of force, violence, duress, menace or fear of immediate and unlawful bodily injury.

- **Stalking:** The state of California defines stalking as follows:

  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.

  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.

  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, 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.

**JURISDICTIONAL & INSTITUTIONAL DEFINITIONS OF CONSENT**

- **Consent:** The state of California defines consent, in relation to sexual activity, as follows:

  In California, under Senate Bill 967 as of January 1, 2015, consent means affirmative consent. Affirmative consent means affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other, or others, to engage in the sexual activity.

  - Lack of protest is not the same as consent.
  - Lack of resistance is not the same as consent.
  - Silence is not the same as consent.

  Affirmative consent must be **ongoing throughout a sexual activity.** Affirmative consent can be revoked (taken back) at any time, including during a sexual encounter.
The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

Affirmative consent does not exist if a person engages in sexual contact when the other person is:

1. Asleep or unconscious.
2. Incapacitated due to the influence of drugs, alcohol, or medication, so that the other person could not understand the fact, nature or extent of the sexual activity.
3. Unable to communicate due to a mental or physical condition.

- **Consent:** Fuller Theological Seminary defines consent in its [Title IX Policy Against Sexual Misconduct](#) as follows:

  - Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity or contact. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has provided ongoing, clear consent to engaging in the activity or contact. For consent to be valid there must be a clear expression in words or actions that the other individual agreed to that specific sexual conduct.

  - A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol, other drugs, including so-called “date rape” drugs, or medication. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. The question of what the responding party (respondent) should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgment, would have known about the condition of the reporting party (complainant).

See Fuller’s [Title IX: Policy Against Sexual Misconduct](#) for definitions of Consent, Sexual Assault, Domestic Violence, Dating Violence, and Stalking, which apply to other jurisdictions.

**HOW TO BE AN ACTIVE BYSTANDER**

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."\(^1\)

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. Below is a list\(^2\) of some ways to be an active bystander. Further information regarding bystander intervention may be found. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

1. 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.
2. Verbally confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

**RISK REDUCTION**

With no intent to blame the victim and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one’s risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

1. **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.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you don’t know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Don’t allow yourself to be isolated** with someone you don’t trust or someone you don’t know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **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


\(^2\) Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse
where you are and who is around you may help you to find a way out of a bad situation.

10. **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 911 in most areas of the U.S.).

11. **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you’ve left your drink alone, just get a new one.

12. **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.

13. **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.

14. **If you suspect you or a friend has been drugged, contact law enforcement immediately** (local authorities can be reached by calling 911 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).

15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
   a. **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.
   b. **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.
   c. **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.
   d. **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.

16. **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?

17. **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 you may regret later.
PROGRAMS TO PREVENT DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING

The seminary engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and

B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students that include:

A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking;

B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms;

C. What behavior and actions constitute consent, in reference to sexual activity, in the State of California and according to the seminary’s definition of consent as stated in its Title IX: Policy Against Sexual Misconduct;

D. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;

E. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

F. Information regarding:
   a. procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
   b. how the institution will protect the confidentiality of victims and other necessary parties (as described in “Confidentiality” elsewhere in this document);
c. 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 institution and in the community (as described in “On and Off Campus Services for Victims” elsewhere in this document); and

d. options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Accommodations and Protective Measures for Victims” elsewhere in this document);

e. procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “The Seminary’s Disciplinary Process” elsewhere in this document);

Primary Prevention and Awareness Programs

These programs include an online course provided by an outside vendor, which is offered to all new students and employees. The course titles are as follows:

- Preventing Discrimination and Sexual Violence: Title IX VAWA and Clery Act for Undergrads and Graduate Students
- Preventing Discrimination and Sexual Violence: Title IX, VAWA and Clery Act for Non-Residential Faculty and Staff

Educational materials are also distributed at new student orientation, including an online handout/brochure on Sexual Misconduct Reporting & Resources.

During 2014, on September 30, 2014, all students and employees received primary prevention information and awareness regarding domestic violence, dating violence, sexual assault, and stalking in the form of a newly distributed Title IX: Sexual Misconduct policy that was distributed via email.

The seminary has developed an annual educational campaign consisting of:

Providing continuing access to the online training provided by the outside provider as long as the student maintains student status or the employee maintains employee status. Posting the seminary’s Title IX: Policy Against Sexual Misconduct on its website for accessibility. From time to time, resources such as the Sexual Misconduct Reporting & Resources handout will be posted on the Quad for students and on the Employee Site for employees. Targeted face to face trainings are provided to student groups or employees. There are plans to expand the information on the website and to highlight available resources for students and employees when they become available.
Ongoing awareness and prevention was provided during 2014 through resources such as the distribution of the Distressed Student Protocol on the Employee Site on September 23, 2014. This includes information on connecting students to resources in cases of sexual assault, interpersonal violence (dating and domestic), and stalking. Students also had access to resources throughout the year from various organizations.

PROCEDURES VICTIMS SHOULD FOLLOW IF A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING OCCURS

IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT

1. Go to a safe location as soon as you are able.
2. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
3. Contact any of the following on- and off-campus resources for immediate assistance:

   a. Title IX Administrator, at 626-584-5357. Regular business hours, M-F
   b. Regional Campus manager/director, at 650-321-7444.
   c. Campus Safety, at 626-584-5444, 24 hours/7 days a week
   d. Confidential Fuller Reporting Option, Rev. Jenn Graffius, Director of Chapel & Staff Spiritual Formation, at 626-584-5560. Regular business hours, M-F*
   e. Confidential Fuller Reporting Option, Irene Rapp, MS, LMFT, Fuller Psychological & Family Services, at 626-584-5569. Regular business hours, M-F*
   f. Fuller Psychological & Family Services, at 626-584-5555. 8:00 a.m.-8:30 p.m., M-F*
   g. Dean of Students, at 626-584-5370. Regular business hours, M-F
   h. Rape Abuse and Incest National Network (RAINN), at 800-656-HOPE, 24 hours/7 days a week*

Note that campus officials may contact on-call staff from other departments when their offices are closed or they are otherwise unavailable to assist immediately.

If you are off-campus and experiencing an emergency situation, you can call local police by dialing 911. You may also call the Menlo Park police department’s non-emergency line at 650-330-6300.

4. It is important to preserve physical evidence that may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. You may choose to avoid washing, bathing, urinating, etc., until after being examined at the hospital, if possible. Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Even if you have washed, evidence can often still be obtained. After 120 hours, it may still be helpful to have medical attention, even if you are not trying to obtain evidence of an
assault. Sexual assault nurse examiners (SANE) are trained in the collection of forensic evidence, and can check for injuries and exposure to sexually transmitted diseases. If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or a wrapped in a clean sheet. Leave sheets/towels at the scene of the assault. Police will collect them. Typically, police will be called to the hospital to take custody of the rape kit, but it is up to you whether you wish to speak with them or file a criminal complaint. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to seminary investigators or police.

5. Choose how to proceed. You have options, and are encouraged to contact a Confidential Fuller Reporting Option (Rev. Jenn Graffius or Irene Rapp, MS, LMFT) to discuss your options: 1) Do nothing until you are ready; 2) Pursue resolution by the seminary; and/or 3) Initiate criminal proceedings; and/or 4) Initiate a civil process against the perpetrator. You may pursue whatever combination of options is best for you. If you wish to have an incident investigated and resolved by the seminary, students should contact their Regional Campus director/manager or the Dean of Students’ Office. Employees should contact the Executive Director of Human Resources. Residents should contact the Director of Housing Services & Residential Community. Seminary procedures will be explained. Those who wish incidents to be handled criminally should contact local police where the assault occurred. A campus official is available to accompany students in making such reports, if desired. Contact the Dean of Students or Title IX Administrator for more information.

*Denotes that this on or off campus resource is confidential.

YOUR RIGHTS

Fuller Theological Seminary strives to provide members of the seminary community with fair and equitable resolution processes that include both formal and informal options.

REPORTING

- Reporting parties have the right to notify law enforcement of incidents and to receive assistance from seminary personnel in doing so.
- Reporting parties may decline to report to law enforcement if they so wish.
- Reporting parties have the right to have their allegations investigated and resolved internally by the seminary.
FAIRNESS

- All members of the seminary community have the right to have reported incidents addressed according to the published seminary complaint resolution procedures.
- All parties have equal opportunities to have a support person of their choosing or offered by the institution present throughout all resolution proceedings (including intake, interviews, investigation meetings, etc.). This person can be an advisor, advocate, attorney, family member, friend, faculty member, etc.
- All parties have the right to written notice of the outcome of sexual misconduct resolution proceedings.
- Reporting parties and witnesses will receive amnesty for minor infractions (e.g., alcohol and drug violations) that are secondary to incidents of sexual misconduct.
- Reporting parties, their supporters, and witnesses have a right to be free from retaliation.

SUPPORT

- Students have a right to be notified of their ability to access campus counseling services.
- Students and employees have a right to be notified of on- and off-campus supportive resources.
- All parties involved in sexual misconduct allegations will receive the information and assistance needed to effectively participate in all proceedings.
- Reporting parties have the right to seek orders of protection, no-contact orders, restraining orders, or similar lawful orders issues by criminal, civil, or tribal courts, and may seek the help of Campus Safety in requesting and/or enforcing.

Assistance for Victims: Rights & Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the seminary will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- information about how the institution will protect the confidentiality of victims and other necessary parties;
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community;
- a statement regarding the institution’s provisions about options for, available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.
ACCOMMODATIONS AND PROTOCOLS THE SEMINARY WILL FOLLOW WHEN A CRIME OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING IS REPORTED

Accommodations and Protective Measures Available for Victims

The seminary has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals in writing about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance information, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and a respondent, such as housing, academic, transportation, and working accommodations, if reasonably available. The seminary will make such accommodations, if the complainant requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to Campus Safety or local law enforcement. Students and employees should contact the Title IX Administrator, who is the individual who would facilitate these accommodations at the seminary.

In addition, the seminary may take whatever steps are deemed necessary to appropriately respond to allegations of sexual misconduct, protect students' rights, and keep members of the seminary community safe from further harm. Measures include, but are not limited to:

- Issuing interim suspensions pending completion of the complaint resolution process.
- Reporting incidents to local police and/or prosecutors.
- Referring to counseling and health services.
- Referring to the Employee Assistance Program.
- Providing education to the community.
- Altering the housing situation of the reporting or responding party, if applicable.
- Altering work arrangements for employees.
- Providing campus escorts.
- Providing transportation assistance.
- Implementing contact limitations between the parties.
- Offering adjustments to academic deadlines, course schedules, etc.

These measures are available regardless of whether a reporting party seeks formal resolution or makes a crime report.

Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Fuller Theological Seminary will provide written notification to students and employees about accommodations available to them, including academic, living, transportation and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).
At the victim’s request, and to the extent of the victim’s cooperation and consent, seminary offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, living, working or transportation situations regardless of whether the victim chooses to report the crime to Campus Safety or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, withdraw and take a class at another time if there is no option for moving to a different section, etc. Potential changes to living situations in Fuller Housing may include moving to a different room or apartment. Possible changes to work situations at Fuller may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact Teresa Lewis, Director of Institutional Policy Compliance & Title IX Administrator, at 626-584-5357 or lewis@fuller.edu. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact their Regional Campus director/manager, or Steve Yamaguchi, Dean of Students, at 626-584-53570 or steveyamaguchi@fuller.edu, or Bernadette Barber, Executive Director of Human Resources, at 626-584-5328 or bjbarber@fuller.edu.

**Rights of Victims and the Institution's Responsibilities Relating to Orders of Protection, “No Contact” Orders, Restraining Orders, or Similar Lawful Orders Issued by a Criminal, Civil, or Tribal Court or by the Institution**

Fuller Theological Seminary complies with California law in recognizing restraining orders or no contact orders. Any person who obtains an order of protection from California should provide a copy to their Regional Campus director/manager and the Office of the Title IX Administrator. A complainant may then meet with their Regional Campus director/manager to develop a Safety Action Plan, which is a plan for the seminary and the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but in not limited to: escorts, special parking arrangements, providing a temporary cellphone, changing classroom location or allowing a student to complete assignments from home, etc.) The seminary cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

The seminary may issue an institutional no contact order if deemed appropriate or at the request of the victim or accused. If the seminary receives a report that such an institutional no contact order has been violated, the seminary will initiate disciplinary proceedings appropriate to the status of the accused (student, employee, etc.) and will impose sanctions if the accused is found responsible for violating the no contact order. The list of possible sanctions is included below under “Sanctions.”

**On and Off Campus Services for Victims**
Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, Fuller Theological Seminary will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

CONFIDENTIALITY

Victims may request that directory information on file with the seminary be withheld. Submit the request to the Registrar’s Office at 626-584-5408.

Regardless of whether a victim has opted out of allowing the seminary to share “directory information,” personally identifiable information about the victim and other necessary parties will be treated as confidential and only shared with persons who have a specific need-to-know, i.e., those who are investigating/adjudicating the report or those involved in providing support services to the victim, including accommodations and protective measures. By only sharing personally identifiable information with individuals on a need-to-know basis, or as required by law, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.
The seminary does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault, or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

THE SEMINARY’S DISCIPLINARY PROCESS

The seminary’s disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with the institution’s policy and that is transparent to the reporting party and the responding party. Usually, the resolution of domestic violence, dating violence, sexual assault and stalking complaints are completed within 60 days of the report. However, each stage of the investigation process allows for extensions of timeframes for good cause with written notice to the reporting party and the responding party of the delay and the reason for the delay. The seminary’s Policy Against Sexual Misconduct provides that:

1. The reporting party and the responding party will have timely notice for meetings at which the reporting party or responding party, or both, may be present;
2. The reporting party, the responding party, and appropriate officials will have timely and equal access to any information that will be used during formal and informal investigatory meetings;
3. The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the reporting party or the responding party;
4. The reporting party and the responding party will have the same opportunities to have others present during any institutional disciplinary proceeding. The reporting party and the responding party each have the opportunity to be advised by an advisor of their choice at any stage of the process and to be accompanied by that advisor to any related meeting or proceeding. The seminary will not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited to the following:
   o an advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or proceeding.

Additional information regarding the seminary’ complaint resolution procedures for violations of the Title IX: Policy Against Sexual Misconduct is available in the Student Handbook, the HR Policy Manual, and the Faculty Handbook.

Procedures

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the seminary, below are the procedures that the seminary will follow:
INTAKE

A seminary official will assist the reporting party with making choices and accessing resources. Assuming the reporting party chooses to move forward with a campus resolution, the next step is a preliminary inquiry.

All resolutions will be conducted by seminary officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and on how to conduct an investigation and complaint resolution process that protects the safety of victims and promotes accountability.

The resolution process is confidential. The institution will protect the confidentiality of victims, consistent with federal and state law. Title IX-related resolutions are not subject to publicly available recordkeeping provisions. Any release of information about a resolution will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.

PRELIMINARY INQUIRY

An initial determination is made about the allegations and whether to move them forward to a formal investigation. This decision is made by the Title IX Administrator, taking into account the nature of the allegations and the reporting party’s wishes. If the decision is made to move forward, the Title IX Administrator refers the allegations to investigators.

The disciplinary proceeding used by the institution is the same for students, faculty, residents, and staff. What differs are the decision-makers, investigators, and sanctions involved. However, the process is generally the same. For example, if an employee is involved, then the Executive Director of Human Resources or designee is typically chosen as an investigator. Likewise, if a student is involved, the Dean of Students or designee is typically chosen as an investigator. If both a student and employee are involved, then the process is typically co-investigated by the Executive Director of Human Resources and Dean of Students or their designees.

INVESTIGATIONS

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports with their findings and sanctioning recommendations. Information about all the steps in the investigative process is available at https://slate.workplaceanswers.com/course/policy/policy_fullertheological_complaint_procedures.pdf.

BEING HEARD DURING THE COMPLAINT RESOLUTION PROCESS
Both the reporting and responding party will each have an opportunity to review the findings and recommendations prepared by the investigator(s) and have an opportunity to submit a written response to be included along with the findings and recommendations, to be reviewed by the seminary official making the decision as to the outcome of the resolution.

STANDARD OF EVIDENCE

The seminary uses a preponderance of evidence standard. Decision-makers consider whether, given the available credible evidence, it is more likely than not that a violation occurred.

PAST HISTORY

The past sexual history or character of an individual is not considered unless it is determined to be highly relevant. All such information sought to be entered for consideration by a party or the seminary will be presumed irrelevant until evidence of its relevance is offered. The existence of a pattern of behavior by a responding party may be relevant to the finding and sanction imposed. Both parties will be notified in advance if such information has been deemed relevant and will be considered during the process.

FINAL DETERMINATION

The parties will be informed in writing of the outcome of the resolution, without significant delay between the notifications to each party. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

APPEALS

All parties involved in sexual misconduct proceedings may appeal decisions within the timeframe as set forth in the letter of decision (usually within two weeks of notice of the outcome) on the basis of the 4 purposes permitted by the seminary’s policy. All parties are included in any appeal reconsideration and have equal rights of participation. See the seminary’s Complaint Resolution Procedures: Sexual Harassment, Unlawful Discrimination, Unlawful Harassment, Sexual Misconduct, Retaliation, for further details.

SANCTIONS

The following sanctions may be imposed upon any member of the community found to have violated the Policy Against Sexual Misconduct. The following may be imposed upon students, employees, residents, or student organizations singularly or in combination, and are not progressive:
For Students

- **Oral Reminder**
  Oral notice to the student that a seminary standard has been violated.
- **Written Reminder**
  Written notice that continuation or repetition of certain conduct may be cause for more severe action for the student. This may become a part of a permanent record and may be taken into account in evaluating the seriousness of any future violation.
- **Probation**
  Continuation of student status and all rights and privileges as a member of the student body subject to specific conditions. Such conditions shall be stated in the letter of probation. Student cannot register for classes without meeting prescribed requirements (e.g. counseling, etc.). Failure by the student to comply with the conditions may result in suspension or expulsion.
- **Suspension**
  Exclusion from student status and suspension of all rights and privileges as a member of the student body for a specified period of time. Conditions for reinstatement, if any, shall be stated in the letter of suspension.
- **Expulsion**
  Termination of student status and of all rights and privileges as a member of the student body for an indefinite period of time. Conditions for readmission, if any, shall be stated in the order of expulsion.

For Employees

- Oral Reminder
- Written Reminder
- Performance Improvement Plan
- Required Training or Education
- Suspension without Pay
- Suspension with Pay
- Administrative Leave
- Revocation of Tenure
- Termination of Employment

For Residents

- Oral Reminder
- Written Reminder
- **Probation**
  Continuation of resident status subject to specific conditions.
• Termination of Residential Lease
• Commencement of Eviction Process

For Campus Organizations

• Oral Reminder
• Written Reminder
• Withholding of Privileges
  The seminary reserves the right to withhold some or all campus privileges for a specific period of time.
• Suspension
  Exclusion from campus and suspension of all rights and privileges as a campus organization for a specific period of time. Conditions of reinstatement, if any, shall be stated in the letter of suspension.
• Expulsion
  Termination of official status, exclusion from campus, and termination of all rights and privileges as a campus organization for an indefinite period of time. Conditions of reinstatement, if any, shall be stated in the order of expulsion.

NOTIFICATION TO VICTIMS OF CRIMES OF VIOLENCE

The seminary will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

REGISTERED SEX OFFENDER INFORMATION

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

Listed below is local law enforcement agency contact information for campus community members who wish to obtain information concerning registered sex offenders located in the
general areas in which Fuller classes are held. This information is being provided by Fuller Theological Seminary in accordance with the Higher Education Act of 1965, as amended, the Campus Sex Crimes Prevention Act and the Family Educational Rights and Privacy Act of 1974, as amended, and section 121 of the Adam Walsh Child Protection and Safety Act of 2006.

**Bay Area Campus**

Menlo Park Police Department  
701 Laurel St.  
Menlo Park, CA 94025  
(650) 330-6300  

Megan’s Law  
San Mateo County Sheriff’s Office  
400 County Center  
Redwood City, CA 94063  
(650) 216-7676  
http://www.smcsheriff.com/