

DOMINICAN UNIVERSITY *of* CALIFORNIA

2025 ANNUAL SECURITY AND FIRE REPORT

(For Calendar Year 2024)

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INTRODUCTION

Dominican University of California (Dominican) is required to publish this Annual Security and Fire Report (ASR) on an annual basis. The report provides information related to campus safety and security, criminal activity, and any fires impacting campus structures. This information should be a reminder that each member of the campus community has a responsibility to keep Dominican a safe place to work and study. This report includes crime statistics for three previous calendar years, as is required.

HOW THIS REPORT IS PREPARED

This Annual Security and Fire report has been prepared and distributed by the Vice President of Student Affairs (VPSA), in consultation and collaboration with the Title IX Coordinator, University Risk Team, Campus Security, and Human Resources. In addition to ensuring compliance with current requirements, all new and updated policies, procedures and other facts are incorporated into the report annually.

Data Collection & Crime Information

The data for this report come from multiple sources. Campus Security maintains a daily security log (includes log of any fires on campus) which is shared with appropriate university personnel and members of the Incident Response Team and University Risk Team. The report is available for inspection by contacting the following:

- Director of Human Resources at michele.gee-rollins@dominican.edu or 415-458-3775.
- Vice President for Student Affairs at paul.raccanello@dominican.edu or 415-485-3223.

In addition to the daily security log, the statistics for this report are informed by the following:

- Student conduct and/or disciplinary actions (Office of the Dean of Students).
- Employee conduct and/or disciplinary actions (Office of Human Resources)
- Crime/Criminal activity at non-campus locations and public areas adjacent to campus and University property (San Rafael Police Department)

Crime/Criminal activity is monitored by designated University personnel designated as Campus Security Authorities (CSA).

- If someone tells a CSA about a crime or an incident that might be a crime, the CSA ***must report it*** to University officials. University officials are then able to respond appropriately to the situation, as well as accurately record the information for this report.
- Requests are made to the San Rafael Police Department to provide law enforcement activity records for non-campus locations.

Dominican does not have any associated non-campus locations of student organizations officially recognized by the institution, nor does it have student organizations with non-campus housing facilities. As such, Dominican does not monitor or record related criminal activity.

CRIME PREVENTION, SECURITY, & CAMPUS ACCESS

Dominican's San Rafael campus consists of approximately 60 acres. Centered in a residential neighborhood, the boundaries of campus are roughly Belle and Grand Avenues on the perimeter of Forest Meadows, and the remaining area bordered by Palm, Olive, Acacia, Locust, Deer Park, and Highland Avenues. A map of the developed campus is available at <http://www.dominican.edu/about/campus/mapsandparking>.

Campus Security

Campus Security guards are contracted by the University and are not sworn police officers. Campus Security does not have the authority to arrest. The jurisdiction of campus security is limited to Dominican-owned/controlled property for which they are contracted, and their enforcement authority extends to apparent violations of campus policies and procedures. Reported or alleged violations of law are referred to appropriate state and local law enforcement. In an emergency, students and employees should dial 911 to alert first responders..

Dominican has security on campus 24 hours a day, seven days a week, 365 days a year. Security guards check buildings during their rounds. They make sure that all windows are locked and that lights are turned on or off as appropriate. The guards also check the parking lots around campus, including the lots near the Conlan Recreation Center and athletic fields. Dominican security personnel carry pepper sprays, batons, and tasers (but not taser guns). They do not have arrest authority and do not make arrests; however, they may call local police for assistance.

Security Escort Service

A Campus Security guard will escort any member of the campus community between buildings or from a building to a car at night. Security escorts can be arranged in advance by contacting Campus Security at 415-269-6070.

Building Access & Security Policy and Procedure

- Classroom buildings on campus are generally open between 7am and 10pm; however, some buildings may close earlier, and other buildings may require ID cards for entry.
- Library and Conlan Recreation Center hours change periodically during the academic year to meet the demand for services.
- Residence hall exterior doors are locked at all times (Pennafort and Fanjeaux only). Security guards and Resident Advisors (RAs) perform rounds and check exterior doors as part of these duties. Individual student rooms lock with a key/deadbolt. Residents of Edgehill Village are advised to keep the exterior doors to their suite locked. Some Residence hall doors are equipped with security cameras.
- Residence halls are accessible (by key or swipe card) only to resident students and appropriate persons. Students entering Pennafort and Fanjeaux must swipe their ID cards to access the facility. A valid ID is required to enter these buildings 24/7.
- Students should guard against giving access to unknown persons by holding the door open or by propping the door open.
- A valid photo ID is required for access to the Library.
- A valid Dominican ID is required for access to Conlan Recreation Center except for public events. The reception desk is staffed and monitored all hours of operation.

Security Considerations in Maintenance of Campus Facilities

Campus Security routinely patrols the campus buildings and grounds to ensure that safety is maintained. Buildings are routinely inspected for safety by the local Fire Department and the University's insurance/risk assessment vendors. Facilities Services considers safety and security when controlling vegetation, considering landscapes, maintaining buildings and property, planning renovations, and other activities.

Cooperation With State And Local Law Enforcement

Dominican notifies and cooperates with state and local law enforcement when required by law and will involve appropriate agencies whenever a situation on campus calls for such action. State and local agencies should be contacted immediately by anyone on campus whenever there is an emergency or life-threatening incident unfolding.

Dominican has a formal Memorandum of Understanding (MOU) with the San Rafael Police Department that clarifies the responsibilities regarding law enforcement, including the reporting of criminal activity involving Dominican students, faculty and staff, on the Dominican campus or on Dominican property. Additionally, the University and San Rafael Police Department each have a designated liaison who serves as their organization's primary contact for any matters related to campus safety and security, public safety, and/or reported criminal activity.

REPORTING CRIMES OR EMERGENCIES

Dominican encourages prompt reporting of all crimes and emergencies to campus security and law enforcement. In the event of a violent crime, a crime in progress, or an incident involving personal injury or requiring medical attention:

- **Get Safe:** Your safety comes first.
- **Get Help;** Call 911; explain the problem and the location. DO NOT HANG UP until you are instructed to do so by the dispatcher. If possible, notify campus security after calling 911.

Reporting to the University

Students, faculty, staff, and guests are requested to report all criminal activity (actual or suspected) to the University in a timely manner when the victim of such crimes elects or is unable to make such a report:

- **Students** should report crimes to the Vice President for Student Affairs & Dean of Students at 415-485-3223 (Edgehill Mansion - 2nd floor)
- **Faculty and staff** should report crimes to the Director of Human Resources at 415-482-1847, located in the Magnolia Carriage House.

Dominican will assist students and employees wishing to make a report to local law enforcement.

The University has [Safety and Emergency Information](#) available on the website.

Voluntary Confidential Reporting

If a victim or witness of a crime chooses not to file a report directly with University or local law enforcement and provide personal information, they may call the Campus Conduct Hotline at 866-943-5787 and report an anonymous “Clery Act Crime.” No personally identifying information about the caller is documented when reporting in this manner. Crimes reported in this manner will not be investigated. Additionally, victims of sexual harassment, dating/domestic violence, or stalking can file a confidential report with two (2) local community partner agencies; Community Violence Solutions or the Center for Domestic Peace.

The purpose of a confidential report is to comply with the reporter’s wish to keep the matter confidential, while taking steps to promote their safety. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime, and alert the campus to potential danger. Reports filed in this manner and counted and disclosed in the annual crime statistics for the institution. Victims’ names/identities are not revealed in these statistics.

Disclosure of crimes to confidential resources such as Campus Ministers (only when acting in their pastoral capacity) and Professional Counselors will not result in a report to the University. Dominican encourages pastoral and professional counselors, if and when they deem appropriate, to inform the persons they are counseling of how to report crimes both directly to the University and on a voluntary, confidential basis through the Campus Conduct Hotline.

UNIVERSITY SAFETY PERSONNEL, SYSTEMS, AND PROTOCOLS

Campus safety and security is a priority for the University. Dominican is committed to promoting the safety, health, and welfare of all members of our campus community. Complete and detailed information about campus safety personnel, systems, and protocols can be found on the university website: <https://www.dominican.edu/about/safety-and-emergency-information>.

Campus Security Authorities

Campus Security Authorities (CSAs) are individuals with significant responsibility for student and campus activities, campus safety personnel, or those individuals designated to receive crime reports. Examples of CSAs at Dominican include, but are not limited to, campus security agents, housing and residence life staff, student affairs staff and administrators, athletic coaches and administrators, academic advisors, and integrative coaches. Additionally, those designated as the Senior Officer in Charge, and most individual members of the Incident Response Team and University Risk Team (see below) are designated Campus Security Authorities.

Senior Officer In Charge

The Senior Officer in Charge (SOC) guides the university response to critical incidents and has ultimate authority for the university. The President is typically the SOC. When the President is unavailable, or they choose to delegate the role, the duty of SOC is passed to one of the following members of the senior leadership team; Vice President for Student Affairs, Vice President for Finance and Administration, or Vice President for Academic Affairs.

Incident Response Team

Dominican's Incident Response Team (IRT) assesses incidents and emergencies and coordinates the University's response. Comprising the team are the following members:

- Vice President for Academic Affairs
- Vice President for Finance and Administration
- Vice President for Student Affairs
- Director of Facilities Services
- Executive Director of Communications and Media Relations
- Chief Technology Officer
- Director of Human Resources.

University Risk Team

The University Risk Team is responsible for coordinating and documenting annual drills, system tests, exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The team is a cross-functional working group with representatives from most all sectors of the university:

- Finance and Administration
- Academic Affairs
- Student Affairs
- Facilities Services
- Information Technology

Emergency Alert System

All students, faculty, and staff are automatically enrolled in the RAVE emergency alert system. To ensure the receipt of timely warnings and emergency notifications, students and employees are advised to keep personal contact information up to date in Self-Service (students) and Paycom (employees). Parents, neighbors, and other members of the extended campus community can register to receive alerts at <https://www.getrave.com/login/dominicanuca>.

This system allows the University to send emergency messages:

- via text and voice messages,
- by posting to Dominican's public website and select social media channels,
- and by displaying messages on the screens of all networked campus computers.

The emergency alert system is tested annually; coordination of the testing is done by the University Risk Team in collaboration with the Incident Response Team. A series of pre-scripted messages, notifications, and alerts are built into the system to allow for quick response action.

Timely Warnings

The purpose of a timely warning advisory is to alert the campus to the occurrence of a Clery crime that poses an ongoing or serious threat and/or to heighten safety awareness of students and employees. Timely Warnings are distributed via the RAVE emergency alert system through multiple channels (email, phone, text, website). Even when a timely warning is not required but sharing the information may be in the interest of campus safety, the IRT/SOC may elect to send a safety bulletin notice to the campus.

Emergency Notification and Timely Warning Procedures

When a significant emergency or dangerous situation (including Clery Act crimes) involves an immediate threat to the health or safety of people or the campus or necessitates heightened safety awareness, an emergency notification or timely warning will be issued. Notifications will be considered on a case-by-case basis depending on all relevant factors, including the nature of the situation, the location, the time, local emergency services response and guidance to campus, and the potential direct effect on the campus and community.

In most cases, an Incident Response Team (IRT) member will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the emergency alert system, unless issuing a notification will, in the judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If the emergency is not already confirmed within the initial report, the IRT member will seek confirmation and additional information by contacting campus security, local law enforcement, and/or another IRT member in the order most appropriate for the particular emergency. Corroboration of the emergency by a single one of these individuals will be considered sufficient to authorize the IRT member to initiate a message.

The IRT member will draft the content of the alert by selecting one of several pre-scripted messages or by providing customized information that will allow the campus to respond as effectively as possible. Included in the message will be a description of the incident/situation and procedures or instructions to follow. To the greatest extent possible, the message will include information on the office or individual responsible for coordinating campus response efforts. Typically that person is the identified Senior Officer in Charge. Ideally, and if time allows depending upon the nature of the emergency, a second IRT member will concur with the message before the alert is sent to the community.

The following are examples of how the emergency notification process works at Dominican:

- *Local emergency services broadcast that high winds and flooding are expected in the next 24 hours. The IRT drafts an emergency notification and ensures alignment with information from emergency services. Included in the message will be instructions and information on who to contact for questions or with further information. Within the hour the message is crafted, reviewed, and sent via the emergency alert system.*
- *An IRT member gets a call from a faculty member reporting audible gunshots. After instructing someone to call 911 to request emergency response, the IRT member immediately sends a pre-scripted emergency alert notification through our alert system and then takes the lead on contacting the SOC and coordinating campus protocols with the other members of the IRT.*
- *Two students individually and separately report seeing an unknown individual on campus sexually harassing students the previous day. The information about the individual is given to the Dean of Students who then notifies Campus Security with instructions to be on the lookout. The IRT is notified and the Dean (also on the IRT) prepares and sends a Timely Warning notification with information about the person in question and instructions on who to contact in the event they are seen on campus.*

The only reason Dominican would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to: assist a victim; contain the emergency; respond to the emergency; or otherwise mitigate the emergency.

While most timely warnings and emergency notifications will be sent to all contacts and by all methods available in the emergency alert system, the system has the capacity to send messages to segments of the population, such as only residential students, or via limited methods, such as only text message. The IRT member will determine which segment or segments of the campus community will receive the notification based on what segments may be impacted by the emergency. The notification will be sent via the emergency alert system.

Parents, visitors, neighbors, and the general public, who have self-registered with the emergency alert system will be notified via that system when the notification is sent to all contacts. The emergency alert system will also be used to disseminate the emergency information to the larger community via Facebook, Twitter, and Dominican's public website. A member of the Incident Response Team, specifically the Executive Director of Communications and Media Relations would be responsible for notifying local media outlets, if appropriate.

Emergency And Evacuation Drills

The University Risk Team is responsible for coordinating and documenting annual drills, system tests, exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. Emergency plans and capabilities are assessed through table-top exercises, completed drills, and post-incident response analysis. Lessons learned are captured and changes are implemented to improve response.

- Each residence hall has at least one mandatory evacuation drill each semester. These drills are planned and documented by the Director of Housing and Residence Life. In most cases, the drills are unannounced to students and housing support staff so as to evaluate and assess their readiness and response.
- Annual evacuation drills for all other campus buildings are scheduled, planned, and documented by the Risk Team. The team will evaluate and assess the drills and identify issues of concern and/or opportunities for improved response/action.

For Students: emergency response and evacuation procedures are published annually via the student handbook and this ASR and Fire Report, reviewed during orientation, and reinforced to resident students through mandatory meetings.

For Employees: emergency response and evacuation procedures are publicized annually, and in conjunction with tests or exercises, this information is also distributed through the ASR and Fire Report, during new-hire orientation, and through the HR newsletter.

SAFETY AND SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

A common theme of awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others, and to report any concerning or suspicious activity to Campus Security or local law enforcement.

Programs for Students

The University communicates safety and security information through different avenues and at multiple points throughout the year:

- During the new student orientation, students are introduced to campus safety, security, and crime prevention at a presentation from the Office of the Dean of Students
- Online education modules offer programs related to risk reduction (see below)
- Housing staff talk with residents about campus safety during move-in, and send several reminders throughout the academic year.
- Student Affairs sends information to students (typically at the start of each semester) about maintaining safety on campus and in the residence halls.
- The [Student Handbook](#), published and shared annually, contains information about safety, security, and crime prevention.

Additionally, students have the option to view a module focused on active shooter response. The program, “Active Shooter: Run-Hide-Fight,” is familiarizes students with the warning signs that someone may become violent. It introduces the concept of run, hide, fight during an active shooter situation. Topics covered include situational awareness, how to assess an emergency situation, and run-hide-fight procedures.

Programs for Employees

Orientation for all new employees includes a discussion of safety, security, crime prevention, and emergency procedures. Online modules and in-person emergency training sessions, which review the emergency notification process, the Incident Response Team, and how to recognize and respond to earthquakes, fire, and violence are open to employees.

DRUG AND ALCOHOL POLICY

Dominican is committed to maintaining a drug-free campus. The full text of the University's policies on drugs and alcohol, including procedures governing disciplinary actions, can be found in the Staff Handbook, Faculty Handbook, and [Student Handbook](#).

University Policy

Dominican University of California prohibits the possession, use and sale of drugs in violation of California and Federal laws. As a member of the Dominican community, you should be aware that you will jeopardize your status here if you use, buy, sell, or in any way help to make available to others any illegal drugs or alcohol.

The University's Student Alcohol and Drug Policy is included in the [Student Handbook](#), and includes information about controlled substances, uses and effects and federal drug trafficking penalties. State and federal laws pertaining to the abuse of alcohol and drugs are also described in the handbook. Dominican University adheres to these laws. Information on drug and alcohol abuse programs, including organization names, contact information, and types of services offered, is also located in the [Student Handbook](#).

Local, State & Federal Legal Sanctions

The State of California sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the Office of Public Safety. State laws provide that:

- Persons under age 21 found possessing alcohol may be given a maximum fine of \$500 and/or being required to do up to 48 hours of community service work.
- Anyone convicted of fraudulently using a driver's license to buy or attempt to buy alcohol may be given a maximum fine of \$500 and/or being required to do up to 48 hours of community service work.
- Persons convicted of buying alcohol through fraudulent means may be given a maximum fine of \$500 and/or may be required to do community service work.

The University does not permit the possession or consumption of alcoholic beverages by those under the age of 21 at any time. Selling, purchasing, or furnishing alcohol to anyone under 21 years of age is prohibited.

Students and employees are expected to adhere to all federal and state laws and mandates, and any city ordinances, relative to the possession of drugs and drug paraphernalia.

Any student or employee alleged to be in violation of any law regarding alcohol or drugs will be referred to the CARE team or Residence Life Staff for outreach support, or to the Dean of Students for disciplinary action (for students) or to Human Resources (for employees).

Dominican University expects its students and other members of the campus community to take personal responsibility for their own conduct, to support those in the community who choose not to drink or take drugs, and to maintain standards of safety on campus. Those who violate this policy will be subject to discipline, up to and including dismissal or termination of employment.

DRUG AND ALCOHOL EDUCATION

Dominican works with campus and [community partners](#) to provide educational and support services aimed at reducing alcohol abuse and the use of illegal drugs. Additionally, the [Student Handbook](#) and [Employee Policies](#) both provide detailed information about university policy and standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees - and include applicable legal sanctions under federal, state, or local laws for the unlawful possession or distribution of illicit drugs and alcohol.

The student handbook contains a description of the health risks associated with the abuse of alcohol or use of illicit drugs and includes a list of drugs (and their common street names) with detailed information about health risks associated with their use. The University provides (in the above linked resources) information about drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students.

Dominican partners with Vector Solutions to provide students with an online learning module intended to mitigate the illicit use of drugs and the abuse of alcohol. The coordination and dissemination of these programs, outlined below, are the responsibility of the Office of the Dean of Students:

- Alcohol.edu for college (60 min)
 - Using a story-first approach to engage our student learners in meaningful alcohol prevention education, this course centers authentic student-driven narratives to explore key topics such as supporting peers in recovery, understanding the short and long term effects of alcohol and substance use, and the physical, mental, and emotional benefits of abstaining and/or reducing the use of these substances while in college. This course equips students with the tools to make positive choices and create a culture of awareness, intervention, and support.
- Drug Awareness and Abuse (40 min)
 - This course provides college students with awareness of issues related to drug use and abuse and some precautions to consider, and discusses how drug use can lead to poor grades, addiction, violence, sexual assault, arrest, expulsion, serious health problems and even death.

The Office of the Dean of Students is responsible for addressing student violations of drug and alcohol policies and disciplinary proceedings. The process for addressing violations of the Code of Conduct, including all possible sanctions and/or remedies, is outlined in the [Student Handbook](#) and also explained below in the section titled, “Student Conduct Adjudication Process.”

Dominican’s Human Resources Department provides an overall coordination for employee programs. Drug and Alcohol abuse education and treatment resources are available from our Employee Health Insurance providers and Employee Assistance Program. The Human Resources Department is also responsible for addressing employee violations of drug and alcohol policies and coordinates investigation and disciplinary actions.

DATING/DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING POLICY

Dominican has clear policies that prohibits dating violence, domestic violence, sexual assault, and stalking outlined in the University’s [Policy Resource Guide](#) (see pg. 6):

Prohibited Sexual Harassment Under Title IX

In accordance with its obligations under the Title IX Regulations of 2020, Dominican University of California (DUoC) prohibits sexual harassment, which is conduct based on sex (biological sex) that satisfies one or more of the following definitions:

A. Definitions of Prohibited Conduct Under Title IX

1. **Quid Pro Quo Conduct.** An employee conditions the provision of an aid, benefit, or service of DUoC on an individual’s participation in unwelcome sexual conduct.

2. **Unwelcome Conduct.** Unwelcome conduct that is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a DUoC education program or activity.
3. **Sexual assault.** This category of prohibited conduct includes the following:
 - a. **Sex Offenses**—Any sexual act directed against another person, without the affirmative consent of the victim including instances where the victim is incapable of giving affirmative consent. Sexual Act is defined as conduct between persons consisting of:
 - i. Contact between the penis and the vulva.
 - ii. Contact between the penis and the anus.
 - iii. Contact between the mouth and the penis.
 - iv. Contact between the mouth and the vulva.
 - b. **Non-Consensual Penetration** - Actual or attempted 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 affirmative consent of the victim. This includes penetration forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving affirmative consent because of their temporary or permanent mental or physical incapacity.
 - c. **Criminal Sexual Contact** - The intentional touching of the clothed or unclothed body parts without the affirmative consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. The forced touching by the Complainant of the Respondent's clothed or unclothed body parts, without the affirmative consent of the Complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation. This offense includes instances where the Complainant is incapable of giving consent because of age or incapacity due to temporary or permanent mental or physical impairment or intoxication.
 - d. **Other Lawfully Prohibited Sexual Intercourse** - This category includes conduct constituting sexual assault that does not meet the definition of Non-Consensual Penetration or Fondling:
 - i. Non Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law, regardless of affirmative consent.
 - ii. Non Forcible sexual intercourse with a person who is under the statutory age of consent, regardless of affirmative consent.
4. **Dating violence.** Violence committed by a person—(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship
5. **Domestic violence.** A felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the

victim under the domestic or family violence laws of the state of California or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of California.

6. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

Also included in the [Policy Resource Guide](#) are the protocols and procedures for reporting and responding to alleged violations of these policies.

Definition of "Consent"

1. **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 they have the affirmative consent of the other or others to engage in the sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. Lack of protest or resistance does not mean consent.
 - a. Silence does not mean consent.
 - b. 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.

It shall not be a valid excuse that the Respondent believed that the Complainant affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the Complainant was unable to consent to the sexual activity under any of the following circumstances:

- a. The Complainant was asleep or unconscious.
- b. The Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the Complainant could not understand the fact, nature, or extent of the sexual activity.
- c. The Complainant was unable to communicate due to a mental or physical condition.

In addition, it shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the Complainant consented to the sexual activity under either of the following circumstances:

- a. The Respondent's belief in affirmative consent arose from the intoxication or recklessness of the Respondent.
- b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented.

DATING/DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING PREVENTION

Programs For Students

All undergraduate and graduate students are required to complete online education and information modules that address personal and campus safety, as well as dating/domestic violence, sexual assault & stalking prevention education. These modules comply with Federal Campus Sexual Violence Elimination (SaVE) Act requirements and include information and practical skills for preventing and stopping sexual violence.

Undergraduate Student Modules

- Sexual Assault Prevention for Undergraduates (75 min)
 - Title IX and Clery Act training that engages undergraduate students in fostering healthy relationships and preparing them to recognize and respond to sexual assault and harassment when it occurs
- Consent and Bystander Intervention - CA compliant (25 min)
 - focuses on consent, “yes means yes,” and bystander intervention tactics that include watching out and speaking up for friends, confronting others, and supporting those who disclose sexual harassment or violence.
- Respect.edu; Taking Action (55 min)
 - learners will strengthen their ability to intervene when friends engage in unsafe or unhealthy behavior, and the importance of bystander intervention. Learners will explore the relationships between identity and taking action, and identity and victimhood. This course satisfies compliance mandates for continuing education as defined in The Clery Act.
- Sexual Violence Awareness - Campus SaVE Act (45 min)
 - sexual assault remains a significant problem on college campuses nationwide. This course is designed to promote awareness of sexual assault, domestic violence, dating violence and stalking, as well as how to identify and respond to incidents of sexual violence on campus. Topics covered include sexual violence and related laws and mandates; what actions to take if you’re a bystander to sexual harassment; what to do if you or someone you know experiences sexual violence; and disciplinary proceedings, victim resources and supportive measures.

Graduate Students Modules

- Consent and Bystander Intervention - CA compliant (25 min)
 - focuses on consent, “yes means yes,” and bystander intervention tactics that include watching out and speaking up for friends, confronting others, and supporting those who disclose sexual harassment or violence.
- Sexual Assault Prevention for Graduate Students (70 min)
 - Title IX and Clery Act training to support graduate students' interactions with advisors, faculty members, peers, and undergraduate students (including responding to disclosures).

- Sexual Violence Awareness - Campus SaVE Act (45 min)
 - sexual assault remains a significant problem on college campuses nationwide. This course is designed to promote awareness of sexual assault, domestic violence, dating violence and stalking, as well as how to identify and respond to incidents of sexual violence on campus. Topics covered include sexual violence and related laws and mandates; what actions to take if you're a bystander to sexual harassment; what to do if you or someone you know experiences sexual violence; and disciplinary proceedings, victim resources and supportive measures.

As part of these modules, students are made aware of University policies prohibiting the crimes of dating violence, domestic violence, sexual assault, and stalking through links to campus policy and procedure resource, and the module requires that students acknowledge receipt and review of these policies.

In addition to the online training, ongoing awareness and prevention campaigns and programs for students include:

- *Orientation Presentation* (August) - a live interactive presentation centered around issues of sexual misconduct that addresses "the hookup culture" in college.
- Center for Domestic Peace (C4DP) and student groups coordinate programming in support of *Domestic Violence Awareness Month* (October) and *Sexual Assault Awareness Month* (April)
- Resident Advisor educational and social justice programs throughout the year

Other education and training programs include:

- Training for Housing and Residence Life Staff (RAs)
 - RAs participate in additional training programs and education workshops hosted by campus personnel and community agencies (e.g.; T-IX Coordinators, University Counseling Services, Center for Domestic Peace)
 - RAs in the residence halls undergo a specialized two-week training to respond to housing emergencies including rape, suicide prevention, earthquake, and fire.
 - RAs are familiar with the University's safety procedures for investigating and reporting any suspicious or criminal activities in the residence halls

Programs For Faculty/Staff

All employees are required to participate in training on Sexual Misconduct which includes prevention of dating violence, domestic violence, sexual assault and stalking. Delivered online, the training provides the following:

- A statement that Dominican prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking and also local jurisdiction definitions of dating violence, domestic violence, sexual assault, stalking, and consent (in reference to sexual activity).
- Engages employees and raises their awareness about sexual assault, domestic violence, dating violence and report misconduct to the appropriate person including covering awareness and prevention subjects required by Section 304(a)(5) of the Violence Against Women Reauthorization Act of 2013 (known as the "Campus SaVE Act"), as well as Title IX of the Education Amendments Act of 1972.

- Provides employees practical tips on helping maintain a safe environment for work, including safe and positive options for bystander intervention.
- Provides users with a learning experience driven by narratives and immersive interactions that engages users with realistic situations and tasks, and cover all aspects of an employee's role in promoting a harassment and discrimination free workplace.
- Trains employees how to identify and report sexual and interpersonal misconduct against students, including how to respond to a report of an assault or abusive situation, what to say to the victim, resources for victims, and who to notify.

Employees who are designated to respond to and investigate reports of this nature receive additional training on Campus SaVE and investigations. In addition to the online training, ongoing awareness, and prevention campaigns, programs for Faculty and Staff participation include:

- *Direct email and electronic newsletter communication* (throughout year) - about policies, prevention and how to respond
- *Orientation for new Employees* - includes awareness and prevention elements

Local Jurisdiction: The local jurisdiction definitions of dating violence, domestic violence, sexual assault, stalking, and consent in reference to sexual activity, is included in the statement of policy and are taught during educational programming. See “Definitions” section of this ASR document for specifics.

SAFETY PRECAUTIONS AND RISK REDUCTION

Primary prevention and awareness programs educate employees and students on risk reduction - all designed to decrease perpetration and bystander inaction, increase empowerment for victims in order to promote safety, and help individuals and communities address conditions that facilitate violence. Awareness is a critical factor in the personal safety equation; intoxication, fatigue, or preoccupation can compromise attention to surroundings and may lead to greater potential for being victimized.

Students are advised to take precautions when entering/leaving their residence halls. Students should travel in pairs after dark, and inform peers where they are going and when they plan to return. When walking on campus after dark, walk with a friend or call campus security for an escort. Walk in well-lit areas, near curbs, and remain sensitive to anyone walking behind you. If a person finds themselves in the position of being the initiator of sexual behavior, they owe respect to themselves and your potential partner. These suggestions may help to reduce the risk for being accused of sexual misconduct:

- Clearly communicate intentions to a sexual partner and give them a chance to clearly relate their intentions and boundaries; respect their intentions and personal boundaries.
- Do not make assumptions about consent, about someone's sexual availability or degree of attraction, about what they are willing to do, or about whether they are physically and/or mentally able to consent.
- If there are any questions or ambiguity, assume there is no consent. Mixed messages from a partner are a clear indication to stop sexual activity and to communicate better.
- Don't take advantage of someone's drunkenness or drugged state.

- Realize that a potential partner could be intimidated or fearful. One does not have power or control a situation simply because of their gender or size.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity are not indicators of consent. Read a potential partner carefully, paying attention to verbal and nonverbal communication and body language.

Many of these risk reduction strategies are included in the student and employee sexual assault prevention trainings, along with scenarios and exercises.

Active Bystander Intervention

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

Dominican offers education through an online learning module that promotes consent and active bystander intervention. This module focuses specifically on establishing consent (“yes means yes”) and provides bystander intervention tactics that include watching out and speaking up for friends, confronting others, and supporting those who disclose sexual harassment or violence.

Below is a list of some ways to be an active bystander (included in the training modules). 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.

Knowing How to C.A.R.E.

- **Create a Distraction:** Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.
- **Ask Directly:** Talk directly to the person who might be in trouble.
- **Refer to an Authority:** Sometimes the safest way to intervene is to refer to someone with the authority to change the situation; a supervisor, Title IX Coordinator, campus security.
- **Enlist Others:** Ask someone to come with you to approach the person at risk, or ask them to intervene with or for you.

Other bystander tips:

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. Confront people who seclude, hit on, or try to take advantage of those who are in vulnerable situations and/or 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 stalking.
5. Refer people to resources for support in health, counseling, or with legal assistance.

PROCEDURES TO FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING HAS OCCURRED

The following are procedures victims should follow if a sexual assault, domestic violence, dating violence, or stalking has occurred. This information is provided in writing to students and employees annually. Procedures and options for reporting are also found in the [Policy Resource Guide](#) which is sent to both reporting and responding parties. If a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, anyone reporting this to DUoC shall receive the [Survivor's Resources packet](#), which provides the following information:

- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- How and to whom the alleged offense should be reported;
- Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to –
 - Notify proper law enforcement authorities, including on-campus and local police;
 - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - Decline to notify such authorities.
- Where applicable, the rights of victims and the institution's responsibilities for orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;
- How the institution will protect the confidentiality of victims and other necessary parties, including how the institution will –
 - Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, and
 - 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;
- To students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
- To victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement; and
- The procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. This may include providing the procedures in the Title IX Policy, the Non-Title IX Sexual Harassment Policy, or the Discrimination, Harassment and Retaliation Prevention Policy.

In addition, when a student or employee reports that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

The following provides more detailed information about information, support services, resources, and reporting procedures available to students.

Get Safe & Get Help

If you are a victim of a sexual assault, dating/domestic violence (including sexual misconduct), get to a safe place immediately. Leave the scene of the crime as it is. Do **not** drink, eat, shower, douche, wash your hands, comb your hair, brush your teeth, or change your clothes. Such activities may destroy physical evidence that could be used in the possible prosecution of the person who assaulted you and may be helpful in obtaining a protection order. Contact someone who can help and support you, for example a resident advisor or a trusted friend.

Get medical attention immediately. The importance of seeking immediate medical attention cannot be overstated. You do not need to file a police report to obtain a sexual assault exam and the exam is free. Support Services, specifically Community Violence Solutions and Center for Domestic Peace (see below), can assist individuals with securing a forensic medical examination at a nearby hospital or clinic.

Reporting Prohibited Sexual Harassment to Law Enforcement

Dominican recognizes that reporting sexual harassment, dating violence, domestic violence, or stalking may prevent future assaults. Although the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with law enforcement agencies.

An individual wanting to make a report to law enforcement can be assisted by campus authorities in voluntarily notifying law enforcement authorities

Making a report to law enforcement typically involves meeting with an officer or investigator. The location of that meeting will be determined by the person making the complaint and law enforcement; it may take place at the department/office or an officer may come to campus to meet with the individual making the report. If on campus, the University can assist with securing a private meeting room. Additionally, community partners (ex: Community Violence Solutions and Center for Domestic Peace) can provide an advocate for the person making the police report who will provide guidance and assistance through that process.

Reporting Prohibited Sexual Harassment to the University

Any victim of sexual assault, dating violence, domestic violence, or stalking has multiple options for reporting these incidents to the University. Our Title IX Coordinator, for purposes of Title IX compliance as well as for the purposes of reporting Sexual Assault, Dating Violence, Domestic Violence, and/or Stalking is;

Dr. Erica D'Agostino (Interim TIX Coordinator)
erica.dagostino@dominican.edu or TitleIX@dominican.edu
(423) 667-1838

Filing a Formal Complaint

A [Formal Complaint](#) may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed above. A “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by DUoC) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the [Formal Complaint](#). Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, and should describe the circumstances of the incident(s), where known.

Response to a Report of Sexual Assault, Dating/Domestic Violence, or Stalking

With or without a Formal Complaint, upon a report of sexual harassment, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of Supportive Measures, consider the Complainant’s wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

Information Packet

Upon a receipt of a report of sexual assault, dating violence, domestic violence or stalking, DUoC shall provide the [Survivor’s Resources packet](#) that contains procedures to follow, including information in writing about;

- a. The importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order and the identification and location of witnesses;
- b. How and to whom the alleged offense should be reported;
- c. Options regarding law enforcement and campus authorities, including notification of the option to:
 - i. notify proper law enforcement authorities, including on-campus and local police;
 - ii. be assisted by campus authorities in voluntarily notifying law enforcement; and
 - iii. decline to notify such authorities;
- d. Where applicable, their rights and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court;
- e. Information about appropriate and available services both at the institution and in the community including information about the availability of, and contact information for, on- and off-campus resources and services, and coordination with law enforcement, as appropriate; and
- f. Options for, available reasonably available assistance and accommodations and how to request them; and
- g. Information about the participation of victim advocates and other supporting people.

DUoC’s information packet for victims of sexual assault, dating violence, domestic violence and stalking is located here or available from the Title IX Coordinator.

Implementation of Supportive Measures

DUoC shall treat parties equitably by offering Supportive Measures to the Complainant and the Respondent, and by following a grievance process that complies with this policy before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against the Respondent.

DUoC will maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of DUoC to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator should record and retain records regarding requests and provision of Supportive Measure in accordance with the requirements set out in the Title-IX policy of the [Policy Resource Guide](#).

Emergency Removal

Nothing in this policy precludes DUoC from removing a Respondent from DUoC's education program or activity on an emergency basis, provided that DUoC undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave

DUoC reserves the right to place a non-student employee Respondent on administrative leave during the pendency of a grievance process.

Amnesty for Student Code of Conduct Violations

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of DUoC's Student Code of Conduct at or near the time of the incident, unless DUoC determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Confidential Reporting of Prohibited Sexual Harassment

Although Dominican encourages victims to consider reporting incidents of sexual harassment, dating violence to local law enforcement and the institution, it is the victim's choice whether or not to disclose their identity when making a report. Accordingly, Dominican offers these confidential reporting resources:

COMMUNITY VIOLENCE SOLUTIONS (CVS)
www.cvsolutions.org
24-hour Confidential Crisis Line:
800-670-7273
30 N. San Pedro #170, San Rafael, CA 94903

CENTER FOR DOMESTIC PEACE (C4DP)
www.centerfordomesticpeace.org
English: 415-924-6616 | Spanish:
415-924-3456
734 A Street, San Rafael, CA 94901

Both Agencies will provide information on the following:

- Instructions on how to proceed in the first 72 hours following a sexual assault
- Referrals to the Sexual Assault Response Team or a hospital of your choosing
- Medical, Legal, and Reporting Options

Other Support Services

Dominican provides written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both at the institution and in the community.

COMMUNITY VIOLENCE SOLUTIONS (CVS) - www.cvsolutions.org

24-hour Confidential Crisis Line: 800-670-7273

30 N. San Pedro #170, San Rafael, CA 94903 | 415-259-2850

CVS is dedicated to working with the community to end sexual assault and family violence through prevention, crisis services, and treatment. CVS is able to assist with the following:

CENTER FOR DOMESTIC PEACE (C4DP) - www.centerfordomesticpeace.org

English: 415-924-6616 | Spanish: 415-924-3456

734 A Street, San Rafael, CA 94901

Center for Domestic Peace (C4DP) mobilizes individuals and communities to transform our world so domestic violence no longer exists, creating greater safety, justice and equality. The Center works with individuals who are survivors of dating violence and domestic violence.

UNIVERSITY COUNSELING SERVICES (UCS) - [UCS info on Student Portal](#)

415-485-3258

Counselors are available to aid students to work through feelings, and explore the impact and meaning of their experience of assault or violence. All counseling is confidential and only in the event of a threat to oneself or someone else is a counselor legally and ethically bound to step beyond the confidentiality maintained by university counseling services and student health services to safeguard the well-being of all involved.

FINANCIAL AID OFFICE - [Financial Aid website](#)

Bertrand Hall, 1st Floor – finaid@dominican.edu | 415-257-1350

Financial Aid provides information and guidance for aid opportunities to enable applicants and current students, along with their families, to make the best choices for both their educational needs and financial well-being.

IMMIGRATION SUPPORT - [website](#)

This site has been shared with the Dominican community to provide immigration education, support, and resources, such as Canal Alliance, Immigration Legal Services, Ready California, and the Immigrant Legal Resource Center.

Protective Orders

Orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal or civil court may also be available to the victim, and Dominican will comply with its responsibilities as named in those orders. Forms and instructions for obtaining restraining orders from Marin Superior Court can be found at http://www.marincourt.org/family_restrain.htm.

CONFIDENTIALITY & PRIVACY

When sexual assault, domestic or dating violence, stalking incidents are reported, the University will make every effort to preserve the victim's privacy and protect the privacy of their information. Confidential information on publicly-available recordkeeping, including Clery Act reporting and disclosures, will be accomplished without including identifying information about the victim. The Title IX Coordinator, or designee, 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 accommodations or protective measures.

DISCIPLINARY PROCEEDINGS FOR STUDENTS AND EMPLOYEES (TITLE IX)

The University is obligated and committed to respond to all issues of alleged dating violence, domestic violence, sexual assault, or stalking. Investigations are conducted according to University policies and procedures, and are handled promptly, fairly, and impartially from the initial investigation to the final result by investigators who receive annual training in issues related to sexual misconduct, domestic or dating violence, sexual assault, and stalking.

All individuals involved in each stage of the process (including investigators, decision-makers, appeal reviewers) are trained in how to conduct the investigation and hearing process to preserve the integrity of the process, protect the privacy and safety of those involved, and promote accountability.

The following provides an explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. These procedures are applicable to both students and employees.

NOTE: certain reported violations may require the University to respond using the formal resolution process. Additionally, when pursuing informal resolution, at any time prior to agreeing to a final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process according to the formal resolution process.

Please refer to the [Policy Guide](#) for complete and detailed information about disciplinary proceedings and investigations.

Procedures for Resolving Complaints of Prohibited Sexual Harassment

- 1. Informal Resolution.** at any time prior to reaching a determination regarding responsibility DUoC may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that DUoC:
 - a.** Provides to the parties a written notice disclosing:
 - i.** The allegations;
 - ii.** The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal

Complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint, and

- iii. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- b. Obtains the parties' voluntary, written consent to the informal resolution process; and
- c. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- d. Completes the informal resolution process within 60 days of receiving the Formal Complaint, unless unusual or complex circumstances exist.

DUoC does not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of Formal Complaints of Title IX Sexual Harassment under this policy. DUoC shall not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a Formal Complaint is filed.

2. Formal Complaint and the Grievance Process

- a. **Filing a Formal Complaint.** A [Formal Complaint](#) may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed for the Title IX Coordinator above. A "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by DUoC) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the [Formal Complaint](#). Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party. A Formal Complaint shall trigger an investigation except as specified below. The Formal Complaint should include the date(s) of the alleged incident(s), the name of the Respondent, and should describe the circumstances of the incident(s), where known.
- b. **Dismissal of a Formal Complaint.** DUoC shall investigate the allegations in a Formal Complaint, except as follows:
 - i. **Mandatory Dismissal.** DUoC shall dismiss the Formal Complaint if the conduct alleged in the Formal Complaint
 - a) would not constitute Title IX Sexual Harassment as defined by this policy, even if proved,
 - b) did not occur in DUoC's education program or activity, or did not occur against a person in the United States. This dismissal does not preclude action under another policy or procedure of DUoC.
 - ii. **Discretionary Dismissal.** DUoC may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

- a) A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- b) The Respondent is no longer enrolled in or employed by DUoC; or
- c) Specific circumstances prevent DUoC from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
- d) Occurred prior to August 14, 2020, in which case, DUoC's DHSMR shall be used.
- e) DUoC may dismiss at Formal Complaint at any time in the process if it becomes known that one of the foregoing reasons for dismissal applies.

Upon a dismissal required or permitted under this section, DUoC will promptly send written notice of the dismissal and reason(s) therefore simultaneously to the parties. DUoC may also refer the matter to the appropriate department for resolution under the Student Code of Conduct and/or the University Discrimination, Harassment and Retaliation Policy.

- c. **Consolidation of Formal Complaints.** DUoC may consolidate Formal Complaints as to allegations of Title IX Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references in this section to the singular "party," "Complainant," or "Respondent" include the plural, as applicable. Where multiple policies may be implicated by the same set of facts or circumstances, DUoC may bifurcate the proceedings in accordance with the requirements of the individual policies.

3. Notice of Charges

- a. **Initial Notice of Charges.** Upon receipt of a Formal Complaint, prior to commencing the investigation, DUoC shall provide the following written notice to the parties who are known. This notice shall include:
 - i. This policy (as a link or attachment).
 - ii. Notice of the allegations potentially constituting Title IX Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment under this policy, and the date and location of the alleged incident, if known.
 - iii. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process.
 - iv. Notification to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
 - v. Notification to the parties that they may inspect and review evidence, as set forth in this policy.

- vi. Any provision in DUoC's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
 - vii. DUoC will use the preponderance of the evidence standard – this means whether it is more likely than not that the responding party violated policy – determine if a violation of this policy occurred.
- b. **Amended Notice of Charges.** If, in the course of an investigation, DUoC decides to investigate allegations about the Complainant or Respondent that are not included in the initial notice of charge, DUoC must provide notice of the additional allegations to the parties whose identities are known.

4. Principles for the Grievance Process

Under this grievance process, DUoC shall:

- a. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on DUoC and not on the parties, provided that DUoC cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless DUoC obtains that party's voluntary, written consent to do so for a grievance process under this section (if a party is not an "eligible student," as defined in 34 CFR 99.3, then DUoC must obtain the voluntary, written consent of a "parent." in 34 CFR 99.3).
- b. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- c. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- d. Provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the Complainant or Respondent in any meeting or grievance proceeding; however, DUoC may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties. For the purposes of this policy, the role of the advisor is limited to the following: the advisor may attend any interview or meeting connected with the grievance process, but may not actively participate in interviews nor provide testimony or argument on behalf of the party. The advisor may attend the live hearing and may conduct cross-examination of the other party and any witness at the hearing; otherwise, the advisor may not actively participate in the hearing.
- e. Allow each party to be accompanied by a support person if they do not wish to have an advisor. Each party may be accompanied by only one other person.

- f. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- g. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence— and provide that credibility determinations may not be based on a person's status as a Complainant, Respondent, or witness.
- h. Require that any individual designated as a Title IX Coordinator, investigator, decisionmaker, or any person to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. DUoC may use internal personnel or external parties in the informal resolution process or the grievance process, provided that they meet this requirement.
- i. Include a presumption that the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- j. Use the following standard of evidence to determine responsibility for allegations in a Formal Complaint of sexual harassment: the preponderance of the evidence standard. The standard of evidence shall be the same for Formal Complaints against students as for Formal Complaints against faculty and staff.
- k. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person(s) holding such privilege has waived the privilege.

5. Extensions of the Title IX Sexual Harassment Grievance Process

The Title IX Coordinator may grant or deny requests from either party to temporarily delay the grievance process or may issue the limited extension of time frames for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

6. Investigation of Formal Complaints of Title IX Sexual Harassment

If not serving as the Investigator, the Title IX Coordinator will appoint an Investigator, who may be an employee or official of DUoC or may be an external investigator with appropriate experience or expertise. The parties will be provided with notice of the identity of the appointed Investigator, and will be informed that any objections to the service of the appointed Investigator on grounds of conflict of interest or a lack of impartiality should be submitted in writing to the Title IX Coordinator within three days of notice of the appointment. The Title IX Coordinator will decide promptly whether the appointed Investigator will or will not continue to conduct the investigation. Any materials collected or notes prepared by the Investigator during the objection period will be turned over to any replacement Investigator. The replacement Investigator will decide whether to use such materials or not.

When investigating a Formal Complaint DUoC shall, within 60 days of receiving the Formal Complaint, unless unusual or complex circumstances exist:

- a. Engage in fact-gathering of all relevant facts. Credibility resolutions and fact-finding shall be conducted in the live hearing phase of the grievance process – not by the Investigator.
- b. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which DUoC does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- c. Prior to completion of the investigative report, send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- d. Make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and
- e. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, the Title IX Coordinator shall send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Upon finalization of the investigative report, the Title IX Coordinator shall provide it to the decision-maker(s).
- f. Conduct an impartial and trauma-informed investigation.

7. Live Hearings Under the Grievance Process

a. Requirement of a Live Hearing for Fact-Finding and Determining Responsibility.

- i. Following the investigation, within 30 days of sending the final investigative report to the parties, unless unusual or complex circumstances exist, DUoC shall conduct a live hearing in front of the decision-maker(s), which may be an individual or a Hearing Panel, for the purposes of determining responsibility for allegations of sexual harassment in the Formal Complaint. The decision-maker(s) cannot be the same person(s) as the Title IX Coordinator or the investigator(s). A decision-maker may include internal employees or external third parties contracted by DUoC. If using a Hearing Panel, the Title IX Coordinator will choose three Review Panel members from its pool to attend the hearing and make determinations. All potential Hearing Panel members will receive annual training as specified by this policy. The parties each may challenge the participation of any member of the Hearing Panel for conflict of

interest or other good cause. The Title IX Coordinator will make the final decision whether to select an alternate upon a challenge from a party. If using a Hearing Panel, the Title IX Coordinator will appoint a member of the Hearing Panel to be the Hearing Panel Chair.

- ii. The live hearing will be closed. The only individuals permitted to participate in the hearing are as follows: the Complainant and Respondent, the decision-maker(s), the advisor for each party, any witnesses (only while being questioned), and any individual providing authorized accommodations or assistive services.
- iii. If a party does not have an advisor present at the live hearing, DUoC shall provide without fee or charge to that party, an advisor of DUoC's choice, who may be, but is not required to be, an attorney, to conduct cross examination on behalf of that party. DUoC is obligated to ensure each party has an advisor, either of the party's or DUoC's choice regardless of whether or not the party is present at the hearing. To ensure timely proceedings, a party shall alert the Title IX Coordinator as soon as practicable if the party will need an advisor. If a party's selected advisor is unavailable for a hearing date, the live hearing date may be postponed for good cause.
- iv. Live hearings may be conducted with all parties physically present in the same geographic location or, at DUoC's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- v. At the request of either party, DUoC shall provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- vi. DUoC shall create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review. Any other recording is prohibited, and violations may result in discipline.
- vii. The parties shall separately participate in a pre-hearing meeting with the Title IX Coordinator, or their designee, to go over the process and administration of the live hearing. Prior to or during this meeting, the Title IX Coordinator, or their designee, will set the deadlines for submitting and exchanging names of witnesses, evidence, and pre-hearing questions. (The parties will also be permitted to submit questions during the live hearing.) Participation in this pre-hearing meeting is required in order to facilitate the efficient and fair administration of the live hearing process.

b. Questioning at the Live Hearing

- i. At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- ii. Only relevant cross examination and other questions may be asked of a party or witness.
- iii. Decision-maker(s) also have the right to question a party or witness.
- iv. Cross examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally,

notwithstanding DUoC's ability to otherwise restrict the extent to which advisors may participate in the proceedings.

- v. Before the Complainant, Respondent, or witness, answers a cross-examination or other question, the Chair must first determine whether the question is relevant. The Chair must explain to the party proposing the questions any decision to exclude a question as not relevant.
- vi. Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

c. Use of Witness Statements

- i. If a party or witness does not submit to cross examination at the live hearing, the decision-maker(s) may consider prior statements of that party or witness in reaching a determination regarding responsibility except where the witness's credibility is at issue and significant sanctions are possible, such that the witness's statements must be tested by direct or indirect cross examination at the live hearing.
- ii. The decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer questions.

d. Written Determination of the Decision-Maker

- i. The decision-maker(s) shall issue a written determination regarding responsibility. If the decision-maker is a Hearing Panel, a majority of the Hearing Panel members must find that a policy violation occurred for a finding of responsibility and a majority of the Panel members must assent to the sanction(s) imposed, if any. To reach this determination, the decision-maker must apply the standard of evidence required by this policy. The written determination must include:
 - a) Identification of the allegations potentially constituting sexual harassment as defined by this policy;
 - b) A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
 - c) Findings of fact supporting the determination;
 - d) Conclusions regarding the application of DUoC's policy to the facts;
 - e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and whether remedies designed to restore or

- preserve equal access to DUoC's education program or activity will be provided to the complainant; and
- f) The procedures and permissible bases for the Complainant and Respondent to appeal, as set forth in this policy.
- ii. DUoC shall provide the written determination to the parties simultaneously.
- iii. The determination regarding responsibility becomes final either on the date that DUoC provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Appeal Procedure

Within 10 days of receiving the written determination, either party may appeal from a determination regarding responsibility, and from DUoC's dismissal of a Formal Complaint or any allegations therein, on the following grounds:

- Ground 1: Procedural irregularity that affected the outcome of the matter;
- Ground 2: New evidence that was not reasonably available, as demonstrated by making a good cause showing of the lack of availability of such evidence, at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- Ground 3: The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

As to all appeals, the Title IX Coordinator (or designee) shall:

1. Notify the other party in writing immediately when an appeal is filed and, if the basis is new evidence, provide an explanation of the circumstances leading to the decision to allow the new evidence to be considered on appeal, and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards set forth in this policy;
4. Give the non-appealing party an opportunity to submit a written statement in response to the appeal within 10 days of receiving the appeal, which shall be transmitted within 2 business days to the Appeal decision-maker(s).

Within 20 days of receiving the appeal and the response, the decision-maker(s) shall issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties. The Appeal decision-maker(s) may deny the appeal or, if the appeal ground(s) has or have been met, may return the case to the initial decision-maker(s) for reconsideration, or convene a new hearing. If a case is returned to the initial decision-maker(s), the Appeal decision-maker(s) shall identify which aspects merit further review.

The decision of the Appeal Delegate will be considered final and binding for all parties involved.

Sanctions

The following may be considered by the Title IX Coordinator or responsible administrator in determining sanction(s) or remedy(ies) when it is determined that the respondent has violated the policy: the nature of and the circumstances surrounding the violation, the respondent's prior disciplinary record, precedent cases, University safety concerns, the rights of both the complainant and the respondent, and any other information deemed by the Title IX Coordinator or responsible administrator to be relevant.

The sanction(s) will be structured to end the conduct, prevent its recurrence, and remedy its effects on the complainant and the University community. Not all violations will be deemed equally serious offenses, and the University reserves the right to impose different sanctions/remedies, ranging from warning to expulsion/termination, depending on the severity of the offense. The sanctions/remedies will be implemented immediately and will be in effect pending the outcome of any appeal. Where appropriate, the sanctions/remedies will be reported to the complainant and the respondent in writing.

Remedies must be designed to restore or preserve equal access to DUoC's education program or activity.

Student Sanctions

The following are the usual sanctions that may be imposed upon students or student organizations singly or in combination:

- Official Warning – A formal statement that the behavior was unacceptable and a warning that further infractions of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- Educational Sanctions – Work assignments, essays, service to the University, reflections, mandated workshops, and other related assignments.
- No Contact Directive – A notification indicating no contact between two or more parties at the institution.
- Fines – Previously established and published fines may be imposed.
- Restitution – Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.
- Loss of Privileges – Denial of specific privileges for a designated period of time.
- Organizational Sanctions – Deactivation, loss of recognition, loss of some or all privileges (including University registration), for a specified period of time.
- Disciplinary Probation – A written reprimand for violation of University policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, no-contact orders and/or other measures deemed appropriate.
- Residence Hall Exclusion – Permanent separation of the student from the University Residence Halls.
- Suspension – Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at University.

- Expulsion - Permanent termination of student status, revocation of rights to be on campus for any reason or attend University-sponsored events.
- Withholding Diploma – The University may withhold a student's diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation.
- Revocation of Degree – The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

A student found responsible for a violation of this policy will be subject to sanction(s) regardless of whether legal proceedings involving the same incident are underway or anticipated.

Employee Sanctions

Responsive actions for an employee who has engaged in harassment, discrimination, and/or retaliation may include, but are not limited to, the following:

- Warning – Verbal or Written
- Performance Improvement/Management Process
- Required Counseling
- Required Training or Education
- Probation
- Loss of Oversight or Supervisory Responsibility
- Demotion
- Suspension with pay
- Suspension without pay
- Termination

An employee found responsible for a violation of this policy will be subject to sanction(s) up to and including termination of employment. Sanctions/remedies for faculty, including dismissal/termination of employment, will be carried out in accordance with the Faculty Handbook.

The Title IX Coordinator is responsible for effective implementation of any remedies.

SEX OFFENDER REGISTRATION INFORMATION

The Campus Sex Crimes Prevention Act requires institutions of higher learning to advise the campus community as to where information about registered sex offenders may be obtained. For current information visit [City Data](#) or the [Megan's Law Website](#).

DISCLOSURE OF RESULTS

The institution will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or sexual misconduct to the alleged victim, or next of kin, if the victim is deceased.

STUDENT CODE OF CONDUCT ADJUDICATION PROCESS

NOTE: this process is specific to the Student Code of Conduct and student policies - it is not the process used for responding to allegations of Sexual Assault, Dating Violence, Domestic Violence, and/or Stalking. Those allegations are adjudicated according to processes in the [Policy Resource Guide](#).

Any member of the University community may report a student for violation of the Student Code of Conduct. The University utilizes an online reporting system (Maxient) whereby alleged violations and information can be reported. These reports are received by the Office of the Dean of Students for review and follow-up action.

Students participating in the conduct process are provided these rights:

- to be notified of student rights and responsibilities in the conduct process.
- to privacy as outlined in the Family Educational Rights and Privacy Act (FERPA)
- to be notified in advance of the conduct meeting of the alleged violation(s)
- to discuss the incident and her/his alleged involvement
- to respond to the information presented in the incident report and/or the Title IX report
- to present pertinent information and witnesses on their behalf
- to identify witnesses on their own behalf and submit anticipated statements to the conduct officer in advance of the conduct meeting
- to be notified in writing of the outcome of the conduct meeting
- to be informed of the appeal process and given the opportunity to file a request for appeal within five (5) business days of the date of the conduct meeting outcome letter.

The complainant and respondent have the right to be assisted by an advisor of their choosing, and at their own expense. The complainant and respondent are responsible for presenting their own information; therefore, advisors are not permitted to speak or to participate directly in any part of the Student Conduct Hearing.

All decisions of responsibility for violating Dominican policy or the Student Code of Conduct will be based on a preponderance of evidence standard; meaning that it is more likely than not that a violation of policy occurred. The adjudication process has two potential outcomes:

- 1. No Responsibility**

In findings of “no responsibility” for violating the code of conduct, the respondent(s) will be notified and the case will be dismissed.

- 2. Responsible**

In cases where students are found “responsible” for violating the Student Code of Conduct, the respondent will be issued sanctions for completion. All sanctions will be issued in writing to the respondent with an applicable deadline.

All sanctions can be found in the Student Handbook and the Student Code of Conduct and are listed, as they appear, below:

- **Official Warning:** A formal warning that further infractions of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
NOTE: in cases regarding sexual misconduct, “Warnings” are not applicable.
- **Educational Sanctions:** Work assignments, essays, service to the University, reflections, workshops, and other related assignments.
- **No Contact Directive:** indicating no contact between specific parties at the institution.
- **Fines:** Previously established and published fines may be imposed.
- **Restitution:** Compensation for loss, damage or injury.
- **Loss of Privileges:** Denial of specific privileges for a designated period of time.
- **Organizational Sanctions:** Deactivation, loss of recognition, loss of privileges (including loss of RSO status), for a specified period of time.
- **Disciplinary Probation:** A written reprimand for violation of policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any University policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include loss of specified privileges, exclusion from specified activities, no-contact orders, and/or other appropriate measures.
- **Residence Hall Exclusion:** Permanent separation of the student from the University Residence Halls.
- **Suspension:** Termination of student status for a definite period of time not to exceed two years, and/or until specific criteria are met. Students who return from suspension are placed on probation through the remainder of their tenure as a student at University.
- **Expulsion:** Permanent termination of student status, revocation of rights to be on campus for any reason or attend University-sponsored events.
- **Withholding Diploma:** The University may withhold a student’s diploma for a specified period of time and/or deny a student participation in commencement activities if the student has an allegation pending, or as a sanction if the student is found responsible for an alleged violation
- **Revocation of Degree:** The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation
- **Other Actions:** In addition to, or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Other than University expulsion disciplinary sanctions shall not be made part of the student’s permanent academic record, but shall be part of the student’s disciplinary record. Upon graduation, the student disciplinary record may be expunged of disciplinary actions.

MISSING PERSONS REPORTING AND NOTIFICATION

Dominican has an established Missing Persons Reporting Policy and procedure for students. All students are requested to provide contact information for a person to be notified in the event the student is reported as missing. This information is collected by the Registrar and the information is stored in their electronic student record.

Additionally, resident students are **required** to provide a specific contact in the event they are reported missing from campus. This information is documented on the residence hall [Emergency Contact Information form](#). Missing person contact information is kept confidential, accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of missing person investigation.

If there is reason to believe that a student may be missing, or has been reported missing for more than 24 hours, Dominican will take the following action:

- Notify the missing person contact identified on the Emergency Contact Form
- If the student is under 18 years old and not emancipated, notify a parent or guardian;
- Notify local law enforcement.

Any member of the campus community needing to report a missing student should contact any of the following:

- Campus Security at 415-269-6070
- Police at 911 or 415-485-3000 (San Rafael non-emergency)
- Vice President for Student Affairs at 415-485-3223

CRIMES IN CITY of SAN RAFAEL

To see the number of crimes committed in the City of San Rafael, contact the City of San Rafael Police Department at 415-485-3000 or visit its online services portal at: www.srpd.org/activity-log.

GEOGRAPHICAL REPORTING AREA

Dominican University of California includes crimes that occur on its campus (including residence halls), in non-campus areas (including non-campus housing), and in public property adjacent to the campus in this Campus Security Report. The definitions for these locations is as follows:

- **On-Campus:** On-campus crimes are crimes that occur: (1) in any building or property (domestic or foreign) owned or controlled by Dominican within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes - including residence halls; or (2) in any building or property that is within or reasonably contiguous to section (1) of this definition, that is owned by Dominican but controlled by another person, is frequently used by students, and supports institutional purposes.

- **Non-Campus Buildings:** Non-campus crimes are crimes that occur: (1) in any building or property owned or controlled by a student organization that is officially recognized by Dominican; or (2) in any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Dominican has the following non-campus buildings or property that is owned or controlled by the University for which crime data is collected and included in this report;

- Dominican Townhomes - 1200 Irwin St, San Rafael, CA 94901

Public Property: Reportable crimes that occur on public property are crimes that occur in/on thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus. Examples include public streets and sidewalks bordering the perimeter of campus such as Magnolia Ave, Palm Avenue, Olive Avenue, Grand Avenue and Belle Avenue.

CRIME STATISTICS REPORTABLE DATA

U. S. Public Law 101-542, the Student Right-to-Know and Campus Security Act of 1990, requires that colleges and universities report to current faculty, staff, and students on an annual basis certain categories of crimes on campus. The statistics also must be released to prospective faculty, staff, and students on request.

Listed on the following pages are the statistics Dominican maintains for the past three calendar years for each of the reportable crimes. Information for the calendar year 2025 will be published next year. Crime statistics are kept for a total of seven years.

CLERY CRIME STATISTICS FOR DOMINICAN & SAN RAFAEL PROPERTIES

The data reflected in the tables below indicates **total numbers** for each of the select geographic locations. Please see the previous section (Geographical Reporting Area) for detailed information.

	2022				2023				2024			
	On Campus Property		Non Campus	Public Property	On Campus Property		Non Campus	Public Property	On Campus Property		Non Campus	Public Property
	Campus	Res Halls			Campus	Res Halls			Campus	Res Halls		
Murder Non-Neg Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	1	0	1	0	0	0	0	1	1	0	0
Fondling	2	1	0	0	0	0	0	0	1	1	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	1	0	0	0	0	0	0	0
Burglary	0	0	2	1	3	0	0	0	2	0	0	0
Motor Vehicle Theft	0	0	0	0	1	0	0	0	1	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	1	0	0	0	0	0	0	0	0	0	0	0
Arrests For Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests For Drug Abuse Violation	0	0	0	0	0	0	0	0	0	0	0	0
Arrests For Illegal Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Actions	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons Possessions	0	0	0	0	0	0	1	0	0	0	0	0
Drug Law Violations	0	0	0	3	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

Unfounded Reports

No crime reports were unfounded and subsequently withheld from the University's crime statistics for the years noted in the table.

Hate Crimes Statistics for Dominican & San Rafael Properties

No hate crimes were reported for the years noted in the table.

CRIME DEFINITIONS

*NOTE: for the following definitions, terms marked with *** indicate a local jurisdiction definition which is taught within Dominican's prevention programs for both students and employees.*

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

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

Burglary: Burglary is the unlawful entry of a structure to commit a felony or a theft. The FBI's Uniform Crime Reporting UCR classifies offenses locally known as burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses as burglary.

Consent (Affirmative Consent):*** Affirmative consent is defined as positive, unambiguous, and voluntary agreement to engage in specific sexual activity. Affirmative consent maintains the value that all persons have the right to feel respected, acknowledged, and safe during sexual interactions. The following points are important aspects of affirmative consent:

- It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in sexual activity.
- Consent must be mutual and ongoing throughout a sexual encounter and can be revoked at any time.
- Consent can be communicated verbally or by action(s). In whatever way consent is communicated, it must be mutually understandable. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent, participants in a relationship are thus urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect.
- Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent.
- 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.
- Silence alone (absent a non-verbal action clearly demonstrating consent) and lack of protest or resistance are not considered consent. Consent cannot be inferred from the absence of a "no"; a clear "yes", verbal or otherwise, is necessary.
- Minors (under age 18), mentally disabled individuals, or incapacitated persons (see below) can never give affirmative consent.
 - Examples of incapacitation include, but are not limited to, being intoxicated due to drugs, alcohol or medication, blacked out, passed out, asleep, unable to communicate due to a mental or physical condition or subjected to violence. Physical indicators of incapacitation may include slurred speech, unsteady gait or stumbling, vomiting, unfocused or bloodshot eyes, disorientation, unresponsiveness or outrageous or unusual behavior. Engaging in sexual activity with a person who is known to be – or could reasonably be known to be – incapacitated constitutes sexual assault.
- Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and should not be considered as evidence for consent.

- Affirmative consent cannot result from force, or threat of force, coercion, fraud, intimidation, or incapacitation. Physical force includes but is not limited to: hitting, kicking and restraining. Intimidation is generally understood to mean forcing someone into some action or deterring a person from some action by inducing fear. Coercion is generally understood to mean the use of express or implied threats of violence or reprisal or other intimidating behavior that puts a person in immediate fear of the consequences in order to compel that person to act against his/her will. Threatening someone can come in the form of words, gestures, or non-verbal actions. It is not possible to obtain consent for a sexual act through the above-described means.
- If at any time consent is withdrawn, the activity must stop immediately.

Dating Violence:*** Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a social relationship is based on the reporting party's statement with consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved.

Domestic Violence:*** Domestic violence includes felony or misdemeanor crimes of violence committed by family members related by blood; people who are married or used to be married; people who share or used to share a home, apartment or other common dwelling; people who have or allegedly have a child in common or a blood relationship through a child in common; people who are dating or engaged or used to date, including same sex couples; people with disabilities and their personal assistants; or violence 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.

Fondling: These offenses are defined as touching of the private body parts of another person for the purpose of sexual gratification, without 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.

Hate Crimes: Statistics listed for all crimes above (with the exception of arrests or disciplinary action) and larceny-theft, simple assault, intimidation, and destruction, damage or vandalism of property and other crimes involving bodily injury to any person, in which the victim is intentionally selected because of actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability, gender identity or national origin are hate crimes and must be collected and reported according to the category of prejudice.

Incest: These offenses are defined as sexual intercourse between persons who are related to each other within three degrees wherein marriage is prohibited by law.

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

Murder/Non-negligent Manslaughter: These offenses are defined as the willful (non-negligent) killing of one human being by another. (*abbreviated as "Non-neg" in crime statistics chart*)

Negligent Manslaughter: These offenses are defined as the killing of another person through gross negligence.

Rape: These offenses are defined to include the penetration, no matter how slight, of the vagina or of the anus with any other body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

Sexual Assault:*** Defined as non-consensual physical contact of a sexual nature, sexual assault includes rape, acts using force, threat, intimidation, or coercion or using advantage gained by the victim's inability (temporary or permanent) to make rational, reasonable decisions about sex of which the respondent was aware or should have been aware.

Examples of sexual assault include non-consensual sexual intercourse (anal, or vaginal), however slight, with any object or body part, between any genders, without consent and non-consensual sexual contact, which is any sexual touching (including disrobing or exposure), however, slight, with any object or body part, between any genders, without consent, non-forcible sexual intercourse when a person is under the age of consent (the age of consent in California is 18 years old), attempted vaginal intercourse by a person(s) known or unknown, dating violence, domestic violence and acquaintance or date rape.

Stalking:*** Stalking is defined as 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 to suffer substantial emotional distress.

Statutory Rape: These offenses are defined as sexual intercourse with a person who is under the statutory age of consent.

FIRE SAFETY REPORT FOR CALENDAR YEARS 2024

Federal law requires institutions of higher education with campus housing to annually report on campus fire safety. Please direct questions about this report to Susan Clancy, Director of Facilities Services. Fire statistics are provided for 3 years..

Fire Statistics

Dominican maintains a daily security log (includes log of any fires on campus), which is available for inspection by contacting the VPSAEM at paul.raccanello@dominican.edu. Dominican University of California submits a detailed report of fire incidents on campus annually to the federal government. There are no plans for future improvements in fire safety at the time of publication of this report.

Residence Hall Name & Address	Year	# of fires	# persons with fire-related injuries	# of fire- related deaths	Value of property damage caused by each fire	Cause of Each Fire
Edgehill Village 50 Magnolia Ave San Rafael, CA	2024	0	0	0	\$0	N/A
	2023	0	0	0	\$0	N/A
	2022	1	0	0	\$0	fireworks
Fanjeaux 180 Palm Ave San Rafael, CA	2024	0	0	0	\$0	N/A
	2023	0	0	0	\$0	N/A
	2022	0	0	0	\$0	N/A
Pennafort 190 Palm Ave San Rafael, CA	2024	0	0	0	\$0	N/A
	2023	0	0	0	\$0	N/A
	2022	0	0	0	\$0	N/A

Reporting Fires

Report all occurrences of fire to:

- Call 911, or 9-911 from a campus extension phone
- Campus Security at 415-269-6070

Evacuation Procedures in Case of Fire (or other emergency)

Dominican University posts in hallways of campus buildings information on evacuation procedures in case of a fire. Safety information for students is posted in the [Student Handbook](#).

Exit the building as safely and quickly as possible if you are instructed to evacuate or if:

- Fire alarm sounds
- You smell gas or smoke or if you see smoke

Leave the building via nearest stairway or exit

- DO NOT use elevators
- Assist those in need to exit the building
- Gather at the evacuation assembly area and
- DO NOT return to the evacuated building until instructed to do so.

Residence Halls Fire & Emergency Information

Students in the residence halls learn about safely evacuating their buildings in case of fire or other emergency. Resident students should always know where all fire exits are located in their buildings.

Gathering Spaces/Assembly Areas: Resident students will gather at the designated assembly areas:

- Fanjeaux & Pennafort: gather on the Library Lawn
- Edgehill Village: gather at Caleruega Plaza (stay away from Shield Room windows)

Residence Hall Evacuation Drills: Each residence hall has at least one mandatory unannounced evacuation drill each semester, and usually three to four are conducted per academic year. These drills are planned and documented by the Director of Housing and Residential Life.

Residence Hall Name	Spring 2024	Fall 2024
Edgehill Village	1 drill	1 drill
Fanjeaux	1 drill	1 drill
Pennafort	1 drill	1 drill

Residence Hall Safety Systems

The table below provides information on the safety equipment and systems within University residence halls.

Residence Hall Name	Safety Systems
Edgehill Village*	Fire extinguishers on each floor. Smoke detectors and alarms, a sprinkler system, pull stations.
Fanjeaux Hall*	Fire extinguishers on each floor. Smoke detectors and alarms, a sprinkler system, pull stations.
Pennafort Hall*	Fire extinguishers on each floor. Smoke detectors and alarms, a sprinkler system, pull stations.
*Smoke detectors/alarms, sprinkler system, and pull stations in each building are monitored by Bay Alarm Company; they provide fire system supervision backed by monitoring specialists with direct communication to San Rafael Fire Department	

Fire Safety Education

Dominican University takes fire safety seriously. Resident Advisors (RAs) receive training in fire safety and evacuation procedures during RA training before the start of the fall semester. RAs educate residents about fire safety and evacuations through mandatory floor meetings. Students receive education and training on fire safety and evacuation during orientation. Employees are offered annual training on emergency procedures which includes information on fire safety and evacuation. The [Student Handbook](#) contains Dominican's policies and procedures for fire safety, prevention, evacuation and education and is distributed annually.

Fire Prevention Policies

The following provides information specific to fire prevention in the residence halls.

Candles and Incense: The possession and burning of candles/incense is prohibited.

Electrical and Cooking Appliances: No cooking appliances of any kind may be used in the residence halls, as these pose a significant fire danger. The following items are not allowed in the residence halls:

- Space heaters or air conditioning units
- Electric Blankets
- Halogen lamps
- Small kitchen appliances (ex: toasters/ovens, coffee makers, rice steamers, etc.)
- Open element appliances (these are an extreme fire hazard)

In addition to the above restrictions, all electrical appliances must be UL approved

Extension Cords: Extensions cords are not allowed by order of the Fire Marshall. These cords pose a significant fire hazard should they be overloaded. Instead, students should purchase power strips with longer cords (5 to 10 feet in length) as these devices have built in protections.

Smoking: Smoking (including, but not limited to cigarettes, cigars, e-cigarettes, pipes, hookahs, or vaporizers, is not permitted on the Dominican campus (with the exception being designated smoking areas). All community members have the right and the responsibility to inform or remind violators of the policy and request compliance. If a problem arises with non-compliance, Security staff may be called. Visitors who refuse to comply will be removed from campus.

NOTICE OF NON-DISCRIMINATION

The University is committed to maintaining a positive learning, working, and living environment. The University does not discriminate on the basis of race, color, religion, national origin, sex (including pregnancy, childbirth, and any related medical condition), gender (including gender identity and gender expression), age, marital status, registered domestic partnership status, mental or physical disability status, religion (including religious dress and grooming practices), sexual orientation, military or veteran status, genetic information, or any other characteristic protected by law in admission and access to, and treatment and employment in, its educational programs and activities. In pursuit of these goals, the University will not tolerate acts of discrimination, sexual misconduct, or retaliation against or by any administrator, staff, faculty, or student as such behavior seriously undermines the University's effectiveness as an educational institution and a workplace.

Campus Safety and Security Survey Completion Certificate

The Campus Safety and Security data for
Dominican University of California
(113698)
were completed and locked on **September 25, 2025**.

Thank you for your participation in the 2025 data collection.
This certificate was prepared on **September 25, 2025**

END OF REPORT