

Campus Crime and Safety Report

1 Introduction

The Graduate Theological Union (GTU) highly values the individual and collective security of its faculty, staff and students. This is so not only because it cares about individual safety, but also because Congress has set 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), requires that the GTU disclose policy information and crime statistics as part of a campus security report published annually.

This report serves as the campus security report for the Graduate Theological Union for the academic year 2008 - 2009.

At the GTU, the Vice President for Administration and Finance 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 campus security report can be viewed on the GTU website and copies of it may be obtained from the Graduate Theological Union, office of the Vice President for Administration and Finance.

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.

2 Campus Safety

The GTU informs students and employees annually about campus security procedures and practices thru 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/default.html>

City of Berkeley Fire Department:
<http://www.ci.berkeley.ca.us/DepartmentHome.aspx?id=10180>

UC Berkeley: <http://public-safety.berkeley.edu/csp/scproserv.html>

The University of California operates a night escort service that GTU students are encouraged to use. The service provides escorts who will walk you to your car, a shuttle

bus, public transportation, or home if you live nearby. Call **642-WALK from 6:00 p.m. to 2:00 a.m.** Boundaries for the service are: Cedar (north), Parker (south), Shattuck (west) and Prospect (east).

2.1 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. Access to the GTU student housing building at 2466 Virginia Street is limited at all times to residents, their guests, and GTU management. All other areas of the GTU campus are closed between the hours of 10:00 p.m. and 7:00 a.m. unless special arrangements are made with the Vice President for Administration and Finance.

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.

2.2 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. Staff and hired security personnel monitor the buildings at 2465 Le Conte Avenue, 2452 Virginia Street and 2466 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 Vice President for Administration and Finance has responsibility for close control of the activities of persons engaged in any form of maintenance or repair anywhere on the campus.

2.3 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.
- 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 Vice President for Administration and Finance or other senior administrator. You may use the attached Crime Incident Report or obtain a Crime Incident Report form from the GTU Business Office, 2400 Ridge Road, Berkeley.

The Vice President for Administration and Finance 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 Vice President of Administration and Finance.

Incidents that may or may not be crimes may also be reported to "campus security authorities" defined as, in addition to the Vice President for Administration and Finance, 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. 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.

2.4 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. In December 2004 the State of California created a website that provides detailed information about registered sex offenders that can be viewed by going to <http://meganslaw.ca.gov/>. You can also find a map of known or registered sex offenders located in the City of Berkeley on the Berkeley website at <http://www.ci.berkeley.ca.us/police/department/sexcrimes/meganslaw.html>.

Another means to obtain information on California's serious sex offenders. A computer database is available for public viewing and provides the following information about high risk and serious sex offenders: registrant's name; aliases; photograph (if available); sex; physical description, including scars, marks, and tattoos; registered sex offenses; county of residence; and ZIP code (based on last registration). No exact addresses are listed.

To view the Database, you must:

- be 18 years of age or older;
- provide a California driver's license or identification card;
- sign a statement that you are not a registered sex offender; that you understand the purpose of the release of information is for the public to protect themselves and their children from sex offenders; and that it is illegal to use the information to harass, discriminate or commit a crime against any registrant;
- state a distinct purpose for viewing the database, if required by local law enforcement.

You may contact the Oakland Police Department via phone at 510/238-2188 or visit their website at <http://www.oaklandpolice.com/crimprev/megan2.html>. The Alameda County Sheriff's Department is also required to make this application available. It may be reached via phone at 510/667-3600.

3 Drug Free Campus and Workplace

The Graduate Theological Union and its member schools require that their campuses be drug free. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance while at GTU is prohibited. Abuse of alcohol (including underage drinking) on GTU premises is also not allowed. Violation of this policy will be considered cause for termination from employment or from a student's program of study.

GTU is required to impose sanctions, up to and including the dismissal, of any employee engaged in the abuse of alcohol or the unlawful possession, use, or distribution of illicit drugs while on GTU or member school premises. Any employee involved in such illegal activity is subject to legal sanctions under local, State, and Federal law. Information regarding specific penalties is available at the GTU Business Office. In addition, an employee convicted of any criminal drug statute for a violation occurring in the workplace is required to notify the Personnel Officer or the Vice President for Administration and Finance, of such a conviction no later than five days from the date of the conviction.

The GTU and its member schools comply 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 Personnel Officer.

Several drug and alcohol counseling, treatment, and rehabilitation programs are available to GTU faculty, students and employees. Merritt Peralta Institute's (MPI) Chemical Dependency Department may be reached at 510/869-8850 for help in dealing with a drug or alcohol dependency problem. The initial consultation is free and includes an assessment of the problem and the recommendation of a treatment plan. A local Alcoholics Anonymous may be reached at 510/839-8900 and a local Narcotics Anonymous program may be reached at 510/444-4673.

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

4 Responsibility for Compliance with Campus Security Act

The *President* has overall responsibility for compliance with Title II of the Crime Awareness and Campus Security Act of 1990.

The *Vice President for Administration and Finance* shall:

- Prepare, publish, and disseminate all required policy statements, operating procedures and reports as required by law.
- Supervise and oversee the execution of all established policies and procedures.
- Supervise and oversee the gathering and reporting of all statistics as required by law.
- Oversee the supervision of campus security and night watch programs.
- Provide timely warning to the GTU campus community of any occurrences of crimes listed in the section titled [Reportable Offenses](#) of this report.
- Assign primary responsibility to respond to and to take appropriate action on reports of criminal actions and other emergencies.

The *Dean of Students* shall disseminate reports prepared by the Vice President for Administration and Finance to students and prospective students, and arrange student participation in all programs mandated by campus security laws.

5 Crime Statistics

5.1 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 the reported occurrences of the following offenses:

- A. Criminal Homicide including murder and nonnegligent manslaughter and negligent manslaughter;
- B. Robbery;
- C. Aggravated Assault;
- D. Forcible and Nonforcible Sex Offenses;
- E. Burglary;

- F. Motor Vehicle Theft;
- G. Arson;
- H. Separately by category of prejudice, each crime listed above or others involving bodily injury that shows evidence of prejudice based upon race, gender, religion, sexual orientation, ethnicity, or disability (hate crimes);
- I. Arrests or persons referred for disciplinary action for liquor law violations, drug abuse violations, and illegal weapons possession.

5.2 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 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/>.

5.3 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 [Report Categories](#).

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 Vice President for Administration and Finance, as well as officials of the GTU who have significant responsibility for student and campus activities including, but not limited to, student housing, student discipline, and campus judicial proceedings.

5.4 Crime Statistics for the Graduate Theological Union

Campus Offense Categories	Calendar Year		
	2005	2006	2007
Homicide	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Forcible Sex Offenses	0	0	0
Non-Forcible Sex Offenses	0	0	0
Burglary	2	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
<i>Arrests</i>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0
Non-Campus			
Offense Categories	2005	2006	2007
Homicide	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Forcible Sex Offenses	0	0	0
Non-Forcible Sex Offenses	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Hate Crimes	0	0	0
<i>Arrests</i>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	0
Illegal Weapons Possession	0	0	0
Public			
Offense Categories	2005	2006	2007
Homicide	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Forcible Sex Offenses	0	0	0
Non-Forcible Sex Offenses	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	1	0	0
Arson	0	0	0
Hate Crimes	0	0	0
<i>Arrests</i>			
Liquor Law Violations	0	0	0
Drug Law Violations	0	0	5
Illegal Weapons Possession	0	0	0

6 Sexual Assault and Rape

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 in any form, including acquaintance or date rape. The GTU will take appropriate action to prevent, correct, and discipline behavior that is found to violate school policy or laws proscribing rape or sexual assault.

The Graduate Theological Union prohibits rape and sexual assault.

This policy affects only students currently enrolled as students at the Graduate Theological Union. Students enrolled at GTU member schools should contact their school for policies on sexual assault and rape. 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.

6.1 Definitions

Rape is defined to include all acts of sexual intercourse involving penetration imposed under the following circumstances:

- where the complaining party is incapable, because of a mental, developmental, or physical disability, of giving legal consent and this fact is known or reasonably should be known to the person committing the act; or
- where such an act is accomplished against a person's consent by means of force, coercion, duress, violence, or reasonable fear of harm to the complaining party or another; or
- where the complaining party is prevented from resisting or giving consent as a result of intoxication, or is unconscious at the time of the act, and this fact is known to the person committing the act.

Acquaintance rape is sexual intercourse undertaken by a friend or acquaintance without the consent of the student.

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 caressing, fondling, or touching of a person's genitalia, buttocks, or breasts.

Consent is defined as positive cooperation in act or attitude pursuant to an exercise of free will. The individuals consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. It is a defense to the allegation of non-consent that a defendant held a reasonable and good faith belief that the complainant was consenting. A current or previous dating relationship is not sufficient to constitute consent. The determination regarding the presence or absence of consent should be based on the totality of circumstances, including the context in which the alleged incident occurred. The fact that an individual was under the influence of drugs and/or alcohol at

the time may be considered in determining whether that person had consented to the act in question. Students should understand that consent may not be inferred from silence or passivity alone.

6.2 Prevention of Sexual Assault and Rape

The Graduate Theological Union uses a number of means to prevent sexual assault and rape, including:

- encouraging students to inform themselves about crime prevention techniques, such as those offered by the City of Berkeley Police Department;
- encouraging students to make use of the public safety resources, such as the night escort service provided by the University of California at Berkeley;
- providing students who enroll in the Health Insurance Program for Students (HIPS) with access to services directly from their physician.

6.3 Responding to Sexual Assault and Rape

Since the Graduate Theological Union does not maintain a police force, all violations of the law involving sexual assault or rape should be reported immediately to the City of Berkeley Police Department. Violations may also be referred to the City of Berkeley District Attorney for prosecution.

Incidents of sexual assault and rape should also be reported to the, Vice President for Student Affairs and Dean of Students, to the Academic Dean, or any other senior administrator of the Graduate Theological Union. Students are not required to report incidents to the Police Department or District Attorney, although they are encouraged to do so. GTU officials will honor requests for confidentiality by the student alleging sexual assault or rape, but shall report anonymous information to the Vice President for Administration and Finance, so that the incident can be included in GTU crime statistics.

If an incident is reported to a GTU official, the official shall inform the student of her or his right to inform the Berkeley Police Department or District Attorney. The student 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 student in notifying authorities of the incident, upon the student's request. Finally, the student shall be informed of counseling, mental health and other services:

- Lloyd Center Pastoral Counseling Service, San Anselmo and Berkeley 415/258-6652;
- University of California at Berkeley Health Services, 2222 Bancroft Way, Berkeley 510/642-2000;
- California Counseling Institute, 2220 Cedar Street, Berkeley 510/704-8046;
- Bay Area Women Against Rape, 470 27th Street, Oakland 510/845-7273;
- Highland Hospital, Highland Sexual Assault Response Team, 1411 E. 31st Street, Oakland 510/534-9290 or 510/437-4019;
- Men Overcoming Violence, 1385 Mission Street, Suite 300, San Francisco 415/626-6683.

Victims of sexual assault and rape 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 is determined to have committed sexual assault, rape, acquaintance rape, or other forcible or nonforcible sex offense, disciplinary action up to and including dismissal from academic programs may be imposed by the GTU.

6.4 Procedures for Disciplinary Action in the Case of Sexual Assault and Rape

When a student reports being sexually assaulted or raped by another student, the Dean of Students shall conduct a timely investigation of the allegations in the case, including interviewing any witnesses as needed. The Dean of Students will determine whether to proceed with charges in a sexual assault or rape case.

If formal charges are brought against the accused student by the GTU, the case shall either go to a hearing for adjudication, or be disposed of administratively in a settlement agreement.

The student charged with sexual assault or rape is entitled to due process and will be given notice and a full opportunity to respond to the allegations. The student can seek representation, have the same opportunity as the student who reported being assaulted to have a non-participating observer present during the proceedings, and is entitled to information about the school policy on sexual assault and rape, and the procedures that the GTU will follow to address the charges.

If formal charges are brought against the accused student by the GTU, the Dean of Students will notify the accused in a written statement outlining the charges. The student charged will have seven working days to respond in writing. The Dean of Students may then seek a settlement that is mutually agreeable to the person making the allegations and the student charged. The Dean of Students and students involved will have 10 working days after receipt of the charged student's response to negotiate an administrative settlement agreement. If no such agreement is reached after 10 working days, the incident shall proceed to a hearing for adjudication.

If a hearing is required, the Dean of Students shall, within 15 working days, appoint a committee composed of three GTU staff members who hold the title of Director or higher. The committee will, within 30 days of being appointed, hear evidence presented by the accuser and accused, and/or their representatives, and may interview any witnesses as needed, and review any other available evidence. The committee will vote, with a majority having final authority, on whether to sustain the charges. The committee will notify the Dean of Students, the student bringing charges, and the student charged, of the outcome of its vote within 5 working days of voting. If the charges are sustained, the committee will recommend disciplinary action, up to and including dismissal from all academic programs at the GTU, to the Dean of Students. The Dean of Students may act on the recommended disciplinary action, or take other action, up to and including dismissal from all academic programs at the GTU. The Dean of Students will inform the student charged of disciplinary action within 10 working days of the committee notification.

The student charged may appeal the outcome of the disciplinary action within 10 working days of being notified, in writing. The appeal is to be directed to the President of the GTU, who will review the case. The President will make a decision on the disciplinary action recommended by the Dean of Students within 10 working days and will inform the charged student. The decision of the President is final and no further appeal is allowed.

7 CRIME REPORT & INTERNAL INVESTIGATION FORM

GTU CRIME INCIDENT REPORT FORM

(To be completed by a Campus Security Authority)

Please use this form (complete **both** pages), if you are an individual identified as a “campus security authority,” to report the required information about specified crimes (listed below) pursuant to the federal Clery Act. The information collected from these forms is used to prepare a compilation of statistical crime information for inclusion in the school’s Annual Campus Crime Report.

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

The GTU will use this form to determine the category of the crime or incident and the location under which the incident should be reported according to the requirements of the Clery Act. Please forward this completed form to the Vice President for Administration and Finance.

Name of Campus Security Authority: _____

Phone Number: _____ Date of report: _____

Report made by: _____ Victim
_____ Third Party (specify relationship to victim)_____

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

Description of the incident or crime: _____

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

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

The location where this incident or crime occurred was:

- _____ On the GTU campus, but not in student housing
- _____ On GTU student housing
- _____ Off GTU campus but on affiliated property (member school property)
- _____ Off GTU campus public property immediately adjacent to campus
- _____ Off GTU campus not affiliated or adjacent to GTU property
- _____ Unknown

Sex Offenses

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

- Was this crime a sexual offense? _____ Yes _____ No
- Was it a rape or attempted rape? _____ Yes _____ No
- If yes to either, were the victim and the assailant acquainted? _____ Yes _____ No
- If yes, were either the victim or the assailant under the influence of alcohol or drugs?
- | | | | | |
|------------|--------------|-------|------------|-------|
| Victim: | Yes, alcohol | _____ | Yes, drugs | _____ |
| Assailant: | Yes, alcohol | _____ | Yes, drugs | _____ |

Hate Crimes

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

- Was this crime motivated by hate or bias? _____ Yes _____ No
- If yes, identify the category of prejudice:
- | | | |
|-----------------------------------|-------------------------------------|---|
| <input type="checkbox"/> Race | <input type="checkbox"/> Ethnicity | <input type="checkbox"/> National Origin |
| <input type="checkbox"/> Religion | <input type="checkbox"/> Disability | <input type="checkbox"/> Sexual Orientation |
- If yes, provide a brief explanation of the determination: _____
- _____

Alcohol, Drug and Weapons Law Violations:

Check all that apply

- | | | |
|----------------------------------|--------------------------------|----------------------------------|
| <input type="checkbox"/> Alcohol | <input type="checkbox"/> Drugs | <input type="checkbox"/> Weapons |
|----------------------------------|--------------------------------|----------------------------------|

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

Number of individuals arrested or referred for GTU disciplinary action: _____