

# Stanford University



## STANFORD IN SANTIAGO

SAFETY, SECURITY, AND FIRE REPORT  
2021

The Stanford in Santiago program is under the jurisdiction of the Carabineros de Chile, the country's police force. They are located at 19 Comisaria Providencia, Avda Miguel Claro 300, Santiago. The phone number is (56) (2) 235-2650.

Due to the global pandemic, there were no students enrolled in a course of study on-site at Stanford in Santiago, at any time during calendar year 2020.

**Contact Information:**

Stanford Center in Santiago  
Avenida Condell 189  
Providencia,  
Santiago 750-0753  
Chile

**Local Law Enforcement Agency:**

Carabineros de Chile  
19 Comisaria Providencia  
Avda. Miguel Claro 300  
Santiago  
Chile  
(56) (2)2922 2690

You may request a paper copy of the Stanford Safety, Security & Fire Report through any of the following means:

- **In person** at the Public Safety Building at 233 Bonair Siding Road, Monday through Friday, 8 a.m. to 5 p.m.
- **By mail** to 233 Bonair Siding Road, Stanford, CA 94305
- **By email** to [publicsafety@lists.stanford.edu](mailto:publicsafety@lists.stanford.edu)
- **By phone** at **+1 650-723-9633**

Crime statistics for Stanford foreign and U.S. branch campuses are published in separate reports for each location and are available at [police.stanford.edu/security-report.html](http://police.stanford.edu/security-report.html). For locations in which the university has established student residences for the program, fire statistics are published with the crime statistics. For definitions of the location classifications, refer to pages 57-58.

The daily crime log for the most recent 60-day period is available for the public to view at the Stanford University Department of Public Safety (SUDPS), 233 Bonair Siding Road, Stanford, CA 94305, upon request and during normal business hours. Portions of the log that are older than 60 days are available within two business days. The daily fire log for the most recent 60-day period is available during regular business hours at the Stanford University Fire Marshal's Office, in Building B of the Environmental Safety Facility, 480 Oak Road, Stanford, CA 94305.

Memoranda from the Stanford University Administrative Guide and all other policy references are current at the time of printing.



Stanford University Department of Public Safety  
233 Bonair Siding Road  
Stanford, CA 94305  
Phone: **+1 650-723-9633**  
24-Hour non-emergency line: **+1 650-329-2413**

*This report has been compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Violence Against Women Act, and the Higher Education Opportunity Act.*

*Safety on the Stanford in Santiago campus is a natural source of concern for students, parents and University employees. Education - the business of Stanford University - can take place only in an environment in which each student and employee feels safe and secure. Stanford recognizes this and employs a number of security measures to protect the members of its community. The local police force, students, and employees all share in the responsibility of making the program a safe place to study, work, and live.*



# The Stanford University Department of Public Safety



## ***A Message from Chief Laura Wilson***

*The Stanford University Department of Public Safety exists to provide a safe, secure environment that respects and encourages freedom of expression, the safe movement of people, and the protection of life and property, while upholding the United States Constitution and federal, state, and local laws and ordinances.*

*The members of the Stanford University Department of Public Safety are committed to providing high quality public safety services with a strong emphasis on customer service. To accomplish this goal:*

- We pledge to honor the spirit and letter of the laws we are charged to uphold.*
- We will dedicate our full attention to our duties in order to promote a safe environment while earning and maintaining the public's trust.*
- We will endeavor to continually enhance our professional skills and knowledge.*
- We will hold each other accountable for demonstrating professional and ethical behavior.*
- We will actively identify and pursue opportunities to improve our department and the way we serve the campus community.*

*The hallmark of our service is a constant dedication to the principles of honesty, integrity, fairness, courage, and courtesy.*

*The members of DPS care about the safety of all persons who live, work and visit the Stanford University campus. If you witness or hear about actions that do not reflect the values we have espoused, I encourage you to contact the department and provide us with specific information so that we can take corrective steps. We also welcome feedback about service and conduct that meets or exceeds your expectations.*

*I hope you will take a few minutes to review the content of this report. It contains a wealth of information about safety intended to help you avoid criminal victimization; options for responding to threats and crimes; and how to prepare to minimize the impact of an emergency.*

# Reporting Emergencies and Crimes

Members of the Stanford community are encouraged to immediately and accurately report any criminal offense, suspected criminal activity, or other emergency directly to the law enforcement agency with jurisdiction where the crime occurred. For information related to the reporting of sexual assault, domestic violence, dating violence and stalking, see page 21.

<b>Emergencies</b> only for crime and suspicious activity	<b>133</b>
<b>Fire</b>	<b>132</b>
<b>Director</b> Iván Jaksic <i>ijaksic@stanford.edu</i>	<b>56-2-2335-6661</b>
<b>Academic Services Administrator</b> Rachel Matheson <i>rmath@stanford.edu</i>	<b>56-2-2335-6661</b>

## For Immediate Police, Fire, or Medical Response

Provide the dispatcher with a description of the incident type, location, time of occurrence, any injuries, weapons involved, the suspect, associated vehicles, and the direction of travel.

Start with the **what** and **where**: "My bike was stolen from outside (building name or address)."

Then **who**:

-Gender, height, hair color/style, eye color, and other features:

"I saw a male with white hair in a ponytail."

-Clothing (from top down) and any distinguishing characteristics:

"He was wearing a blue shirt with a heart on the sleeve, black pants, and he was barefoot."

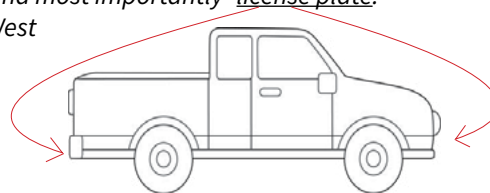
-Mode & direction of travel, such as car color, make/model, and most importantly- license plate.

"He put my bike in the back of a white truck and drove West on Main Street. The license plate is V876ASD." **OR**

"He went westbound on Main in a Ford F-150.

It was white and had a black bed-liner." **OR**

"He is going toward the library on red mountain bike with black wheels."





# Reporting Emergencies and Crimes

## Responding to a Bomb Threat

**If you receive a telephone bomb threat** ► *Try to stay calm and gather information from the caller.*

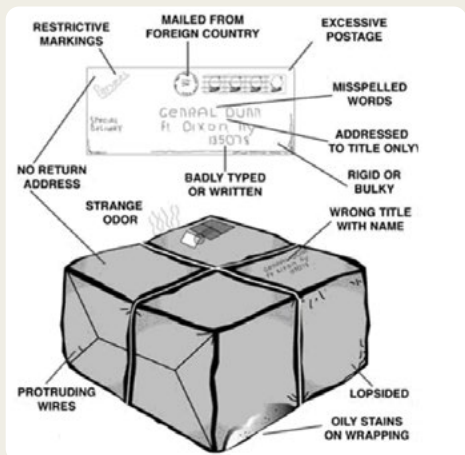
- Write down the apparent gender, age, and unique speech attributes of the caller.
- Note if anything can be heard in the background.
- If they do not tell you, ask the caller where the device is located and when it is set to detonate.
- Call **133** immediately and provide the details.

**If you receive a suspicious package** ► *Call 133 immediately.*

Advise others to move away from the area. If advised by the police to evacuate, follow the procedures on page 11.

**If you receive an email bomb threat or other threatening email** ► *Call 133 immediately.*

Do not delete the message. Law enforcement personnel will need all the details of the message for the investigation.



## Missing Person Policy

If you believe someone might be missing, notify the program director or administrator at **56-2-2335-6661** immediately. Branch staff in receipt of information that a student may be missing, should immediately report the matter to the local police, inform the Director of BOSP, and call the Stanford Department of Public Safety as soon as possible. The Department of Public Safety can be reached 24 hours per day, seven days per week by calling **+1-650-723-9633**. The Department of Public Safety will notify university officials.

US Federal law mandates that the university provide students with an option of specifying person(s) to contact in the event that he or she has been determined by the police to be a missing person. An option will be given to students to specify this person when they perform the Registrar’s annual online check-in procedure. Federal law also requires the university to inform students that an emergency contact will be notified within (24) hours of the person being reported as missing. For non-emancipated minors, a custodial parent or guardian will be notified in addition to any listed emergency contact(s).

In addition to the minimum notifications that will be made under federal law, Stanford may make additional notifications as necessary as provided by FERPA to resolve a safety emergency; this could include notifying parents or guardians even when they were not specifically listed by a student as an emergency contact.

## Reporting Emergencies and Crimes Campus Security Authorities

The accurate reporting of crimes helps keep the community informed and ensures institutional compliance with state and federal law. Anyone who experiences Prohibited Conduct <sup>1</sup> is encouraged to make an official report to the police and the university. No personal identifying information will be included in the annual report of crime statistics or any publicly-available record keeping, and the university will endeavor to keep the details of the Prohibited Conduct and the involved parties private.

### “Campus Security Authority” Defined

As defined by the Clery Act, a federal law codified in 20 U.S.C. § 1092(f), a Campus Security Authority (CSA) is: (1) A campus police department or a campus security department of an institution; (2) any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under part (1) of this definition, such as an individual who is responsible for monitoring entrances into institutional property; (3) any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses; (4) an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor. If you have questions about whether your position or job functions meet the definition of a CSA, please contact the university’s Clery Compliance Coordinator (see page 7 for contact information).

When a CSA becomes aware of an incident that involves an ongoing or imminent threat to the community that might require a Timely Warning or Emergency Notification to be distributed, the CSA should call **133** and contact program administrators.

### Stanford University CSA’s

The following list denotes the positions or organizations at Stanford that have been identified as meeting the federal definition of a Campus Security Authority for the purposes of Timely Warning notifications and the annual statistical disclosure. The list is intended to be comprehensive, but certain positions may not be specifically listed.

- Law enforcement and security officers
- Contract security and access control monitors
- The Sr. Associate Vice Provost of Residential and Dining Enterprises
- The Vice Provost for Student Affairs
- The Dean of Students
- The Director of Vaden Health Center
- Resident Directors and Resident Fellows
- Resident Assistants and Community Assistants
- Athletic Coaches
- Vice Provost For Institutional Equity, Access, and Community, SHARE Title IX professional staff
- Office of Community Standards staff
- Study Abroad Directors
- Department of Athletics Red Coat staff
- Fraternity and sorority life professional staff
- Assoc. Vice Provost for Inclusion, Community, and Integrative Learning; Community Ctr. Directors
- Office of Student Engagement professional staff
- The Haas Center professional staff
- Graduate Life Office professional staff
- 5-SURE safety escorts

<sup>1</sup> See page 21 for additional information on Prohibited Conduct.



# Reporting Emergencies and Crimes Campus Security Authorities

## Persons Exempt From Reporting Clery-Reportable Crimes

The Clery Act specifically excludes the following persons from Clery reporting requirements when the person is operating in the course and scope of their license:

**Pastoral Counselor** – a person who is associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling within the scope of their position as a pastoral counselor.

**Professional Counselor** – a person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

Pastoral and professional counselors who learn about Clery-reportable crimes in the performance of their official duties are not required to report these crimes to the Clery Compliance Coordinator for inclusion in the annual security report or for the purposes of a Timely Warning. There is no specific University policy requiring pastoral and professional counselors to encourage victims of crimes to make an anonymous report for inclusion in compiling Clery Act statistics.

## CSA Responsibilities

Campus Security Authorities have reporting responsibilities under both federal and state laws. The university expects CSAs to be familiar with their obligations and to comply with these federal and state laws. The following pages provide greater detail about these legal obligations. CSAs are encouraged to review the actual laws for additional information and guidance. Resources to assist CSAs with their reporting obligations can be found at [police.stanford.edu](http://police.stanford.edu) under the heading ‘CSA Resources.’

## CSA Reporting Obligations - Reporting Clery Crimes to the Clery Compliance Coordinator

*Federal Law (34 CFR 668.46 (c))*

Any CSA who becomes aware of a Clery-reportable crime, as noted below, that occurred on the main Stanford campus or property owned or controlled by the university (including off-site facilities and locations of short-term control, such as the rental of a room during a university sponsored trip) must report the incident to the university’s Clery Compliance Coordinator for the purpose of statistical reporting. The way to notify the Clery Compliance Coordinator is to complete the online form at [CSAforms.stanford.edu](http://CSAforms.stanford.edu) or by completing the PDF form available at [police.stanford.edu/pdf/CSA-Report-Form.pdf](http://police.stanford.edu/pdf/CSA-Report-Form.pdf). Email the completed PDF to:

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**Vince Bergado**

*Clery Compliance Coordinator*

[secure-clerycsa@lists.stanford.edu](mailto:secure-clerycsa@lists.stanford.edu)

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## Reporting Emergencies and Crimes Campus Security Authorities

The Clery reportable<sup>2</sup> crimes are:

- Murder/manslaughter
- Rape
- Statutory rape
- Incest
- Fondling
- Robbery
- Aggravated Assault
- Domestic violence
- Dating violence
- Burglary
- Vehicle theft
- Arson
- Stalking
- Hate crimes
- Alcohol laws violations
- Drug laws violations
- Weapons laws violations

Definitions of these crimes can be found on pages 58-59.

There is no specified time frame for notifying the Clery Compliance Coordinator; however, the university encourages individuals to notify the Clery Compliance

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<sup>2</sup> A crime is "reported" when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, other third party, or even the offender. It does not matter whether or not the individuals involved in the crime or reporting the crime are associated with the institution. What must be disclosed are statistics from reports of alleged criminal incidents. It is not necessary for the crime to have been investigated by the police, nor must a finding of guilt or responsibility be made to disclose the statistic. Unless the CSA has a job function at the university to conduct investigations, the CSA is not expected to investigate or comply with the Clery Act or the California Education code. A CSA should determine if anyone is in immediate danger or in need of medical attention. A CSA's reporting obligation for compliance with the Clery Act and the CA Ed Code sections 67380-383 is limited to: what type of crime occurred, where did it occur, when did it occur, and whether the crime involved violence (in which case notification to law enforcement is required in addition to reporting to the Clery Office). It is also not a CSA's responsibility to convince a victim to contact law enforcement if the victim chooses not to do so.

Coordinator in a timely manner and as soon as practicably possible so that a determination can be made as to whether it will be necessary or advisable to send an Immediate Notification or Timely Warning (see page 10) about the crime.

CSAs – other than those whose university function is to conduct investigations -- are not expected to investigate what has been told to them. For purposes of Clery compliance, a CSA does not need to provide the names of the involved persons to the Clery Compliance Coordinator.

Include the following information when notifying the Clery Office about a Clery-reportable crime.

- Type of crime (preferably with sufficient information to properly classify the incident)
- The location of the incident (as specific as possible)
- The date and time of the incident
- The date and time the incident was reported to the CSA

### Frequently Asked Questions

#### *May I report anonymously?*

Clery Compliance reporting does not require the names of involved persons; however, the name and contact information of the CSA making the report is required so that the Clery Compliance Coordinator can conduct follow up, if needed, to minimize the potential for an incident to be counted more than once.

#### *What happens to the information provided to the Clery Compliance Coordinator?*

The Clery Compliance Coordinator evaluates the information provided and determines 1) if a timely warning recommendation is warranted; 2) how to categorize the crime and location for statistical reporting purposes.





# Reporting Emergencies and Crimes Campus Security Authorities

## ***What happens to the information provided the police?***

Depending on the jurisdiction, the type of crime, and the information provided to the police, some agencies may conduct a criminal investigation. It is more likely that the agency will make note of the crime without conducting an investigation, especially if the victim does not want to be identified (which means the name of the alleged perpetrator cannot be shared). A victim who wants a criminal investigation to be conducted is encouraged to notify local law enforcement in the jurisdiction where the crime occurred and file a police report.

## ***Do I have to report a sexual assault to the police, the Clery Compliance Coordinator and Title IX?***

Consult with BOSP staff or the Office of international Affairs prior to calling the local police. There are different reporting requirements as well as some limitations as to what can be shared between the police and non-law enforcement, which means multiple phone calls will be necessary.

## Emergency Notifications and Timely Warnings

In the event of a significant emergency or dangerous situation on campus that involves an immediate threat to the health or safety of the population, Stanford in Santiago will initiate, without delay, use of the Stanford in Santiago Emergency Contact List upon confirmation by first responders of the significant emergency or dangerous situation.

Taking into account the safety of the community, the notification will be sent to everyone via telephone calls, text messages, and/or emails, unless issuance of the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The content of the message will vary depending on the situation. The people who can initiate an emergency message include the Center Director and the Administrator.

The Stanford out-of-area information hotline can be reached at **1-844-ALERTSU (1-844-253-7878)** or **+1-602-241-6769** (from abroad).

## Crime Prevention Education Programs

Crime prevention is a top priority. During orientation, issues of general safety and crime prevention, acceptable computer use, student conduct, sexual harassment, and sexual abuse policies are reviewed.

University judicial policy applies year-round to all on-campus activities, and to any acts that threaten the safety and integrity of the University community regardless of where such acts occur.

## Personal Accountability

Students, faculty, and staff are responsible for their individual safety and the security of their property. Acting collectively, with others in mind, helps promote safety and security for the entire campus. EH&S provides resources for preparing and responding to a variety of emergencies at [cardinalready.stanford.edu](http://cardinalready.stanford.edu).

## Weapons on Campus

All weapons are prohibited on the Stanford and Stanford Branch Campuses except for local or government law enforcement officers. In addition to firearms, most knives that are capable of inflicting death by stabbing and all straight razors are prohibited. Weapons are also prohibited in student residences.

## Location of Registered Sex Offender Information

Chile does not maintain a sex offender registry. Information about an individual's past criminal history is not made available to the public in Chile.

*The purpose of a Timely Warning is to notify the community about certain specified crimes so that community members may take appropriate precautionary measures to avoid being victims of similar crimes. As required by law, Timely Warnings will include general precautionary measures persons may implement to avoid harm. Individuals must assess their respective situations and decide if the precautionary measures are valid for their given situation.*



# Evacuation

Familiarize yourself with the evacuation procedures for any building; locate the nearest exit and fire extinguishers.

## Fire and General Evacuation Procedures

- ▶ **Report a fire or smoke** - *even if the fire has been extinguished*
  - Use fire alarm pull boxes AND
  - Call for emergency assistance by calling 133.
  
- ▶ **If it is not safe to evacuate**
  - Close the door to the corridor and seal up cracks with wet towels .
  - Go to the window and open it a few inches.
  - Hang out a bed sheet or other large item to signal for help.
  
- ▶ **Evacuate** - Leave the building as soon possible when you hear the sound of an alarm in a campus building (drills are not an exception).
  
- ▶ **Report to the Program Administrator** - Account for yourself and notify the administrator if you know of anyone who is missing.
  
- ▶ **Choose a safe exit**
  - **Before opening a door**, check for warmth with the back of your hand:
    - *If warm*, leave the door closed and stuff towels or clothes in the cracks and open a window.
    - *If not warm*, open the door slowly (CAUTION: the doorknob may be hot) and be prepared to close it quickly, if necessary.
  - Close doors as you leave to confine the fire.
  - If you see or smell smoke in a hall or stairway, use another exit.
  - Never use elevators; always use the stairs.
  
- ▶ **Help others evacuate**
  - Knock on doors and check bathrooms as you leave.
  - Offer assistance to individuals with physical disabilities.
  
- ▶ **Be alert to suspicious persons or activity** - Immediately report any vandalism or tampering with an alarm.

Emergency Evacuation plans and maps are posted in hallways and common areas.

## Violence on campus and in the workplace

Stanford University will not tolerate violence or threats of violence on campus or in connection with University events.

**Employees** who violate this policy (or who bring false charges) will be subject to corrective action, up to and including termination. Persons who violate the law are subject to arrest.

**Students** who violate this policy could be in violation of the Fundamental Standard\* and subject to disciplinary action ranging from a formal warning and community service to expulsion. Additionally, students who violate the law are subject to arrest.

[AdminGuide 2.2.4](#)

## See Something Suspicious, Say Something Specific

Report crimes, suspicious activity or behavior to the police immediately, including:

- ANY activity or behavior that poses an imminent threat to persons or property.
- Peeping or prowling.
- Solicitors (when prohibited inside student residences, per the Student Housing Residence Agreement).

## Lock It or To Lose It

- Lock your doors and windows anytime you leave your office, residence, or room, especially on the first floor.
- Never prop open a door that should be locked.
- Don't allow "piggybacking" (when someone unknown to you tries to enter a locked building behind you).
- Immediately report broken or malfunctioning locks to a building/facility manager.
- Lock your vehicle and secure valuables in the trunk.
- Avoid becoming a target of thieves by securing items commonly stolen on campus:
  - Secure laptops in a closet or drawer, or secure them to a fixed object with a cable lock.
  - Never leave laptops or other mobile devices unattended.
  - Secure bicycles to a bicycle rack with a U-lock.

## Security and Access to Student Residences

The Stanford Center entrance doors have locking devices that can be opened by inputting the security combination on the pin pad, and should be kept locked at all times. Exit-only doors cannot be opened from the outside. The main and only entry door is equipped with an automatic closing device. Classroom doors can be locked or unlocked at the discretion of the occupant. Janitorial staff performs routine maintenance throughout the building and responds to reports of problems with locks and lights. The Santiago staff member who closes at the end of the day is responsible for checking the doors to ensure all are secured. Students should stop and question any stranger in the building (e.g., *Can I help you with something?*) and notify police immediately of any suspicious activity. All students live in home-stay situations and follow their host family's instructions for locking the home.

\*The Fundamental Standard has set the standard of conduct for students at Stanford since it was articulated in 1896 by David Starr Jordan, Stanford's first president: *Students at Stanford are expected to show both within and without the University such respect for order, morality, personal honor and the rights of others as is demanded of good citizens. Failure to do this will be sufficient cause for removal from the University.*



# Safety and Security

The university will not tolerate violence or threats of violence anywhere on campus or in connection with university-sponsored events. Persons who become aware of situations which pose an imminent threat to the safety of the community or one of its members, including self-harm, should call **133** immediately. Persons who become aware of situations which might pose a threat to the safety of the community or one of its members, including self-harm, are encouraged to consult with a member of the Threat Assessment and Management Team (see page 14 for additional information) or other appropriate university official in a timely manner.

## Behavioral Expectations

Behaviors do not have to violate the law or university policies to be worrisome. Violence may be preceded by behaviors that indicate an increasingly negative emotional state.

The behaviors listed on the right have been associated with a heightened risk for violence or self-harm<sup>3</sup> and should prompt a community member to notify a supervisor, a member of the Threat Assessment Team, or law enforcement by calling **133**. These lists are not intended to be comprehensive.

### Imminently Dangerous ► Call 133

- Statements, written or verbalized, about harming oneself or others, especially if specific plans are mentioned
- Acquisition of weapons in the context of concerning or alarming behaviors listed below

<sup>3</sup> These behaviors have been adapted from a variety of sources including:

Deisinger, G., et al. *The Handbook for Campus Threat Assessment Teams*. Stoneham: Applied Risk Management, LLC, 2008. Print.

Work Trauma Services, Inc. *Warning Signs*. Web. 2012. <<http://wtsglobal.com/warning-signs>>

Curiale Hirschfeld Kramer LLP. "Managing Within the Law Workshop for Stanford University." Santa Monica. 2012. Print.

- Statements, written or verbalized, about harming oneself or others, especially if specific plans are mentioned
- Acquisition of weapons in the context of concerning or alarming behaviors listed below

**Alarming Behavior ► Notify the director or contact Threat Assessment and Management Team**  
[TAM4safety@stanford.edu](mailto:TAM4safety@stanford.edu)

- Verbally abusive of peers; disruptive or bizarre behavior
- Defiant of authority and believes rules do not or should not apply to them
- Sense of victimization or paranoia
- Change in appearance, declining hygiene
- Sending disturbing messages (e.g., texts, emails, letters)
- Coursework content that is disturbing
- Statements supporting the use of violence to resolve issues or a general obsession with violence or guns
- Distancing oneself from family, friends, or peers (suddenly or gradually)
- Vandalism of property out of revenge
- Stalking

### Concerning Behavior ► Notify the director

- Consistent interpersonal conflict
- Irritability or moodiness
- An inability or unwillingness to abide by policies or rules
- Increase in alcohol or drug use
- Social isolation and unexplained absenteeism
- Anger, intimidation, and bullying, especially without personal accountability or remorse
- Inappropriate reasoning, impaired judgment

### The Stanford University Threat Assessment & Management Team

The university's Threat Assessment and Management Team is comprised of professional staff who meet regularly to review best practices and current trends in behavioral threat assessment and to consult about matters of immediate concern. The Threat Assessment Team is committed to maintaining an environment where people feel safe to carry out the University's mission. Education, communication, collaboration, coordination of resources, and early intervention are the cornerstones of Stanford's violence prevention efforts. Contact the team at [TAM4safety@stanford.edu](mailto:TAM4safety@stanford.edu)

Team members include representatives from: Student Affairs, SUDPS, Counseling and Psychological Services (CAPS), Faculty and Staff Help Center, Ombuds, Human Resources (University, Medical School, SLAC), General Counsel, Risk Management, the Office of the President, and other departments, depending on the situation.

The responsibilities of the university Threat Assessment Team are to:

- Proactively develop procedures for response to actual or potential violence.
- Serve as a resource to develop appropriate response strategies.
- Review and coordinate training materials and programs.
- Periodically review and update Stanford's workplace violence policy.
- Develop contacts with outside threat assessment professionals.
- Keep current on legal issues related to workplace/academic safety and incident response.
- Stay abreast of developing trends both domestically and internationally.
- Deploy future forecasting models to anticipate developments.

### Reacting to an Active Threat (such as an Active Shooter)

**If an active threat is nearby** ► *Flee the area, if it is safe to do so.*

- Don't take time to gather your belongings.
- Put distance and buildings between you and threat. Leave the area.
- If you have information that will assist the police, such as the suspect description or location, call **133**.

**If escape is not an option** ► *Shelter in place and take steps to increase your safety, and if possible, others around you.*

- Lock and barricade doors. Seek cover (with others, if possible) by placing as much material as possible between you and the threat.
- Turn off lights (to make the area appear unoccupied).
- Close blinds and/or block windows.
- Silence cell phones (turn off vibration as well) but do not turn them completely off.
- Keep other occupants calm, quiet, and out of sight.
- As soon as it is safe to do so, notify law enforcement by calling **133**.
- Remain concealed until the threat has passed or you have been advised by law enforcement that you can exit.
- Do not sound the fire alarms unless there is a fire. Evacuation during an active threat event could place people in harm's way

**If confronted by an attacker** ► *Do everything in your power to overcome the threat.*

- Fight back as a last resort. Be aggressive and do whatever it takes to survive.
- Attack aggressively and in coordination with others, if possible.



# Safety and Security

- Throw objects or improvise other weapons (bags, fire extinguisher, office equipment, etc.).
- Do not approach emergency responders; let them come to you. Raise both your hands over your head. Otherwise, emergency responders may not be able to distinguish between victims and the person posing the threat.



## Resources

### SUDPS Active Threat Response Video and Resources

Visit the SUDPS webpage for a short animated video and links to additional resources to help you be prepared.

[police.stanford.edu/active-threat.html](http://police.stanford.edu/active-threat.html)

**Active Shooter Preparedness** (U.S. Department of Homeland Security)

[dhs.gov/active-shooter-preparedness](http://dhs.gov/active-shooter-preparedness)

## International Travel Assistance

Local systems and practices – such as filing a police report, medical services, and court proceedings – may differ from those in the United States, as noted at the U.S. Department of State website. Refer to their guidance at

[travel.state.gov/content/travel/en/international-travel/emergencies/crime.html](http://travel.state.gov/content/travel/en/international-travel/emergencies/crime.html)

If you are traveling internationally and you find yourself in need of immediate assistance, including situations in which you experience a medical, security, or travel emergency,

Stanford may have resources to assist you. For a list of contact numbers for Stanford international travel assistance providers, visit

[internationaltravel.stanford.edu/emergencies](http://internationaltravel.stanford.edu/emergencies)

A range of resources, including those listed below, may be available to Stanford travelers. Note that charges may apply or some services. General international travel preparation resources can be found at the Office of International Affairs' website, [international.stanford.edu/help-travelers](http://international.stanford.edu/help-travelers)

## Personal Travel Locator & Emergency Record

- Input your travel plans and contact information online so you can be located in the event of an emergency
- Store vital personal health, medical history, and vaccination information online so both you and medical providers can access it in case of an emergency

## Information Services

- Available for either business or leisure related travel
- Receive recommendations for vaccinations and reminder alerts when follow-up boosters are required
- Access country-specific information on disease prevention, hospital locations, translation services, and referrals to English-speaking doctors
- Get medical and security travel alerts, global security reports and risk ratings by country via email

## Medical Assistance Services

- Available for certain Stanford travelers
- Access clinics and doctor referrals around the world

## Evacuation Services for Medical or Other Emergencies

- Available for Stanford University academic, business or research related travel or participation in Stanford university programs
- Receive evacuation services in the event of a medical, natural hazard or political emergency.



As stated in Administrative Guide 2.2.8, *Controlled Substances and Alcohol*, it is the policy of Stanford University to maintain a drug-free workplace and campus. It is widely recognized that the misuse and abuse of controlled substances, illegal drugs (collectively called controlled substances<sup>4</sup>) and alcohol are major contributors to serious health problems and social and civic concerns. The health risks associated with the use of illicit drugs and the abuse of controlled substances and alcohol include various physical and mental consequences, including addiction, severe disability, and death. Information concerning the effects of alcohol and specific drugs is available from the Office of Substance Use Programs Education & Resources at **+1 (650) 725-5947**.

When you are in a foreign country you are subject to its laws and not protected by U.S. laws. Ignorance of the law is not an excuse. It is important that you learn about local laws and regulations and obey them. You are responsible for obeying all host countries laws and regulations, which can be both different and stricter than in the United States. Do not assume you will be treated gently because you are an American. If you become involved in a legal problem, please contact center staff immediately. Please note, however, that it is unlikely that BOSP can intervene on your behalf if you are arrested for an illegal violation.

Do not use illegal drugs while you are abroad. Most countries have very strict drug laws and enforcement can result in prison sentences and even the death penalty. If you attend a party at which others are using drugs, leave immediately. If you are arrested for drugs, the US Consular Officer cannot get you released from jail.

**Stanford University does not tolerate reckless drinking — lawful or unlawful — and its consequent harmful behaviors.** As stated in the Student Alcohol and Other Drugs Policy, members of the Stanford community are expected to abide by all federal, state, and local laws, including those governing alcohol consumption and distribution. Additionally, all members of the Stanford community are expected to make healthy choices concerning their personal use of alcohol, including understanding the physical and behavioral effects of alcohol misuse and preventative measures to ensure their own safety and that of their peers.

The Office of Substance Use Programs Education & Resources (SUPER) oversees, manages, and holds authority for the application of the University's Student Alcohol and Other Drugs Policy ([super.stanford.edu](https://super.stanford.edu)). It coordinates and implements programs and activities for students who do not drink or drink lightly, provides party planning registration and advising, and develops resources and services for students who need help for themselves or others related to alcohol use in accordance with Section 120 A of the Higher Education Opportunity Act.

### Authority, Application, and Enforcement

Separate from criminal sanctions, dangerous drinking and controlled substance behaviors may be subject to University disciplinary sanctions up to, and including, termination of employment of staff or expulsion of students. Violations may also be referred to the Office of Community Standards (for individual students) and the Organization Conduct Board (for student groups). The Vice Provost of Student Affairs may also take action in certain circumstances.

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<sup>4</sup> *Controlled substances are those defined in 21 U.S.C.812 and include, but are not limited to, such substances as marijuana, heroin, cocaine and amphetamines.*



# Prohibited Sexual Conduct

Acts of sexual assault, sexual harassment, dating violence, domestic violence, stalking, and retaliation are unacceptable and will not be tolerated at Stanford University (Administrative Guide 1.7.1). Hereafter, matters prohibited by Administrative Guide 1.7.1 will be referred to collectively as “Prohibited Sexual Conduct.” Included within Prohibited Sexual Conduct is conduct prohibited by Title IX, state laws, and university standards.

The university will continue to evaluate Prohibited Sexual Conduct policy, procedures and associated definitions. The policy references and definitions herein are accurate at the time of release and subject to revision. Please see the online Safety, Security and Fire Report at [police.stanford.edu/security-report.html](https://police.stanford.edu/security-report.html) for updates.

The university has designated procedures to respond and investigate allegations of Prohibited Sexual Conduct. The Title IX Procedure applies to all respondents under circumstances in which the misconduct meets the jurisdictional threshold of the federal regulations implementing Title IX. Title IX jurisdiction exists when:

- The conduct falls within a Title IX definition of Prohibited Sexual Conduct
- The conduct happened in the United States
- The conduct happened on campus or was connected to a university program or activity
- The complainant (the victim) was accessing a university program or activity at the time of the report
- The conduct occurred on or after August 14, 2020

The university has additional procedures to address conduct that is not covered by Title IX but that otherwise is subject to Administrative Guide 1.7.1. One procedure applies to faculty and student respondents, the SHARE Hearing Procedure, and one procedure applies when a student complainant brings forward a complaint against a staff or postdoctoral scholar, SHARE Investigation Procedure. All investigation and hearing procedures for Prohibited Sexual Conduct violations will provide a prompt, fair, and impartial process from the initial investigation to the final result.

Federal and state laws, regulations, and university policies each provide definitions for sexual assault, dating violence, domestic violence, and stalking (collectively “Prohibited Sexual Conduct”). Definitions can vary between federal and state law. State definitions are used by police and prosecutors to determine if a crime has been committed. University policy definitions are used to determine whether there has been the commission of an act of Prohibited Sexual Conduct, and these definitions control whether university remedies or discipline will be imposed. Many definitions are prescribed by Title IX and the Clery Act, federal laws. Definitions from the Clery Act are used by all institutions in the United States to classify and report crimes under the Clery Act. The definitions that were in effect for the years reported in this publication are on pages 58-59. It is important to note the definitions in order to better understand how to interpret the statistical data.

## Stanford Policies Reference Guide

### Conduct Expectations

- Fundamental Standard (students only) - [communitystandards.stanford.edu/student-conduct-process/honor-code-and-fundamental-standard](https://communitystandards.stanford.edu/student-conduct-process/honor-code-and-fundamental-standard)
- Code of Conduct - [adminguide.stanford.edu/chapter-1/subchapter-1/policy-1-1-1](https://adminguide.stanford.edu/chapter-1/subchapter-1/policy-1-1-1)
- Prohibited Sexual Conduct & Sexual Assault Policy - [adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-1](https://adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-1)
- Sexual Harassment Policy - [adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-1](https://adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-1)
- Consensual Sexual or Romantic Relationships in the Workplace & Educational Setting Policy - [adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-2](https://adminguide.stanford.edu/chapter-1/subchapter-7/policy-1-7-2)
- Violence in the Workplace - [adminguide.stanford.edu/chapter-2/subchapter-2/policy-2-2-11](https://adminguide.stanford.edu/chapter-2/subchapter-2/policy-2-2-11)

### Disciplinary Processes

- Stanford Student Title IX Investigation & Hearing [stanford.app.box.com/s/8q5mm8713e9b1sk30a20ln7kh21aw7co](https://stanford.app.box.com/s/8q5mm8713e9b1sk30a20ln7kh21aw7co)
- Stanford SHARE Hearing [stanford.app.box.com/s/dh9n93jn1r7wfkhihanab5fk9lkvdtpj](https://stanford.app.box.com/s/dh9n93jn1r7wfkhihanab5fk9lkvdtpj)
- Stanford SHARE Investigation (for staff and post-doctoral scholars) <https://stanford.app.box.com/s/tldgipde9xhvvugnfmj7b1j9pwpd2rsa>
- Addressing Conduct and Performance Issues (staff) - [adminguide.stanford.edu/chapter-2/subchapter-1/policy-2-1-16](https://adminguide.stanford.edu/chapter-2/subchapter-1/policy-2-1-16)

## Statement of Values

Stanford University and the Stanford University Department of Public Safety are committed to the following principles regarding response to sexual assaults.

**Improving communication, coordination, and collaboration:** Enhance communication, coordination, and collaboration to remedy sexual assault and violence and hate crimes, and to respect a victim's privacy.

**Championing campus and community safety:** Receive trauma-informed training to assist in the recognition that any allegation regarding sexual misconduct requires sensitive treatment and also directly impacts the real and perceived safety of all members of the campus community. Such training should also include trauma-informed interviewing techniques.

**Upholding the civil rights, civil liberties, and victim's rights:** Comply with state and federal laws in a manner that protects individuals' civil rights and liberties, while prosecuting crimes, championing justice for victims and protecting the legal rights of both complainants and the accused; conduct thorough investigations in a manner that is fair and impartial; recognize explicitly the distinctions between criminal law and civil law and campus investigation and disciplinary proceedings in the handling of sexual violence that arise under both state and federal statutory frameworks.

**Centering the victim's needs in responses to sexual assault:** Institute specialized, trauma-informed responses developed in consultation with campus and community-based victim advocates.

**Ensuring accountability and auditing:** In an effort to promote greater transparency, implement means to self-monitor, record, and accurately maintain all reports of Part 1 violent crimes, hate crimes, and sexual assaults, their outcomes, and processes, while maintaining confidentiality where the law requires confidentiality.



# Prohibited Sexual Conduct

## What to Do If You Have Experienced a Sexual Assault or Other Prohibited Conduct

### Address Individual and Community Safety / Seek Medical Attention

An individual's immediate safety and the safety of the community are the highest priorities. If an individual needs immediate medical attention or if there is an imminent threat to that person or others, call 9-1-1 or 9-9-1-1 from a campus phone.

### Seek Support and Explore Options

The university strongly encourages persons who have been subjected to Prohibited Sexual Conduct to seek support from professional resources, either on- or off-campus. University staff responding to prohibited conduct will provide written notification about on- and off-campus resources to persons reporting incidents of Prohibited Sexual Conduct. For a list of resources, see the "Resources" section starting on page 20, or see the resources listed at [sexualviolencesupport.stanford.edu](https://sexualviolencesupport.stanford.edu) and [wellness.stanford.edu](https://wellness.stanford.edu). When determining which resource to consult, be aware that some university staff, including faculty and residence staff, are obligated to report acts of Prohibited Sexual Conduct to the university and/or local police. There are confidential resources on- and off-campus to help individuals decide their next steps.

Individuals who wish to report a concern to the university may contact the Title IX Coordinator ([titleix@stanford.edu](mailto:titleix@stanford.edu)) or seek assistance from resources not listed as confidential. These staff will protect your privacy by limiting the people with whom they share what is told to them, to the extent permitted by law.

### Collect & Preserve Evidence / Obtain a SAFE Exam<sup>5</sup>

Individuals who have experienced a sexual assault are encouraged to have a Sexual Assault Forensic Exam (SAFE) performed by a trained medical professional, as soon as possible, after the assault. The medical professional will address an individual's medical needs related to the assault as well as collect evidence in accordance with established protocols. In order to preserve evidence, individuals are advised not to shower, wash, wipe, change clothes, or brush their teeth prior to the exam, if possible. An exam is still recommended even if one or more of these actions have been performed.

Individuals who are uncertain about whether they want to pursue criminal or other remedies are encouraged to obtain a SAFE exam because participating in the exam allows for the collection and preservation of evidence that might be useful should individuals decide they want to pursue any type of action at a later date. In Santa Clara County, SAFE exams are performed at Stanford Hospital, through the Emergency Department, or at the Santa Clara Valley Medical Center (SCVMC) in San Jose. SAFE exams will be performed at no cost to a victim of sexual assault. A victim does not need to file a police report in order to obtain a SAFE exam. By law, hospitals are required to notify the police if a person reports having been sexually assaulted or the victim of any crime in which a physical injury has been sustained. Hospitals will notify the police agency that has jurisdictional responsibility where the assault took place. Victims have the option to speak with the police or not. The ability to have a SAFE exam performed is not dependent upon speaking with the police or filing a police report. If a victim needs transportation assistance, a university staff person will provide it.

To collect and preserve evidence of Prohibited Sexual Conduct other than sexual assault, photograph injuries; retain emails, text messages, and phone records; and maintain a journal or other means to document incidents.

<sup>5</sup> A Sexual Assault Forensic Exam may also be referred to as a medical-legal exam, a SART (Sexual Assault Response Team) exam, or a Sexual Assault Nurse Exam (SANE).

## Resources

Stanford is committed to providing information regarding on- and off-campus services and resources to all involved parties. The university has a comprehensive website dedicated to sexual violence awareness, prevention, and support at [sexualviolencesupport.stanford.edu](http://sexualviolencesupport.stanford.edu). Additionally, [wellness.stanford.edu](http://wellness.stanford.edu) provides links to on- and off-campus resources. The university will provide written notification to students and employees about counseling, health, mental health, advocacy, legal assistance, visa and immigration assistance, student financial aid assistance, and other services that are available to victims both on campus and in the community. Additionally, written notification of rights and options for reporting, including the option to notify or decline notification to law enforcement for the purposes of an investigation, shall be provided.

### Confidential Campus Resources

The six resources below have the ability to keep a victim's name confidential and anonymous. If you are unsure where to go, start with the Stanford Confidential Support Team. Reporting an incident of Prohibited Sexual Conduct to one of these resources will not lead to a university or police investigation.<sup>6</sup>

- |  |                                  |
|--|----------------------------------|
| • <b>Stanford Confidential Support Team</b>                        | <b>+1 650-725-9955</b>           |
| • <b>YWCA Silicon Valley Rape Crisis/Domestic Violence Hotline</b> | <b>+1 408-295-4011 ext. 3667</b> |
| • Counseling and Psychological Services (CAPS, for students)       | +1 650-723-3785                  |
| • Faculty Staff Help Center (for faculty, staff, and post-docs)    | +1 650-723-4577                  |
| • Office for Religious Life  | +1 650-723-1762                  |
| • University Ombuds  | +1 650-497-1542                  |
| • School of Medicine Ombuds  | +1 650-498-5744                  |

The remainder of the campus resources listed below and on the following page may have specific requirements for reporting and cannot guarantee confidentiality. See the individual footnotes for details.

### Medical Resources<sup>7</sup>

- |   |                         |
|---|-------------------------|
| • Vaden Health Center   | +1 650-498-2336, ext. 1 |
| • Stanford Health Care Emergency Department                   | +1 650-723-5111         |
| • Santa Clara Valley Medical Center (SAFE exam <sup>8</sup> ) | +1 408-885-5000         |

<sup>6</sup> Pursuant to California Penal Code §§ 11165.7, 11166, and 11167, persons who meet the definition of a mandated reporter must report incidents of child abuse and neglect. A person under the age of 18 years of age is considered to be a child.

<sup>7</sup> Pursuant to California Penal Code §11160, medical clinicians are required to notify the police if they observe physical injuries they believe were caused by assaultive conduct, including sexual assault.

<sup>8</sup> See page 19 for additional information.



# Prohibited Sexual Conduct

**General Campus Resources:**<sup>9</sup> (If you are unsure of where to go, start with the SHARE Title IX Office.)

- SHARE Title IX Office/Title IX Coordinator +1 650-497-4955, [titleix@stanford.edu](mailto:titleix@stanford.edu), [titleix.stanford.edu](http://titleix.stanford.edu)
- Residential Education/House Staff +1 650-725-2800  
(Resident Directors, Resident Assistants, Residence Fellows) If there is no answer or if you have an urgent, after-hours issue, contact the campus operator at 650-723-2300 and ask to be connected to the Undergraduate Resident Director on call.
- Graduate Life Office Deans +1 650-736-7078  
If there is no answer or if you have an urgent, after-hours issue, call the 24-hour pager: 650-723-8222, pager ID 25085 or send a message to [25805@pageme.stanford.edu](mailto:25805@pageme.stanford.edu)
- Office of Community Standards +1 650-725-2485
- Bechtel International Center (for international students)  
Shalini Bhutani, Asst. Vice Provost, Executive Director [sbhutani@stanford.edu](mailto:sbhutani@stanford.edu)
- ASSU Legal Counseling Office +1 650-375-2481  
[assu.stanford.edu/services/legal-counsel-office](http://assu.stanford.edu/services/legal-counsel-office)
- Human Resources [hr.stanford.edu](http://hr.stanford.edu) or [cardinalatwork.stanford.edu](http://cardinalatwork.stanford.edu)
- The Department of Public Safety +1 650-723-9633, [police.stanford.edu](http://police.stanford.edu)
- University Ombuds +1 650-497-1542
- School of Medicine Ombuds +1 650-498-5744

## Off-Campus Resources

- YWCA Silicon Valley Rape Crisis/Domestic Violence Hotline +1 800-572-2782
- YWCA Support Line for Domestic Violence, Sexual Assault, and Human Trafficking +1 800-572-2782
- Planned Parenthood Mountain View +1 650-948-0807
- Next Door Solutions to Domestic Violence +1 408-279-2962
- Community Solutions +1 877-363-7238
- Santa Clara County District Attorney’s Office Sexual Assault Investigations Team +1 408-792-2793
- Santa Clara County District Attorney’s Office Domestic Violence Investigations Team +1 408-792-2537
- National Domestic Violence Hotline +1 -800-799-SAFE (7233)
- Rape, Abuse & Incest National Network Hotline +1 -800-656-HOPE (4673)

<sup>9</sup> These resources may be obligated to report Prohibited Conduct to the Title IX Office, when a student is involved. Some of these individuals may also be required to notify the police. See pages 6-9 for more information about reporting obligations and information that is required to be reported to law enforcement.



## Advocates

Advocates have one sole purpose: to support the victim. The victim may accept or decline having an advocate present for support. At Stanford, the advocate is provided by the YWCA Silicon Valley Rape Crisis Department. If a victim requests to have an advocate present, the advocate will be called and will respond to the police department or the location of the interview or SAFE exam. It can take up to an hour for an advocate to arrive. An individual who has been subjected to Prohibited Sexual Conduct has the option to notify law enforcement authorities and have the matter investigated by the campus police or agency with jurisdiction. Additionally or alternatively, an individual who has been subjected to Prohibited Sexual Conduct on campus or in association with a university-sponsored event may report the incident to the university for a university (internal) investigation. When university staff in non-confidential roles become aware of a student who has been subjected to Prohibited Sexual Conduct, the incident will be reported to the SHARE Title IX Office. Additionally, Campus Security Authorities, per state law, must notify local law enforcement about a sexual assault. The name of the victim may be withheld, except under certain circumstances. For more information about the state law requirements for law enforcement notification, see pages 6-9.

## Privacy and Confidentiality

The university will make reasonable and appropriate efforts to preserve an individual's privacy and protect the confidentiality of information. Because of laws relating to reporting and other state and federal laws, the university cannot guarantee confidentiality to those who report incidents of Prohibited Sexual Conduct except where those reports are privileged communications with those in legally protected roles (see resources on page 20).

In this context, privacy means that information related to a complaint will be shared with only a limited number of University employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are responsible for the University's response to Prohibited Sexual Conduct

receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), and the privacy of employee records will be protected in accordance with California law and University policy.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources.

The University has an obligation to evaluate, and sometimes investigate, reports of Prohibited Sexual Conduct made to non-confidential resources. If a victim requests confidentiality, the university's ability to respond may be limited, including pursuing discipline against the accused; although, where feasible, the University will take reasonable steps to prevent Prohibited Sexual Conduct and limit its effects. It is not always possible to provide confidentiality depending on the seriousness of the allegation and other factors, which will be weighed by the university in conjunction with other factors. These factors include circumstances that suggest an increased risk of the accused committing additional acts of sexual violence or other violence, whether the sexual violence was perpetrated with a weapon or with extreme force, the age of the student, and the ability of the university to obtain evidence by other means. The university takes seriously requests for confidentiality, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students and the University community.

During university investigations, the identities of impacted parties and witnesses are generally shared with the accused. Should a Complainant make a request that the University not disclose the Complainant's identity to the





## Prohibited Sexual Conduct

Respondent, the Title IX Coordinator will inform the Complainant that the University's ability to respond to the allegations and Investigate may therefore be limited if the request is granted. A Complainant who initially requests Confidentiality is not prohibited from later requesting that the University conduct a full Investigation.

Exceptions to maintaining confidentiality are set by law; for example, physicians and nurses who treat any physical injury sustained during a sexual assault are required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, teachers, and social workers must report a sexual assault committed against a minor.

Except for Confidential Resources, information shared with other individuals is not legally protected from being disclosed. However, the University takes requests for Privacy and Confidentiality seriously, to the extent it can do so while at the same time fulfilling its responsibility to provide a safe and nondiscriminatory environment for all students and the University community. The University in such circumstances will make sure the Complainant is aware he/she/they are protected from Retaliation.

In California, per Penal Code § 293(a), a police officer is required to ask a victim of certain specified crimes, including some forms of sexual assault and domestic violence, if the victim wants their name to remain confidential. If a victim elects to have their name remain confidential, the police will not list the victim's name in a crime log or release it to university officials without the victim's permission (Penal Code § 293[d]). If the District Attorney elects to prosecute a sexual assault, the name of an adult victim may be subject to disclosure.

A victim or impacted party's personally identifiable information will not be included in publicly available documentation required by the Clery Act, such as the crime log.

## SHARE Hearing Procedure

Given the jurisdictional limits of Title IX (the Title IX Investigation and Hearing Procedure is applicable for incidents in the United States), Stanford deemed it imperative under both state law and under its own policies to provide this companion procedure to the Title IX Procedure to address allegations of violations of Administrative Guide 1.7.1 (sexual harassment, sexual assault, domestic or dating violence, stalking, inducing incapacitation, recording/distributing sexual activity, collectively “University Prohibited Sexual Conduct”) that do not meet the jurisdictional threshold under Title IX. The full Title IX Investigation and Hearing Procedure and SHARE Title IX Office contact information is available at [titleix.stanford.edu](https://titleix.stanford.edu)

### SEXUAL HARASSMENT/ASSAULT INVESTIGATION & HEARING

#### PROCEDURE (SHARE Hearing Procedure)

Effective August 14, 2020.

#### I. PREAMBLE

Stanford University is committed to fostering a campus environment that is free from unlawful discrimination on the basis of sex, including sexual harassment and sexual assault. In support of that commitment, Stanford takes steps to increase awareness of such sexual harassment and sexual assault, eliminate its occurrence on campus and in University programs and activities, encourage reporting, provide support for survivors, promptly respond to all reports of sexual harassment and sexual assault, deal fairly with accused Respondents,<sup>1</sup> and take appropriate action against those found responsible.

Stanford University has developed this procedure as part of its commitment to address sexual harassment and sexual violence involving complaints against faculty and students.

In August 2020, federal regulations interpreting Title IX of the Education Amendments of 1972 (20 U.S.C. 1681), which prohibits discrimination on the basis of sex in education, require institutions of higher education to

implement a grievance procedure for allegations that meet the jurisdictional and definitional confines of sexual harassment, sexual assault, dating and domestic violence, and stalking under those Title IX regulations. Stanford’s Title IX Procedure can be found online at <https://titleix.stanford.edu/investigatingrievance-administrative-policy-and-procedures>.

Given the jurisdictional limits of Title IX, Stanford deemed it imperative under both state law and under its own policies to provide this companion procedure to the Title IX Procedure to address allegations of violations of Administrative Guide 1.7.1 (sexual harassment, sexual assault, domestic or dating violence, stalking, inducing incapacitation, recording/distributing sexual activity, collectively “University Prohibited Sexual Conduct”) that do not meet the jurisdictional threshold under Title IX.

#### II. APPLICABILITY OF SHARE HEARING PROCEDURE

With regard to complaints against students and faculty, this SHARE Hearing Procedure addresses Stanford University’s responsibilities under federal laws, including the Clery Act (20 U.S.C. 1092(f)) and its implementing regulations (34 C.F.R. 668.46)<sup>2</sup>, and California laws, including Education Code sections 67380 - 67386. Federal and California laws prohibit discrimination on the basis of sex (gender) in educational programs and activities.

This Procedure is also designed to comply with the Violence Against Women Act (“VAWA”) (42 U.S.C. 13925) and its implementing regulations (24 C.F.R. 5.2001) if reauthorized.

This SHARE Hearing Procedure will be relied upon to resolve complaints of University Prohibited Sexual Conduct where the alleged perpetrator (“Respondent”) is a student or Faculty member and where the alleged conduct does not fall within the jurisdictional scope of the Title IX Procedure, as detailed in section III.B.3 below.<sup>3</sup> This procedure will also be used to address complaints of Retaliation and Violations of University or Court-Ordered Directives related to the aforementioned conduct, as well as knowingly aiding or facilitating another person to commit any such act. This collective conduct (as defined in Administrative Guide section 1.7.1) will be referred to herein as “Policy Violation(s).”



# Prohibited Sexual Conduct

This Procedure applies if:

- the Respondent was subject to Administrative Guide section 1.7.1 at the time of the alleged Policy Violation and at the time of the report;
- the University has the ability to conduct a thorough investigation into the Policy Violation; AND
- one or more of the following circumstances applies:
  - o the conduct happened on campus or in connection with a University program or activity;
  - o a reasonable Complainant would suffer substantial harm if the alleged Policy Violation were not addressed;
  - o there are multiple complainants alleging serious sexual misconduct or past similar disciplinary matters;

OR

- o the Policy Violation would constitute a serious crime if true.

The University may voluntarily dismiss a matter if it no longer has jurisdiction over the Respondent.

This document provides the procedures that Stanford will use to assess, respond to, and redress Policy Violations that are within its scope.

Student staff members will be treated as students for all purposes under these Procedures.

In cases in which a Complainant brings a concern against a staff or postdoctoral Respondent, the University will follow other University procedures based on the status of the Respondent.

### III. REPORTING POLICY VIOLATIONS

3 A Faculty member for purposes of this Procedure is a member of the Professoriate, as defined in section 1.2.5 of the Faculty Handbook.

#### A. What to Report

Policy Violations administered under this Procedure are found in Administrative Guide 1.7.1.4 The following types of Policy Violations may be administered under this Procedure, to the extent they do not fall within the jurisdictional scope of the Title IX Procedure:

- Title IX Sexual Harassment
- Employment-Related Sexual Harassment (if Respondent is a Faculty member)
- University Sexual Harassment
- Sexual Assault
- Title IX Nonforcible Sexual Violations
- University Nonforcible Sexual Violations
- Domestic Violence
- Dating Violence
- University Relationship Violence
- Stalking
- Violation of University Directive/Court Order
- Retaliation or Intimidation

#### B. Where to Report

##### 1. Title IX Coordinator/Director of SHARE

The Title IX Coordinator/Director of SHARE is the individual designated by the University to coordinate its efforts under Administrative Guide 1.7.1. All reports of violations of Administrative Guide section 1.7.1 should be reported to the Stanford Title IX Coordinator/Director of SHARE at Kingscote Gardens, Suite 240, 419 Lagunita Drive, Stanford, CA 94305, [titleix@stanford.edu](mailto:titleix@stanford.edu), (650) 497-4955.

Any person may report Policy Violations under Administrative Guide 1.7.1 (whether or not the individual reporting is the person alleged to have experienced the conduct), in person, by mail, by telephone, or by email,

using the contact information listed below. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Title IX Coordinator/Director of SHARE  
Stephen Chen  
Kingscote Gardens (2nd Floor) 419 Lagunita Drive  
Stanford, CA 94305  
(650) 487-4955  
[titleix@stanford.edu](mailto:titleix@stanford.edu)

The full definitions for these Policy Violations may be found at the Stanford Administrative Guide 1.7.1. For conduct occurring before August 14, 2020, the definitions may also be found in the former Administrative Guide 1.7.3.

There is one individual designated as the Title IX Coordinator/Director of SHARE. This individual may be referred to as simply the “Title IX Coordinator” in this Procedure or in other University materials, but the individual’s responsibilities include the administration of this Procedure. Stanford’s Title IX Coordinator, Stephen Chen, is authorized to manage the response to reports of Policy Violations under Administrative Guide 1.7.1. and under this SHARE Hearing Procedure.

### 2. Deputy Title IX Coordinators

The Title IX Coordinator/Director of SHARE may delegate responsibility for handling a report to a Deputy Title IX Coordinator, as appropriate, or to another office or individual in the event the matter reported falls outside of the scope of this SHARE Hearing Procedure. A current list of Deputy Title IX Coordinators is provided on the University’s Title IX website.

### 3. Reports under Title IX Procedure may be routed to this SHARE Hearing Procedure

Reporting conduct under the Title IX Procedure,

[titleix.stanford.edu/investigationgrievance-administrative-policy-and-procedures](https://titleix.stanford.edu/investigationgrievance-administrative-policy-and-procedures), will also qualify as a report under this SHARE Hearing Procedure (but a formal signed complaint is not required for this SHARE Hearing Procedure). For clarification, if the alleged Policy Violation

is covered by Title IX, the University is legally required to address the alleged Policy Violation under that Title IX Procedure. This companion SHARE Hearing Procedure will apply if the conduct is not covered by Title IX. Reasons that conduct might not fall within Title IX include that the alleged Policy Violation:

- occurred before August 14, 2020;
- does not meet the definitions of Title IX Prohibited Conduct;
- did not occur against a person in the United States;
- did not occur within a program or activity of the University as defined by Title IX; OR
- the Complainant was not participating in or seeking to participate in a University program or activity at the time of the filing of a Complaint.

If a Title IX Complaint is dismissed, but also describes conduct that could be a violation under Administrative Guide 1.7.1, the Complainant will be contacted and invited to participate in this SHARE Hearing Procedure.

### 4. Reports to Law Enforcement

If the individual is in immediate danger, or believes there could be an ongoing threat to the individual or the community, please call 911 or 9-911 from a campus phone or use a blue emergency phone tower on campus.

For conduct that could also constitute a crime under California law, a Complainant is encouraged—but not required—to contact the police by dialing 911 or the local police agency in the jurisdiction in which the alleged incident occurred. California law also provides that individuals who experience sexual violence are encouraged to preserve evidence and to note the identity and location of Witnesses. Contacting law enforcement to make a report allows for forensic evidence to be collected, including a SART exam if needed, which may be helpful if a decision is made to pursue criminal charges. For more information about how to obtain a SART exam, see: [sexualviolencesupport.stanford.edu](https://sexualviolencesupport.stanford.edu).

University officials will assist a Complainant in contacting



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local law enforcement authorities, if requested. If a person believes that there is an ongoing threat to personal safety from a particular individual, a person may request an emergency protective restraining order from a California police officer.

If the alleged incident occurred on the Stanford campus (and the alleged incident is not ongoing), individuals may contact the Stanford University Department of Public Safety (SUDPS) at its non-emergency telephone number (650) 723-9633.

Additionally, Residence and Graduate Life Office Deans, and the Confidential Support Team staff, are available to assist students in making such a report.

Additionally, the HELP Center staff is available to assist faculty, staff, and postdoctoral scholars in making such a report.

## C. When to Report and Confidential Resources

There is no specific time frame for individuals who have experienced conduct that may constitute a Policy Violation to report a concern pursuant to this SHARE Hearing Procedure. Individuals are, however, encouraged to make a report soon after the incident in question in order to maximize the University's ability to investigate and reach a finding.

At any time (whether or not an individual decides to make a report of a Policy Violation) an individual may contact University Confidential Resources that can provide emotional support and counseling.

The University makes available Confidential Resources for consultation regarding reports of policy violations. Confidential Resources do not disclose information received by them with any other office or person, including the SHARE & Title IX office, and therefore meeting with a Confidential Resource will never lead to a University response or Investigation. However, Confidentiality does not extend to reasonable belief that a minor (under age 18) has been harmed or is at risk of being harmed, which by law must be reported to law enforcement or child protective services. 6 Similarly, if a client, or a close relation of the client, makes a specific threat of planning to kill or seriously harm another person to a Confidential counselor,

this also requires a report to law enforcement. In addition, the University cannot guarantee that conversations with the Ombuds or a dean at the Office for Religious Life at Memorial Church might not be subject to disclosure in legal proceedings or pursuant to other legal process. Communications with attorneys, medical doctors, and mental health care providers, on the other hand, may be privileged under law.

The University's Confidential Resources and Confidential community resources can be found at <https://titleix.stanford.edu/confidential-counseling-university-resources>.

When the allegations described could be a crime under the Clery Act or California law,<sup>7</sup> University staff members designated as Campus Security Authorities are also required by California law to notify the Stanford University Department of Public Safety. Under California law, violent crimes, including sexual assault, and hate crimes must be reported immediately by calling 9-1-1 or 650-329-2413. Campus security Authorities can report other crimes at <https://police.stanford.edu/pdf/CSA-Report-Form.pdf>. (For more information see: <https://police.stanford.edu/pdf/CSA-Flowchart.pdf>).

Except in the event the person who is the subject of the potential criminal act is a minor, the name of this individual should not be released to the Department of Public Safety without the individual's consent.

## D. How to Report

Complainants who experience any type of sexual harassment or violence are encouraged to seek help as identified above. Any person may report Policy Violations, whether or not the individual reporting is the person alleged to have experienced the conduct. Responsible Employees designated by Administrative Guide 1.7.1 have an obligation to report potential Policy Violations to the Title IX Coordinator/Director of SHARE. To report a concern, the SHARE Title IX Office will ask for the following information, if known:

- Name of Complainant
- Complainant's role, if any, within the University (undergraduate student, graduate student, faculty, staff, postdoctoral scholar, fellow, alumni, other [describe])



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- Name of Respondent
- Respondent's role within the University (faculty or student)
- Date of the incident
- Location of the incident
- Time of the incident
- Nature of the conduct (provide specific details of the report)
- Date of previous report (if any)
- To whom any previous report was made (if any)

Individuals who meet the definition of a mandated reporter under California Penal Code sections 11165.7, 11166, and 11167, must report those incidents of child abuse and neglect as directed by the applicable statute. A person under the age of 18 years of age is a minor subject to these provisions. In addition, physicians and nurses who treat any physical injury sustained during sexual violence are required to report such cases to law enforcement.

Questions about whether conduct could be a crime should be directed to the SHARE Title IX Office or Department of Public Safety.

For Academic Year 2020-2021 only, the University will not impose consequences for COVID-19 health and safety violations, including those in the Campus Compact, on anyone who reports experiencing sexual violence or on any Witness who aids any report of sexual violence. For more information, see [campuscompact.stanford.edu/frequently-asked-questions](https://campuscompact.stanford.edu/frequently-asked-questions).

#### IV. PROCEDURE: INITIAL REPORT OF CONCERN, INVESTIGATION, INFORMAL RESOLUTION, HEARING, AND APPEAL

##### A. Receipt of a Concern

##### 1. Offer of Supportive Measures

Upon receipt of a concern of a Policy Violation, the Title IX Coordinator/Director of SHARE or Deputy Title IX Coordinator (or their designee) will promptly contact the

Complainant and inform the Complainant:

- of the availability of Supportive Measures, including that the Supportive Measures are available with or without filing a complaint;
- of the availability of confidential counseling resources both on and off campus;
- how to file a detailed written complaint (if desired);
- that, if the reported conduct could be a crime, the Complainant has the right but not the obligation to file a police report, and that if there is a police investigation, the Title IX Coordinator will coordinate with law enforcement; and
- of the importance of preserving evidence and identification and location of Witnesses.

Supportive Measures will be different for every matter and will be based on individualized review. Stanford offers confidential counseling to community members, through the Confidential Support Team for students, and through the Faculty/Staff HELP Center for others. Other Supportive Measures may include extensions of deadlines or other course- related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The University will maintain as Private any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures.

The Title IX Coordinator/Director of SHARE or Deputy Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. The Title IX Coordinator/Director of SHARE or Deputy Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

##### 2. Privacy and Confidentiality

Notice to the Title IX Coordinator/Director of SHARE of conduct that could constitute a Policy Violation triggers the University's obligations under this SHARE Hearing



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Procedure; the University has an obligation to review the available information and determine whether to proceed to an Investigation.

In this context, Privacy and Confidentiality have distinct meanings.

Privacy means that information related to a complaint will be shared with only a limited number of University employees who “need to know” in order to assist in the assessment, Investigation, and resolution of the report. All employees who are responsible for the University’s response to potential policy violations under Administrative Guide 1.7.1 receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (“FERPA”), and the privacy of employee records will be protected in accordance with California law and University policy.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources.

The University will make reasonable and appropriate efforts to preserve an individual’s Privacy and to protect the Confidentiality of information. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee Confidentiality relating to incidents of policy violations under Administrative Guide 1.7.1 except where those reports are privileged communications to Confidential Resources. Even then, there are exceptions to maintaining Confidentiality set by law; for example, physicians and nurses who treat any physical injury sustained during a sexual assault are required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, teachers and social workers must report a sexual assault committed against a

person under age 18.

Except for Confidential Resources, information shared with other individuals is not legally protected from being disclosed. However, the University takes requests for Privacy and Confidentiality seriously, to the extent it can do so while at the same time fulfilling its responsibility to provide a safe and nondiscriminatory environment for all students and the University community. The University in such circumstances will make sure the Complainant is aware they are protected from Retaliation.

Should a Complainant make a request that the University not disclose the Complainant’s identity to the Respondent, the Title IX Coordinator/Director of SHARE will inform the Complainant that the University’s ability to respond to the allegations and Investigate may therefore be limited if the request is granted. A Complainant who initially requests Confidentiality is not prohibited from later requesting that the University conduct a full Investigation.

Whether or not the Complainant requests Confidentiality, the University will keep Private the identity of all Complainants, Respondents, and Witnesses, except as necessary to carry out this Procedure or as may be required by FERPA or other law.

3. Emergency Removal/Administrative Leave
  - a. Individualized Safety and Risk Analysis.

After a receipt of concern of a Policy Violation, the Title IX Coordinator/Director of SHARE, potentially in consultation with the Threat Assessment Team or others as appropriate, may undertake an individualized safety and risk analysis to determine whether the allegations indicate the Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations. If the University determines removal is appropriate, the Respondent will be provided with notice and an opportunity to challenge the decision immediately following the removal.

- b. Administrative Leave of a Non-Student Respondent.

The University may place a non-student Respondent on



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administrative leave after notice of a concern of a Policy Violation and during the pendency of resolution of the matter.

### B. Assessment of a Concern

After notice of a concern, the Title IX Coordinator/Director of SHARE will first assess whether an Investigation will be conducted; that is, whether the allegation(s), if true, would rise to the level of a Policy Violation and, if so, whether a formal Investigation is appropriate under the circumstances, taking into account the Complainant's request for Confidentiality. A determination regarding whether to move forward to an Investigation generally occurs in a ten-day period, although the complexity of the matter; difficulty accessing information; request from law enforcement; University event/holiday/academic calendar; or other unanticipated circumstance may result in a reasonable delay of the determination. If the Title IX Coordinator/Director of SHARE elects not to move forward to an Investigation, the Complainant will be notified of that decision in writing through a Notice of No Investigation. The Complainant may request review of that determination by submitting a written request to the Title IX Coordinator/Director of SHARE within ten days.

### C. Determination of Undertaking an Investigation

If after assessing a concern, the Title IX Coordinator/Director of SHARE determines there is sufficient basis to initiate an Investigation under this Procedure, the Title IX Coordinator/Director of SHARE or their designee will contact, when possible, the Complainant and request consent from the Complainant to proceed to an Investigation. The Title IX Coordinator/Director of SHARE will also arrange to meet with the Complainant to provide information about the Investigation. A copy of this Procedure will be provided to the Complainant. An Investigation may still go forward even if the Complainant declines to consent and/or requests Confidentiality, if appropriate, including because an Investigation is required by law, or otherwise a decision is made to move forward subject to balancing the following factors:

1. The status of the Respondent and whether the Respondent has authority over students and/or staff.
2. Whether there have been multiple reports of violations of Administrative Guide section 1.7.19 relating to a single Respondent;
3. The seriousness of the alleged Policy Violation (e.g., whether the alleged conduct involved a weapon, physical restraints or battery);
4. Whether there is a likelihood that the Respondent would be a danger to the Complainant or the Stanford community;
5. The age of the Complainant;
6. Whether the report of alleged Policy Violation can be effectively addressed through another type of intervention; and
7. The ability of the University to obtain relevant evidence.

When concerns are raised along with other allegations that could violate other University policies outside of the University Prohibited Sexual Conduct area, the Title IX Coordinator/Director of SHARE will consult with appropriate University officials to determine whether a joint investigation will be conducted under this Procedure, or whether the matter will be referred to another procedure. If the matter is referred, the decision-maker in that other procedure will confer with the Title IX Coordinator/Director of SHARE on Policy Violations under Administrative Guide 1.7.1. Similarly, when an Investigation under this Procedure includes review matters outside of the University Prohibited Sexual Conduct area, the Investigators will confer with appropriate University officials.

### D. Notice of Investigation

1. Notice of Investigation. Upon moving to an Investigation, the University will provide a Notice of Investigation to the Parties for whom the University knows their identity, including the following details:
  - a. A description of the University's SHARE Hearing



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Procedure, including any Informal Resolution process.

b. A description of the allegations including sufficient details known at the time such as:

- i. the identities of the Parties involved in the incident;
- ii. the conduct allegedly constituting the Policy Violation; and
- iii. the date and location of the alleged incident.

c. A statement that the Parties may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence as described herein.

The Notice of Investigation will be provided with sufficient time to respond and prepare for any investigative interviews.

Once a Notice of Investigation is issued, a Respondent student's ability to receive a degree is placed on hold.

After receiving Notice of Investigation, both the Complainant and the Respondent will be asked to identify any academic, employment, or other significant conflicts that would affect the timing of the Investigation and potential Hearing. The Hearing Coordinator will consider this input in finalizing any Hearing Schedule.

2. Ongoing Notice Requirement. If, in the course of an Investigation, the University decides to investigate allegations about the Complainant or Respondent that are not included in the initial Notice of Investigation provided, the University will provide notice of the additional allegations to the Parties whose identities are known.

## E. Rights and Responsibilities of Parties and Witnesses

During an Investigation and Hearing under this SHARE Hearing Procedure, the Parties and Witnesses have the following responsibilities and rights.

### 1. Responsibilities of the Parties and Witnesses

a. The responsibility to be truthful, to cooperate with the process, and to follow the directions of University staff and agents responsible for administering this process;

b. The responsibility not to Retaliate against or Intimidate (see Section V.A.) any individual who has reported a Policy Violation or who has participated as a Party or Witness in the process; and

c. The responsibility to keep private (by not disseminating beyond Support Persons) documents, materials, and information received from the University during this process; and,

d. The responsibility to destroy, when so directed by the University, evidentiary materials and/or writings submitted by the other Party as part of the process.<sup>10</sup>

### 2. Rights of all Parties and Witnesses

a. The right to be protected from Retaliation and Intimidation (see Section V.A., below) where one has reported a Policy Violation or participated as a Party or Witness in the process;

b. The right to receive information regarding consequences for knowingly making false statements or knowingly submitting false information during the SHARE Hearing Procedure under the Code of Conduct and/or Fundamental Standard;

c. The right to take breaks during a Hearing, as needed and as permitted by the Hearing Officer.

### 3. Rights of Student Parties and Student Witnesses

a. The right not to be disciplined for drug and alcohol violations (relating to voluntary ingestion) or similar Fundamental Standard offenses in connection with the reported incident that do not place the health or safety of any other person at risk.

### 4. Rights of Student Parties

a. For student Complainants and Respondents, the right to six hours of consultation time with a University-Identified Attorney, at no cost to the student Party, at any time after a Notice of Investigation is issued and prior to a matter being set for Hearing (as described in Section IV.G.1.b.), plus the additional time described in Section IV.G.1.c;

b. The right to decline to give a statement about the allegations or attend a Hearing;

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### 5. Rights of all Parties

- a. The right to be treated equitably and receive the same equitable access to Supportive Measures;
- b. The right to have each phase of the SHARE Hearing Procedure completed within a reasonably prompt timeframe (as set forth in Appendix C);
- c. The right to a Process Support Person to support and/or advise the Party (as described in Section IV.G.1.a.);
- d. The right to receive a Notice of Investigation that provides sufficient detail about the allegations and the applicable University policies for the Respondent to be able to respond and for both Parties to understand the scope of the Investigation;
- e. The right to participate in the Investigation, including by identifying fact Witnesses and Expert Witnesses and identifying and/or providing inculpatory, exculpatory and other relevant information and evidence to the Investigator;
- f. The right to receive any Notice of Dismissal (as described in Section IV.H.1.d.);
- g. The right to appeal any Notice of Dismissal (as described in Section IV.H.1.e.);
- h. The right to receive an Investigative Report (if any) that fairly summarizes relevant evidence, in electronic format or hard copy along with either a Notice of Dismissal or, if the matter proceeds to a Hearing, in the Hearing File;
- i. For all Complainants and Respondents, the right to a University- Identified Support Person. For all student and faculty Complainants and Respondents, the right to up to three hours of consultation time with a University- Identified Attorney for pre- Hearing preparation after a matter has been set for Hearing, plus actual time required for the Hearing, plus up to two additional hours for any Appeal, at no cost to the Party (as described in Section IV.G.1.c.). For student Complainants and Respondents, this time is in addition to the pre-Hearing consultation time described in Section IV.G.1.b.
- j. The right to have the matter heard at a live Hearing by a neutral Hearing Officer who will determine the matter using a Preponderance of the Evidence standard and who will not prejudge the outcome of a case or start with a bias in favor of either party;
- k. The right to submit relevant, non-harassing, non-duplicative written questions to the Hearing Officer who will ask questions at the live Hearing on behalf of the Party;
- l. The right to receive a Written Determination Regarding Responsibility (if any) (as described in Section IV.J.6.);
- m. The right to appeal the Written Determination Regarding Responsibility to a neutral Appeal Officer (as described in Section IV.J.7.); and
- n. The right to receive a Notice of Outcome of Appeal.

### 6. Rights of the Respondent

- a. The right not to have any disciplinary Sanctions imposed before a finding of responsibility in accordance with this SHARE Hearing Procedure.

A Party or Witness may not distribute materials obtained through the process and may not engage in Retaliatory or Intimidating conduct aimed at any other participants in the process. The University will investigate allegations of a person engaging in any of these prohibited acts. The University recognizes, however, that it cannot otherwise prevent individuals from speaking openly about their experience and the University process.

### F. Informal Resolution

#### 1. Informal Resolution Process

At any time after receiving information about a concern, the Title IX Coordinator/Director of SHARE or Deputy Title IX Coordinator may, in their discretion, choose to offer and facilitate an Informal Resolution process. The University may not require the Parties to participate in an Informal Resolution process or require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, and election to participate in an Informal Resolution does not constitute a waiver of the right to a formal Investigation under this



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Procedure until the time that such Informal Resolution is agreed upon. Any person who facilitates an Informal

The University will consider different models of Informal Resolution, including restorative justice or alternative dispute resolution suggestions made by the Parties (where allowed).

Resolution will be experienced and trained in dispute resolution and trained on this SHARE Hearing Procedure.

## 2. Withdrawing from an Informal Resolution Process

At any time prior to agreeing to an Informal Resolution, any Party has the right to withdraw from the Informal Resolution process and resume the process with respect to a formal Investigation and SHARE Hearing.

## G. Investigation

The formal Investigation phase is the period during which the Investigator gathers information about the allegations. This period of time is the Parties' opportunity to provide input regarding the collection of evidence, but the burden of gathering evidence and the burden of proof is on the University. The University may, in its discretion, consolidate the Investigation of multiple Formal Complaints where the allegations arise out of the same facts.

### 1. Support During the Investigation and Hearing Process

#### a. Process Support Persons

Stanford will provide access to a Process Support Person to all Parties in this Procedure. The Process Support Person serves as an advisor to the Party. The Process Support Person may assist a Party on written submissions provided they are verified by the Party. The Process Support Person does not speak or advocate on behalf of the Party in University proceedings. Any Process Support Person who violates these expectations may not be permitted to participate further in the process or as a Hearing Support Person.

Only one Process Support Person will be allowed to accompany a Party to meetings with Investigators (including meetings that occur using technology, such as Zoom).

#### b. University-Identified Attorney Consultation for Student Parties Prior to Hearing

The University has identified local attorneys who are available to provide student Parties with up to six hours of consultation time once a Notice of Investigation is issued and prior to a matter being set for Hearing. The consultation services of the University-Identified Attorneys are intended to provide student Parties the opportunity to discuss legal issues related to the concern and assist with the Investigation phase and any Informal Resolutions offered prior to a Hearing. Student Parties are not obligated to use this resource or to follow any guidance provided by an attorney. Stanford will directly pay for up to six hours of consultation for student Parties prior to a matter being set for Hearing; student Parties will not be billed for this time. The student Parties will be informed of this resource, and the Title IX Office will provide a list of the University-Identified Attorneys available for consultation services for student Parties upon request. The student Parties are responsible for selecting their own University-Identified Attorney from this list.

A student Party may elect to use this resource at any time after a Notice of Investigation is issued, and the six hours of pre-Hearing consultation will be in addition to any services provided by a University-Identified Attorney at the Hearing stage. While student Parties are not required to use a University-Identified Attorney and are otherwise permitted to engage another attorney, the University will not reimburse student Parties for such services or for any hours that exceed the allotted times for University-Identified Attorneys.

#### c. Hearing Support Person/University-Identified Attorney

In the event a matter proceeds to a Hearing, University-Identified Attorneys will be made available to all student and Faculty Parties for up to three hours of assistance with the pre-Hearing stage, plus time for the actual Hearing, plus up to two hours for any appeals. The University-Identified Attorney will provide guidance around Hearing preparation, and may provide assistance during an appeal period or with any Informal Resolutions that are offered

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after a matter has been set for Hearing. Parties are not obligated to use this resource or to follow any guidance provided by an attorney. Parties will be informed of this resource, and should Parties wish to avail themselves of this resource, Title IX Office will provide a list of the University-Identified Attorneys. Each Party is responsible for selecting their own University-identified Attorney from this list. If a student Party has elected to use a University-Identified Attorney for consultation prior to the Hearing stage, and elects to use this resource for the Hearing stage, the student Party will be offered the same University-Identified Attorney that provided the consultation services to serve as the student Party's Hearing Support Person. A student Party may choose a different University- Identified Attorney from the list to serve as the Hearing Support Person, but the overall time allotted if the student Party switches University-Identified Attorneys will not increase.

Stanford directly pays these providers for up to three hours for the Hearing preparation, actual time for the Hearing itself, and up to two hours for any appeals. Parties will not be billed for these services.

Attorneys owe a duty of loyalty to their Party clients, not to the University. The services provided by these attorneys are for the purpose of the resolution of the matter under this process only; the attorneys are not available to provide other legal services to their clients, such as to litigate directly against the other Party or the University.

While Parties are not required to have a University-Identified Attorney for the Hearing and are otherwise permitted to engage another attorney, the University will not reimburse Parties for such services or for any hours that exceed the allotted times for University- Identified Attorneys.

### 2. Investigation Process

a. Investigator. The Title IX Coordinator or Deputy Title IX Coordinator will designate an individual to conduct the Investigation.

b. Notice of Interviews, Meetings or Hearings. The University will send the Parties advance written notice of any investigative interviews, meetings, or Hearings at

which the Party is expected to be present.

c. Method of Information Gathering. The Investigator may gather information in multiple ways. The Investigator may collect relevant documents and other information and may also interview Parties and/or Witnesses. In addition, a Complainant or Respondent may:

i. submit documentary information to the Investigator;

ii. submit a list of Witnesses to be interviewed by the Investigator; and/or

iii. request that the Investigator attempt to collect documents and other information that are not accessible to the requesting Party.

d. Medical Records

For purposes of this SHARE Hearing Procedure, the University will not 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 the University obtains that Party's voluntary, written consent to do so.

e. Past Sexual History

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 Affirmative Consent.

f. Investigative Report

At the conclusion of the Investigation, the Investigator will complete an Investigative Report that fairly summarizes the relevant evidence and provide it to the Title IX Coordinator/ Director of SHARE.





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After review of the Investigative Report, the Title IX Coordinator/Director of SHARE will make the determination whether to dismiss the concern or proceed to a Hearing. The Title IX Coordinator/Director of SHARE will include a copy of the Investigative Report along with any Notice of Dismissal or, if the matter proceeds to a Hearing, the Investigative Report will be included in the Hearing file.

## H. Post-Investigation Options

### 1. Dismissal of Concern After Investigation

- a. **Mandatory Dismissal.** The University must dismiss the concern if after the Investigation it is determined by the Title IX Coordinator/Director of SHARE that the conduct alleged in the concern does not constitute a University Policy Violation under Administrative Guide 1.7.1.
- b. **Discretionary Dismissal.** The University may dismiss the concern if:
  - i. The Respondent is no longer enrolled or employed by the University;
  - ii. Specific circumstances prevent the University from gathering sufficient evidence to reach a determination; or
  - iii. The Complainant informs the Title IX Coordinator/Director of SHARE in writing that the Complainant desires to withdraw the concern or allegations therein.

In the event that the Respondent is no longer enrolled or employed by the University after a Formal Complaint is filed, but the Complainant wishes to proceed with an Investigation, the Title IX Coordinator will do so to the extent feasible.

1. A Complainant may notify the Title IX Coordinator at any time that the Complainant does not wish to proceed with the Investigation and/or Hearing process. If such a request is received, the Title IX Coordinator/Director of SHARE will inform the Complainant that the University's ability to respond to the allegation may be limited if the allegations are withdrawn.
2. The Title IX Coordinator/Director of SHARE will consider the factors in Section IV.C. in reaching a determination as to whether to terminate the

Investigation and/or Hearing process. In the event that the Title IX Coordinator/Director of SHARE determines that the Investigation will continue, the Title IX Coordinator/Director of SHARE will notify the Complainant of that determination. The Title IX Coordinator/Director of SHARE will include in that notification a statement that the Complainant is not required to participate in the Investigation and/or Hearing process but that the process will continue. In the event that the Title IX Coordinator/Director of SHARE determines that the Investigation will be terminated, both Parties will be notified.

c. **Referral.** In the event of dismissal after the Investigation (mandatory or discretionary), the Title IX Coordinator/Director of SHARE may refer some or all of the matter for consideration under another applicable University policy or procedure, if any.

d. **Notice of Dismissal after Investigation.** Upon dismissal, the Title IX Coordinator/Director of SHARE will promptly send a Notice of Dismissal (mandatory or discretionary) and reason(s) for the dismissal simultaneously to the Parties.

e. **Right to Appeal Notice of Dismissal.** The Parties may appeal a Notice of Dismissal. Each Party may submit a written appeal of up to 6,000 words in length, which will be shared with the other Party. The Parties must submit the appeal by the date determined by the SHARE Title IX Office, generally ten calendar days from the receipt of the Notice of Dismissal. The appeal is submitted to an External Sexual Harassment/Assault Process Specialist and will be limited to the following grounds:

- i. Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the Complainant?
- ii. Was there any substantive new evidence that was not available at the time of the decision that could not have been available based on reasonable and diligent inquiry that would substantially affect the outcome of the decision?
- iii. Is the decision one that a reasonable person might have made?



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Upon receipt of a Party's appeal, the Hearing Coordinator will share it with the other Party. Each Party may submit a response to the other Party's appeal (no more than 3,000 words). Each Party must submit this response by the date determined by the Hearing Coordinator, generally seven (7) calendar days after the other Party's appeal has been shared. The appealing Party will have access to the other Party's response to the appeal, but no further responses will be permitted.

The Title IX Coordinator/Director of SHARE is permitted, but not required, to file a response to a Party's appeal to respond to concerns relating to procedural irregularities including the Investigation. The Title IX Coordinator/Director of SHARE may submit one response for each Party that files an appeal (that raises a procedural irregularity). Each response by the Title IX Coordinator/Director of SHARE should be no more than 1,500 words. The Parties will have access to the Title IX Coordinator/Director of SHARE response(s) to the appeal, but no further responses will be permitted.

The remedy is limited to directing the Title IX Coordinator/Director of SHARE to issue a Notice of Hearing and proceed to a Hearing.

2. Informal Resolution. As set forth in Section IV.F.1, the Title IX Coordinator/Director of SHARE may offer an Informal Resolution for eligible matters at any time including after the Investigation has concluded.
3. Notice of Hearing/Setting of Hearing. For any matters not subject to Dismissal or Informal Resolution after Investigation, the matter will proceed to a Hearing. The Title IX Coordinator/Director of SHARE will notify both the Complainant and the Respondent in writing that the matter has been charged and referred to a Hearing Officer to decide the matter. The Hearing Coordinator will promptly set the Hearing based on the availability of the Parties and Witnesses.

- I. Pre-Hearing Process

1. Creation of Hearing File.

The Hearing Coordinator (working with the Investigator) will create the initial Hearing File within seven (7)

calendar days after the issuance of the Notice of Hearing. However, in more complex cases involving, for instance, multiple allegations and/or Witnesses, the creation of the Hearing File may take longer. Before the Hearing File is made available to the Parties, the Investigator/Hearing Coordinator will redact personally identifying information from the Hearing File, such as phone numbers, addresses, and medical information. The Investigator/Hearing Coordinator will also propose redactions of non-permissible and unrelated information in the Hearing File, and highlight those proposed redactions to the Parties. The Parties will receive electronic access to view the Hearing File. Parties will also receive a log describing gathered materials that were not included in the Hearing File.

- a. Expert Witnesses

Expert Witnesses may be permitted only if:

- a. the Hearing Officer needs special expertise in order to understand a technical matter, such as relevant forensic evidence;
- b. an understanding of that technical matter is likely to affect the Hearing Officer's finding; and/or
- c. there is not a more efficient method of obtaining the information necessary to resolve that technical matter.

If allowed, an Expert Witness may be retained by a Party or by the SHARE Title IX Office. If an Expert Witness is retained by a Party, that Party will be responsible for any costs incurred, and the other Party will be allowed to respond to that Expert's written or oral testimony. If an Expert Witness is consulted by the SHARE Title IX Office and the expert's opinion or testimony is included in the Hearing File or offered to the Hearing Officer, the Parties will be allowed to respond to that Expert's written or oral testimony. A Party's Expert Witness must be identified in the Investigation phase, unless good cause is shown as to a late discovery of need for such testimony, and must be willing to submit to an interview with the Investigator, in part to determine whether the proposed testimony meets the standard set forth above. For the avoidance of doubt, determining credibility is within the purview of the Hearing Officer and therefore polygraph test results or expert testimony



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regarding them are not permitted.

## 2. Evidentiary Review Process

After reviewing the Hearing File, a Party is permitted to make a written request to have evidentiary concerns considered by the Hearing Officer, including any objections to proposed redactions in the Hearing File, and any requests to include New Evidence or Rebuttal Evidence.<sup>14</sup> Requests to review evidentiary concerns should include all evidentiary issues in one document, which should be no more than 1,500 words in length (including headers, footnotes, captions, charts, audio and/or video statements, and everything else except for the submission of proposed New or Rebuttal Evidence). The requests should be submitted to the Hearing Coordinator, who will forward all information from the Parties to the Hearing Officer.

New Evidence is evidence that was not available earlier in the process, could not have been available based on reasonable and diligent inquiry, and is relevant to the matter. Rebuttal Evidence is evidence presented to contradict other evidence in the file, which could not have been reasonably anticipated by a Party to be relevant information at the time of the Investigation. New Evidence and Rebuttal Evidence may be included or excluded from the file, but in no event is this section intended to permit a Party who has declined to give a statement about the incident during the Investigation to give such a statement for the first time after the Investigator has concluded the collection of all other evidence. This section is intended to be invoked in rare instances to allow for the inclusion of information that was not available during the Investigation or that could not have been reasonably anticipated to be relevant to rebut an issue that came to light.

In order to consider evidentiary concerns to the Hearing File, the Hearing Officer will have access to all materials gathered by the Investigator during the Investigation. The Parties must submit the written request by the date set in the Hearing Schedule, generally ten (10) calendar days after the date the Hearing File is made available to the Parties. The Title IX Coordinator/Director of SHARE is permitted, but not required, to submit responses to the Parties' evidentiary objections to the Hearing Officer. The Hearing Officer has the authority to make all evidentiary

decisions relating to what information is relevant; that is, what information should be admitted at the Hearing. If the Hearing Officer proposes to add New or Rebuttal Evidence to the Hearing File that not all Parties have reviewed, the Hearing Officer is permitted to grant Parties the opportunity to review and bring forward evidentiary issues, limited to the New or Rebuttal Evidence that was added.

During the Hearing, Parties, Support Persons, and Witnesses must comply with the evidentiary decisions that have been made by the Hearing Officer.

Objections to the inclusion or exclusion of evidence cannot be the basis for appeal unless they were made through the Evidentiary Review process before the Hearing. The standard for review of evidentiary decisions on appeal will be whether the evidentiary decision was clearly erroneous and substantially affected the Hearing Officer's decision to the detriment of the appealing Party.

## 3. Response Statement to Hearing File

Each Party may submit a written statement of their position to the Hearing Coordinator that is no more than 1,500 words in length (including headers, footnotes, captions, charts, audio and/or video statements).

- a. This statement is each Party's opportunity to respond to the Hearing File and the charges made and to provide a statement to the Hearing Officer about what the Party believes the evidence shows.
- b. No attachments will be accepted; references to evidence should be made to material in the Hearing File.
- c. No New and/or Rebuttal Evidence may be submitted.
- d. No information may be submitted that goes beyond the scope of the matter that is charged.

The Parties must submit this statement by the date set in the Hearing Schedule (see Appendix C), but generally ten (10) calendar days from the date the Hearing File is made available to the Parties.

The Hearing Coordinator, in consultation with the Investigator, will remove information from a position

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statement that goes beyond the scope of the charge.

#### 4. Hearing Schedule

Within seven (7) days of when the Notice of Hearing is issued, the Hearing Coordinator will reach out to all Parties, Witnesses, and the Hearing Officer to schedule key dates for the matter (Hearing Schedule). The Hearing Schedule will take into consideration the academic and other conflicts identified in response to the Notice of Investigation. Unless an extension is granted based on a showing of good cause, the Parties are obligated to follow the Hearing Schedule. The Hearing Schedule will be case-specific but generally will follow the timeframes set forth herein and in Appendix C in the full procedure; see [sharetitleix.stanford.edu/investigationsgrievance-administrative-policy-and-procedures](https://sharetitleix.stanford.edu/investigationsgrievance-administrative-policy-and-procedures)

#### J. Hearings

##### 1. Format of Hearing.

Hearings may be conducted with any or all Parties, Witnesses, and other participants appearing at the live Hearing virtually, with technology enabling participants simultaneously to see and hear each other, or with all Parties physically present in the same geographic location. The presumption will be that the Hearing will take place virtually, unless both Parties request otherwise or the University otherwise determines that an in-person Hearing is appropriate. If the Hearing takes place with all Parties physically present, the University will provide for the option for the Hearing to occur with the Parties located in separate rooms with technology enabling the Hearing Officer and Parties to simultaneously see and hear the Party or the Witness answering questions.

##### 2. Recording of the Hearing.

Hearings will be recorded through audio or audiovisual means or transcribed, and the University will make the recording or transcript available to the Parties for inspection and review upon request.

##### 3. Role of Hearing Support Persons.

If a Party does not have a Hearing Support Person present at the Hearing, the University will provide one without fee

or charge to that Party. The Hearing Support Persons must at all times follow the instructions of the Hearing Officer.

#### 4. Role of the Hearing Officer.

The Hearing Officer will be a non-Stanford professional neutral decision-maker (such as a retired judge) experienced and trained annually in adjudicating matters of civil rights, sexual harassment and/or sexual violence and trained on this SHARE Hearing Procedure and on trauma-informed decision-making, as required by California law. The Hearing Officer will preside over the Hearing and will issue the Written Determination Regarding Responsibility.

The Hearing Officer will be identified to the Parties before the Hearing at least three days prior to the Hearing. The Hearing Officer will not be a Stanford employee or an alumnus/a of Stanford. Additionally, no person who has a conflict of interest may serve as the Hearing Officer. A conflict of interest exists if the Hearing Officer has prior involvement in or knowledge of the allegations at issue in the case, has a personal relationship with one of the Parties or Witnesses, or has some other source of bias.

Either Party may assert, in writing, that a Hearing Officer has a conflict of interest. A request to recuse a Hearing Officer based on a conflict must be submitted within 1 business day's receipt of the name of the Hearing Officer. The request is submitted to the Hearing Coordinator. A determination will be made whether a Hearing Officer has a conflict of interest, and if so that Hearing Officer will be replaced by an alternate.

At the Hearing, the Hearing Officer will:

- a. Permit Cross-examination. At the Hearing, the Hearing Officer will permit each Party to submit written cross-examination to the Hearing Officer to conduct the examination of parties and witnesses. Only approved cross-examination and other questions may be asked of a Party or Witness. Before reading a question submitted by a party, the Hearing Officer must first determine whether the question is relevant, non-harassing, and non-duplicative. The parties should be given an opportunity to submit written follow-up questions after initial examination if there are issues that need clarification. The Hearing Officer will permit Parties and witnesses to



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take breaks, as needed, during the Hearing.

b. **Role of Hearing Support Person.** Hearing Support Persons are not permitted to speak on behalf of a Party at the Hearing. The University has discretion to restrict the extent to which Hearing Support Person may participate in the proceedings.

c. **Provide Rape Shield Protections for Complainants.** The Hearing Officer will prohibit any questions and evidence about the Complainant's sexual predisposition or prior sexual behavior as 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 Affirmative Consent.

d. **Exclude Statements, as Relevant, in Reaching a Determination Regarding Responsibility.** If a Party does not submit to cross-examination at the live Hearing, the Hearing Officer must not rely on any statement created or generated as part of the Investigation of that Party in reaching a determination regarding responsibility. The Hearing Officer may consider other statements and evidence about the allegations made by a party who does not submit to cross-examination to the extent the Hearing Officer considers the content reliable and relevant. The Hearing Officer may consider all statements made by a Witness who does not participate in a Hearing to the extent that cross-examination is not necessary to test the credibility of the information. The Hearing Officer 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 cross-examination or other questions.

## 5. Hearing Process.

The Investigator will be available to answer any questions from the Hearing Officer about the Investigation.

The Hearing Officer may meet with the Parties and Witnesses for the purpose of making findings of fact. The Parties and Witnesses may not speak to matters beyond the

scope of the Hearing File (for example, by raising potential misconduct allegations that go beyond the scope of the charged conduct). Parties and Witnesses must not disclose or reference information to the Hearing Officer that was excluded from the Hearing File. The Hearing Officer may ask questions of the Parties and/or Witnesses.

Parties are permitted to listen to Witnesses as they are speaking to the Hearing Officer. The Hearing Officer is not obligated to speak to all Witnesses.

## 6. Written Determination Regarding Responsibility.

The Hearing Officer shall issue a Written Determination Regarding Responsibility, applying the Preponderance of the Evidence standard (as required by California law), which shall include:

- a. Identification of the allegations potentially constituting the Policy Violation(s);
- b. A description of the procedural steps taken from the receipt of the concern 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;
- d. Conclusions about whether the alleged Policy Violation(s) occurred, applying the definitions set forth in Administrative Guide 1.7.116 to the facts;
- e. The rationale for the result as to each allegation;
- f. Any disciplinary Sanctions imposed on the Respondent;
- g. Whether Remedies or Supportive Measures will be provided to the Complainant; and
- h. Information about how to file an appeal.

The Hearing Officer may ask the Parties to submit Sanctions statements at the conclusion of the Hearing. The Hearing Officer may also consult with University personnel regarding any Sanctions and Remedies appropriate to the specific Respondent and Complainant.



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The Sanction determination will be provided to the Title IX Coordinator/Director of SHARE who will be responsible for implementing the Supportive Measures and/or Remedies, including the continuation of any Supportive Measures and/or any additional or on-going accommodations for both Parties. The Title IX Coordinator/Director of SHARE will cause the Written Determination Regarding Responsibility to be sent to both Parties simultaneously. The Title IX Coordinator/Director of SHARE will provide copies of the Written Determination Regarding Responsibility and Sanctions and/or Remedies (if any) for the purpose of maintaining records as follows:

- a. For students, to the Office of Community Standards
- b. For staff, to University Human Resources—Employee & Labor Relations
- c. For faculty, to the Vice Provost for Faculty Affairs
- d. For postdoctoral scholars and fellows, to the appropriate administrative manager

The Hearing Officer must explain decisions on responsibility and Sanctions (if applicable) and Remedies with enough specificity for the Parties to be able to file meaningful appeals.

The consideration of whether Remedies and Sanctions go into immediate effect or are held in abeyance pending appeal or some combination thereof, will be determined on a case-by-case basis by the Title IX Coordinator/Director of SHARE.

The Written Determination Regarding Responsibility becomes final:

- a. if an appeal is not filed, the date on which an appeal would no longer be considered timely; or
- b. if an appeal is filed, on the date that the University provides the Parties with the written determination of the result of the appeal.

### 7. Appeal of a Written Determination Regarding Responsibility

- a. Submission of Appeal

Both Parties have the right to an appeal from a Written Determination Regarding Responsibility on the bases set forth below. Appeals may be submitted by a Complainant or Respondent in writing to the Hearing Coordinator, who will forward the appeal to a designated Appeal Officer to decide the appeal. The Appeal Officer will be a professional neutral decision-maker (such as a retired judge) experienced and trained in adjudicating matters of civil rights, sexual harassment and/or sexual violence and trained on this SHARE Hearing Procedure. The Appeal Officer will not be a Stanford employee or an alumnus/a of Stanford. Additionally, no person who has a conflict of interest may serve as the Appeal Officer. A conflict of interest exists if the Appeal Officer has prior involvement in or knowledge of the allegations at issue in the case, has a personal relationship with one of the Parties or Witnesses, or has some other source of bias.

Each Party may submit a written appeal of up to 6,000 words in length, which will be shared with the other Party. The Parties must submit the appeal by the date determined by the SHARE Title IX Office, generally ten (10) calendar days from the receipt of the Written Determination Regarding Responsibility (if any).

The grounds for appeal are limited to the following:

- i. Were there any procedural irregularities<sup>17</sup> that substantially affected the outcome of the matter to the detriment of the appealing Party?
- ii. Was there any substantive new evidence that was not available at the time of the decision or Hearing and that could not have been available based on reasonable and diligent inquiry that would substantially affect the outcome of the decision?
- iii. For matters that proceeded to Sanctioning and imposition of Remedies, are the Sanction and/or Remedies ones that could have been issued by reasonable persons given the findings of the case?

In composing appeals, Parties should format their arguments following these three grounds as the organizational structure.

Upon receipt of a Party's appeal, the Hearing Coordinator



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will share it with the other Party. Each Party may submit a response to the other Party's appeal (no more than 3,000 words). Each Party must submit this response by the date determined by the Hearing Coordinator, generally ten (10) calendar days after the other Party's appeal has been shared. The appealing Party will have access to the other Party's response to the appeal, but no further responses will be permitted.

The Title IX Coordinator/Director of SHARE is permitted, but not required, to file a response to a Party's appeal to respond to concerns relating to procedural irregularities or bias in the Investigation and Hearing process. The Title IX Coordinator/Director of SHARE may submit one response for each Party that files an appeal (that raises a procedural irregularity). Each response by the Title IX Coordinator/Director of SHARE should be no more than 1,500 words. The Parties will have access to the Title IX Coordinator's response(s) to the appeal, but no further responses will be permitted.

## b. Appeal Decision

The Appeal Officer will provide the Notice of Outcome of Appeal no later than ten (10) calendar days after receipt of all appeal documents. The Title IX Coordinator will cause the Notice of Outcome of Appeal to be sent to the Parties simultaneously.

As needed, the Appeal Officer will consult with the Title IX Coordinator regarding the management of ongoing Remedies. The Appeal Officer may reject the appeal in whole or in part, issue a new decision regarding responsibility, issue new or revised Sanctions and Remedies, or refer the matter to a new Hearing Officer. A. Retaliation and Intimidation.

It is a violation of Administrative Guide section 1.7.1 to Intimidate or Retaliate against any person making a complaint or responding to a complaint under this SHARE Hearing Procedure or against any person participating in the Investigation of any such allegation under this SHARE Hearing Procedure (including being the Respondent or testifying as a Witness). No person may threaten, coerce, or discriminate against any individual for pursuing or exercising any right or privilege secured by this SHARE

Hearing Procedure, or because the individual has made a report or complaint, responded to a complaint, testified, assisted, or participated in any manner in an Investigation, proceeding, or Hearing related to this SHARE Hearing Procedure. No person may Retaliate against any Party for refusing to participate in an Investigation or Hearing. It is not Retaliation for the University to require a Faculty Respondent to participate in this Procedure, or to take employment action against the individual Faculty Respondent for failing to participate in an Investigation or Hearing as required. For student Respondents who also serve as staff members, Stanford may take employment action against the individual regarding the student's staff role for failing to participate in an Investigation or Hearing.

Retaliation includes, but is not limited to, adverse action related to employment, academic opportunities, participation in University programs or activities, or similar punitive action. Retaliation can be direct such as changing an employee's work location, pay or schedule, or for students, changing a grade or denying access to a program, or it can be indirect such as Intimidating, threatening, or harassing an employee or student who has raised a claim or participated as a witness in an investigation. Intimidation can be a form of Retaliation, and includes any threatening statement or conduct made with the intent to prevent or dissuade any Party or Witness from reporting or participating in the process.

All Parties to a concern and all persons participating in the Investigation of a concern are prohibited from engaging in actions intended to Retaliate or Intimidate directly or through Support Persons. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of an Investigation does not constitute Retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith. The exercise of rights protected under the First Amendment does not constitute Retaliation. Reports of alleged violations of University Directives or Court Orders prior to a finding of responsibility either will be incorporated into the pending matter or referred separately to another University process. After a Respondent has been found responsible for a Policy Violation, if



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there is a new allegation that the Respondent has engaged in Retaliation, Intimidation, or violated a Court Order or University Directive relating to the matter, the Title IX Office will investigate the allegation and determine whether to refer the matter to be handled through another University process.

### Safety Measures

#### GENERAL INFORMATION

Victims of Prohibited Sexual Conduct or those who have been threatened with harm may be entitled to court-ordered protection against the person who committed or threatened harm. Except in cases of emergency, Stanford community members considering a restraining order may consult with a member of the university Threat Assessment Team to receive help in assessing the threat, at [TAM4safety@stanford.edu](mailto:TAM4safety@stanford.edu).

#### Students

In accordance with the Stanford Student Title IX Investigation and Hearing Process,<sup>10</sup> which is the university's Title IX grievance procedure, the university will take steps to prevent the recurrence of Prohibited Sexual Conduct (including sexual harassment, sexual assault, dating violence, domestic violence and stalking)<sup>11</sup> through safety measures. Additionally, the university will redress the effects of Prohibited Sexual Conduct through appropriate accommodations and will provide written notice of available

options and assistance in protective measures or changes to academic, living, transportation, and working situations.

To the extent reasonable and feasible, the university will consult with the Complainant and Responding Student in determining accommodations and safety measures. Appropriate actions may include:

- Housing reassignments
- Class reassignments and academic accommodations
- No-contact directives
- Limitation on extracurricular or athletic activities
- Removal from the university community
- Referral to a university disciplinary process
- Review or revision of university policies or practices
- Assistance managing court-issued protective orders
- Training

Even if the university decides not to confront the Responding Student because of the Complainant's request for confidentiality, the university may pursue other reasonable steps to limit the effects of the alleged harassment and prevent its recurrence, in light of the Complainant's request for confidentiality.

#### STAFF AND FACULTY

The SHARE Title IX Coordinator or designee will evaluate the need for and recommend interim safety measures when faculty and staff have been subjected to or are alleged to have committed Prohibited Sexual Conduct. Interim safety measures may include:

- Work accommodations or reassignments
- No Contact directives
- Review or revision of University policies or practices
- Referral to a University disciplinary process
- Assistance with managing a court-issued protective or restraining order
- Training

<sup>10</sup> The full text of the 2020 Stanford Title IX Investigation and Hearing Process at [stanford.app.box.com/s/8q5mm8713e9b1sk30a20ln7kh21aw7co](https://stanford.app.box.com/s/8q5mm8713e9b1sk30a20ln7kh21aw7co)

<sup>11</sup> Ibid. Additional information in Administrative Guide 1.7.1



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The university Office of the General Counsel can be consulted about whether a Workplace Violence Restraining Order is appropriate. The university will provide reasonable accommodations as feasible to students, faculty, staff, and post docs who need to be absent from class or work to obtain court orders; advance notice and arrangements for the absence are expected, except in an emergency.

Beyond court-ordered options, the university might also issue its own No Contact order or directive describing how parties to an investigation should give each other space during the pendency of the investigation. When the accused has no connection to the university, or following a determination of responsibility, Stanford may also issue a university “Stay Away” letter. Unlike a court-ordered restraining order, which is focused on preventing contact between an individual and the protected party, a university “Stay Away” letter prohibits a person from coming onto Stanford’s private property and is enforced under trespass laws.

## **For Assistance in Assessing Options:**

*Students should contact:*

The Confidential Support Team 650-725-9955

*Faculty, Staff, and Post Docs should contact:*

Brenda Berlin, University Ombuds

[\*berlinb@stanford.edu\*](mailto:berlinb@stanford.edu)

James Laflin, School of Medicine Ombuds

650-498-5744, [\*jlaflin@stanford.edu\*](mailto:jlaflin@stanford.edu)

## SHARE INVESTIGATION PROCEDURE

Sexual Harassment, Sexual Assault, Relationship (Dating) Violence and Stalking Administrative Procedures for Student Reports Against Staff and Postdoctoral Scholars (SHARE Investigation Procedure for Staff and Postdoctoral Scholar Respondents)

### I. Introduction to SHARE Investigation Procedure for Staff and Postdoctoral Scholar Respondents

Stanford University has developed this process as part of its commitment to address sexual harassment and sexual violence involving student reports against staff and postdoctoral scholars.

In August 2020, federal regulations interpreting Title IX, which prohibits discrimination on the basis of sex in education, require institutions of higher education to implement a grievance procedure for allegations that meet the jurisdictional and definitional confines of sexual harassment, sexual assault, dating and domestic violence, and stalking under those Title IX regulations. Stanford's Title IX Procedure can be found online at: [titleix.stanford.edu/investigationgrievance-administrative-policy-and-procedures](https://titleix.stanford.edu/investigationgrievance-administrative-policy-and-procedures).

Given the jurisdictional limits of Title IX, Stanford deemed it imperative under both state law and under its own policies to provide this companion procedure to the Title IX Procedure to address allegations of violations of Administrative Guide 1.7.1 (sexual harassment, sexual assault, domestic or dating violence, stalking, inducing incapacitation, recording/distributing sexual activity, collectively "University Prohibited Sexual Conduct") that do not meet the jurisdictional threshold under Title IX.

### II. Applicability of Procedures

With regard to student reports against staff and postdoctoral scholars, this SHARE Investigation Procedure address Stanford University's responsibilities federal laws, including the Clery Act (20 U.S.C. 1092(f)) and its implementing regulations (34 C.F.R. 668.46)1, and California laws including Education Code sections 67380 –

67386. Federal and California laws prohibit discrimination on the basis of sex (gender) in educational programs and activities and programs.

This Procedure is also designed to comply with the Violence Against Women Act ("VAWA") (42 U.S.C. 13925) and its implementing regulations (24 C.F.R. 5.2001) if reauthorized.

This SHARE Investigation Procedure will be relied upon to resolve reports of University Prohibited Sexual Conduct involving a student complainant ("Complainant"), where the alleged perpetrator ("Respondent") is a staff member or postdoctoral scholar; further this Procedure may, at the University's election, be relied on where the Respondent is an affiliate or other person participating in University programs or activities, on or off-campus, including overseas programs, or providing services to the University. This process will also be used to address reports of Retaliation and Violations of University or Court-Ordered Directives related to the aforementioned conduct, as well as knowingly aiding or facilitating another person to commit any such act. This collective conduct (as defined in Administrative Guide section 1.7.1) will be referred to as "Policy Violation(s)."

This Procedure applies if the Respondent was subject to Administrative Guide 1.7.1 at the time of the alleged Policy Violation and at the time of the report.

The University will respond to a report of a Policy Violation under this Procedure, which may include conducting a formal investigation, if one or more of the following circumstances applies:

- the conduct happened on campus or in connection with a University program or activity;
- if, based on the allegations, there is any reason to believe that the incident could contribute to a hostile educational environment or otherwise interfere with a student's access to education; OR
- the University has the ability to conduct a thorough investigation into the Policy Violation; AND
  - o there are multiple complainants alleging serious sexual misconduct or past similar disciplinary matters;OR
  - o the Policy Violation would constitute a serious crime if true.



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Supportive Measures are available to any person subject to Administrative Guide 1.7.1 who experiences University Prohibited Sexual Conduct, regardless of whether the above circumstances apply. Additional factors the University will consider in determining whether to undertake an Investigation are set forth in Section X, below. The University may voluntarily dismiss a matter if it no longer has jurisdiction over the Respondent.

This document provides the Procedures that Stanford will use to assess, respond to, and redress Policy Violations that are within its scope.

Student staff members will be treated as students for all purposes under these Procedures. When the Respondent is a student in a degree-granting program or a faculty member, the University will follow the University SHARE Investigation Process.

In cases in which a non-student Complainant brings a concern against a staff or postdoctoral Resondent, the University will follow other applicable University procedures.

### III. Disability Accommodations

Parties who need accommodations for a disability during an investigation under these Procedures should contact the Diversity and Access Office, at [disability.access@stanford.edu](mailto:disability.access@stanford.edu) or (650) 725-0326, or ask the Title IX Coordinator/Director of SHARE to connect them to the Diversity and Access Office. The Diversity and Access Office will work with parties to provide reasonable accommodations.

### IV. Reporting Policy Violations

Policy Violations administered under this Procedure are found in Administrative Guide 1.7.1. The following types of Policy Violations may be administered under this Procedure, to the extent they do not fall within the jurisdictional scope of the Title IX Procedure:

- Title IX Sexual Harassment
- Employment-Related Sexual Harassment
- University Sexual Harassment
- Sexual Assault

- Title IX Nonforcible Sexual Violations
- University Nonforcible Sexual Violations
- Domestic Violence
- Dating Violence
- University Relationship Violence
- Stalking
- Violation of University Directive/Court Order
- Retaliation or Intimidation

The full definitions for these Policy Violations may be found at the Stanford Administrative Guide 1.7.1. For conduct occurring before August 14, 2020, the definitions may also be found in the former Administrative Guide 1.7.3.

#### A. Where to Report

##### 1. Title IX Coordinator/Director of SHARE

All reports of University Prohibited Sexual Conduct or other violations of Administrative Guide 1.7.1 should be reported to the Stanford Title IX Coordinator/Director of SHARE. Such a report may be made at any time, including during non-business hours, by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator/Director of SHARE:

Stephen Chen  
Kingscote Gardens (2nd Floor) 419 Lagunita Drive  
Stanford, CA 94305  
(650) 487-4955  
[titleix@stanford.edu](mailto:titleix@stanford.edu)

##### 2. Deputy Title IX Coordinators

The Title IX Coordinator/Director of SHARE may delegate responsibility for handling a report to a Deputy Title IX Coordinator, as appropriate, or to another office or individual in the event the matter reported falls outside of the scope of this SHARE Investigation Procedure. A current list of Deputy Title IX Coordinators is provided on the University's Title IX website.

##### 3. Reports under Title IX Procedure may be routed to this University Investigation

Reporting conduct under the Title IX Procedure, <https://titleix.stanford.edu/investigationgrievance-administrative-policy-and-procedures>, will also qualify as a report under

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this SHARE Investigation Procedure. For clarification, if the alleged Policy Violation is covered by Title IX, the University is legally required to address the alleged Policy Violation under the Title IX Procedure. This companion process will apply if the conduct is not covered by Title IX. Reasons that conduct might not fall within Title IX include, the alleged Policy Violation:

- occurred before August 14, 2020;
- does not meet the definitions of Title IX Prohibited Conduct;
- did not happen within the United States;
- did not occur within a program or activity of the University as defined by Title IX; OR
- the Complainant was not participating in or seeking to participate in a University program or activity at the time of the filing of a report.

If a Title IX complaint is dismissed, but also describes conduct that could be a violation under Administrative Guide 1.7.1, the (student) Complainant will be contacted regarding this SHARE Investigation Procedure.

#### 4. Reports to Law Enforcement

If the individual is in immediate danger, or believes there could be an ongoing threat to the individual or the community, please call 911 or 9-911 from a campus phone or use a blue emergency phone tower on campus.

For conduct that could also constitute a crime under California law, a Complainant is encouraged—but not required—to contact the police by dialing 911 or the local police agency in the jurisdiction in which the alleged incident occurred. California law also provides that individuals who experience sexual violence are encouraged to preserve evidence and to note the identity and location of Witnesses. Contacting law enforcement to make a report allows for forensic evidence to be collected, including a SART exam if needed, which may be helpful if a decision is made to pursue criminal charges. For more information about how to obtain a SART exam, see: [sexualviolencesupport.stanford.edu/](https://sexualviolencesupport.stanford.edu/).

University officials will assist you in contacting local law enforcement authorities, if you request assistance. If a

person believes that there is an ongoing threat to personal safety from a particular individual, a person may request an emergency protective restraining order from a California police officer.

If the alleged incident occurred on the Stanford campus (and the alleged incident is not ongoing), individuals may contact the Stanford University Department of Public Safety (SUDPS) at its non-emergency telephone number (650) 723-9633.

Additionally, Residence and Graduate Life Office Deans, and the Confidential Support Team staff, are available to assist students in making such a report.

#### B. Confidential Resources

At any time (whether or not an individual decides to make a report of University Prohibited Sexual Conduct), a student Complainant may contact University Confidential Resources that can provide emotional support and counseling.

The University makes available Confidential Resources for consultation regarding reports of policy violations. Confidential Resources do not disclose information received by them with any other office or person, including the SHARE & Title IX office, and therefore meeting with a Confidential Resource will never lead to a University response or Investigation. However, Confidentiality does not extend to reasonable belief that a minor (under age 18) has been harmed or is at risk of being harmed, which by law must be reported to law enforcement or child protective services. Similarly, if a client, or a close relation of the client, makes a specific threat of planning to kill or seriously harm another person to a Confidential counselor, this also requires a report to law enforcement. In addition, the University cannot guarantee that conversations with the Ombuds or a dean at the Office for Religious Life at Memorial Church might not be subject to disclosure in legal proceedings or pursuant to other legal process.

Communications with attorneys, medical doctors, and mental health care providers, on the other hand, may be privileged under law. The University's Confidential Resources and Confidential community resources can





# Prohibited Sexual Conduct

be found at [titleix.stanford.edu/confidential-counseling-university-resources](https://titleix.stanford.edu/confidential-counseling-university-resources).

Unless the alleged victim is a minor or there is a belief that there is an imminent threat of harm to self or others, reporting University Prohibited Sexual Conduct to one of these resources will not lead to a University or police investigation.

When the allegations described could be a crime under the Clery Act or California law, University staff members designated as Campus Security Authorities are also required by California law to notify the Stanford University Department of Public Safety. Under California law, violent crimes, including sexual assault, and hate crimes must be reported immediately by calling 9-1-1 or 650-329-2413. Campus security Authorities can report other crimes at [police.stanford.edu/pdf/CSA-Report-Form.pdf](https://police.stanford.edu/pdf/CSA-Report-Form.pdf). (For more information see [police.stanford.edu/pdf/CSA-Flowchart.pdf](https://police.stanford.edu/pdf/CSA-Flowchart.pdf)).

Except in the event the person who is the subject of the potential criminal act is a minor, the name of this individual should not be released to the Department of Public Safety without the individual's consent.

## C. When and How to Report

There is no specific time frame for individuals who have experienced conduct that may constitute University Prohibited Sexual Conduct to make a report. Individuals are, however, encouraged to make a report soon after the incident in question in order to maximize the University's ability to investigate and reach a finding.

Complainants who experience any type of sexual harassment or violence are encouraged to seek help as identified above. Any person may report University Prohibited Sexual Conduct, whether or not the individual reporting is the person alleged to have experienced the conduct. To make an Initial Report of University Prohibited Sexual Conduct, the Title IX Office will ask for the following information, if known:

- Name of (student) Complainant
- Name of (staff or postdoctoral scholar) Respondent

- Date of the incident
- Location of the incident (be specific)
- Time of the incident
- Nature of the conduct (provide specific allegations)
- Date of previous report (if any)
- To whom any previous report was made (if any)

## V. Retaliation & Intimidation

It is a violation of Administrative Guide 1.7.1 to Intimidate or Retaliate against any person making a report or responding to a report under this SHARE Investigation Procedure or against any person participating in the Investigation of any such allegation under this SHARE Investigation Procedure. No person may threaten, coerce, or discriminate against any individual for pursuing or exercising any right or privilege secured by this SHARE Investigation Procedure, or because the individual has made a report, responded to a report, assisted, or participated in any manner in this SHARE Investigation Procedure.

No person may Retaliate against any Party for refusing to participate in this SHARE Investigation Procedure. It is not Retaliation for the University to require a staff or post-doctoral Respondent to participate in this Procedure, or to take employment action against the individual staff or post-doctoral Respondent for failing to participate in this SHARE Investigation Procedure as required. For student Respondents who also serve as staff members, Stanford may take employment action against the individual regarding the student's staff role for failing to participate in this SHARE Investigation Procedure.

The University will not impose consequences for COVID-19 health and safety violations, including those in the Campus Compact, on anyone who reports experiencing sexual violence or on any Witness who aids any report of sexual violence. For more information, see [campuscompact.stanford.edu/frequently-asked-questions](https://campuscompact.stanford.edu/frequently-asked-questions).

Retaliation includes, but is not limited to, adverse action related to employment, academic opportunities, participation in University programs or activities, or similar punitive action. Retaliation can be direct such as changing an employee's work location, pay or schedule, or for



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students, changing a grade or denying access to a program, or it can be indirect such as Intimidating, threatening, or harassing an employee or student who has raised a claim or participated as a witness in an investigation. Intimidation can be a form of Retaliation, and includes any threatening statement or conduct made with the intent to prevent or dissuade any party or witness from reporting or participating in the process.

All parties to a concern and all persons participating in the investigation of a concern are prohibited from engaging in actions intended to Retaliate or Intimidate directly or through support persons.

### VI. Privacy and Confidentiality

Notice to the Title IX Coordinator/Director of SHARE or Deputy Title IX Coordinator triggers the University's obligations under this SHARE Investigation Procedure. The University has an obligation to review the available information and determine whether to proceed to an Investigation.

In this context, Privacy and Confidentiality have distinct meanings. Privacy means that information related to a report will be shared with only a limited number of University employees who "need to know" in order to assist in the assessment, Investigation, and resolution of the report. All employees who are responsible for the University's response to University Prohibited Sexual Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), and the privacy of employee records will be protected in accordance with California law and University policy.

Confidentiality exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and

spouses. The University has designated individuals who have the ability to have privileged communications as Confidential Resources.

The University will make reasonable and appropriate efforts to preserve an individual's Privacy and to protect the Confidentiality of information. However, because of laws relating to reporting and other state and federal laws, the University cannot guarantee Confidentiality relating to incidents of University Prohibited Sexual Conduct except where those reports are privileged communications to Confidential Resources. Even then, there are exceptions to maintaining Confidentiality set by law; for example, physicians and nurses who treat any physical injury sustained during a sexual assault are required to report it to law enforcement. Also, physicians, nurses, psychologists, psychiatrists, teachers and social workers must report a sexual assault committed against a person under age 18.

Except for Confidential Resources, information shared with other individuals is not legally protected from being disclosed. However, the University takes requests for Privacy and Confidentiality seriously, to the extent it can do so while at the same time fulfilling its responsibility to provide a safe and nondiscriminatory environment for all students and the University community. The University in such circumstances will make sure the Complainant is aware they are protected from Retaliation.

Should a Complainant make a request that the University not disclose the Complainant's identity to the Respondent, the Title IX Coordinator/Director of SHARE will inform the Complainant that the University's ability to respond to the allegations and Investigate may therefore be limited if the request is granted. A Complainant who initially requests Confidentiality is not prohibited from later requesting that the University conduct a full Investigation.

Whether or not the Complainant requests Confidentiality, the University will keep Private the identity of all Complainants, Respondents, and Witnesses, except as necessary to carry out this Procedure or as may be required by FERPA or other law.

### VII. Administrative Leave of a Staff or Postdoctoral Scholar Respondent.



# Prohibited Sexual Conduct

The University may place a (staff or postdoctoral scholar) Respondent on administrative leave after notice of a report of University Prohibited Sexual Conduct and during the pendency of resolution of the matter.

## VIII. Decision-Makers

After a report of a Policy Violation has been made and the Title IX Coordinator/Director of SHARE determines that the alleged Policy Violation does not meet the jurisdiction of the Title IX Procedure, the Deputy Title IX Coordinator for Staff and Postdoctoral Scholars (or their designee) will serve as the Decision-Maker to oversee the resolution of the concern according to the Procedures detailed below.

The University's Designated Appeal Officer is the Vice President for Human Resources, or their designee.

## IX. Assessment of the Concern

The Decision-Maker will first assess whether an Investigation will be conducted; that is, whether the allegation(s), if true, would rise to the level of a Policy Violation and, if so, whether a formal Investigation is appropriate under the circumstances, taking into account any request by the Complainant for Confidentiality. A determination regarding whether to move forward to an Investigation generally occurs in a ten-day period, although the complexity of the matter; difficulty accessing information; request from law enforcement; University event/holiday/academic calendar; or other unanticipated circumstance may result in a reasonable delay of the determination. If the Decision-Maker elects not to move forward to an Investigation, the Complainant will be notified of that decision in writing through a Notice of No Investigation. The Complainant may request review of that determination by submitting a written request to the Decision-Maker within ten days.

## X. Determination of Undertaking an Investigation

If after assessing a concern as provided in Section IX above the Decision-Maker determines there is sufficient basis to initiate an Investigation under this Procedure,

the Decision-Maker or designee will contact, when possible, the Complainant and request consent from the Complainant to proceed to an Investigation. The Decision-Maker will also arrange to meet with the Complainant to provide information about the Investigation. A copy of this Procedure will be provided to the Complainant. An Investigation may still go forward even if the Complainant declines to consent and/or requests Confidentiality, if appropriate, including because an Investigation is required by law, or otherwise a decision is made to move forward subject to balancing the following factors:

- The status of the Respondent and whether the Respondent has authority over students and/or staff.
- Whether there have been multiple reports of University Prohibited Sexual Conduct (or other violations of Administrative Guide 1.7.1) relating to a single Respondent;
- The seriousness of the alleged University Prohibited Sexual Conduct (e.g., whether the alleged conduct involved a weapon, physical restraints or battery);
- Whether there is a likelihood that the Respondent would be a danger to the Complainant or the Stanford community;
- The age of the Complainant;
- Whether the report of University Prohibited Sexual Conduct can be effectively addressed through another type of intervention; and
- The ability of the University to obtain relevant evidence.

When concerns are raised along with other allegations that could rise to the level of a University policy violation outside of the University Prohibited Sexual Conduct area, the Decision-Maker will consult with appropriate University officials to determine whether a joint investigation will be conducted under these Procedures, or whether the matter will be referred to another procedure. If the matter is referred, the decision-maker in that other procedure will confer with the Decision-Maker on University Prohibited Sexual Conduct matters. Similarly, when an investigation that includes review of other matters moves forward under this Procedure, the investigators will confer with

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appropriate University officials.

### XI. Purposes of an Investigation

The purposes of an Investigation are to determine:

- A. Whether a Policy Violation has occurred;
- B. Whether there is an ongoing risk of harm to the Complainant (and if so, what steps should be taken to prevent its recurrence);
- C. Whether accommodations for the Complainant need to be put in place to redress the effects of the Policy Violation; and
- D. Whether accommodations or safety measures should be put in place to make the Stanford community safe.

Additionally, Investigations may raise concerns that system-wide or local changes to policies, practices or training should be considered and implemented.

### XII. Time Frame of an Investigation

An Investigation under this Procedure should generally be completed within 60 calendar days after the University has notice of an allegation of a Policy Violation. The Decision-Maker or their designee may extend this time frame as reasonable.

### XIII. Investigation Process

- A. **Assigning an Investigator.** When a determination is made to proceed with an Investigation, the Decision-Maker will investigate or will assign an investigator or investigators. The Decision-Maker can delegate all or part of their responsibilities under this section.
- B. **Standard of Review.** The Investigation will determine findings of fact using the “Preponderance of the Evidence” standard (i.e., it is more likely than not that the Policy Violation occurred).
- C. **Cooperation.** Stanford University staff (including

student staff), postdoctoral scholars, and faculty are expected to cooperate and be candid in the Investigation process. Student Complainants are not obligated to participate in the Investigation, noting that a lack of participation may make it difficult to conduct an Investigation. Student Parties and Witnesses have the right not to incriminate themselves; student Parties and Witnesses will not be penalized for admitting to University policy violations that did not cause harm to the broader Stanford community, including voluntary ingestion of alcohol and drugs.

D. **Notice of Concern.** At the outset of an Investigation, the investigator or supervisor will advise the Respondent of the allegations against them in writing in a Notice of Concern, and a copy will be provided to the Complainant.

E. **Opportunity to Participate.** Both the Respondent and the Complainant will have an opportunity to respond to the Notice of Concern in writing and in a meeting with the investigator. Both Parties have the right to request that the investigator meet with relevant Witnesses and evaluate relevant documentary or other evidence.

F. **Support Persons.** Parties may have a support person accompany them through the process. A support person may not speak for the party. The SHARE Office will identify a support person to assist a party through this process upon request.

1. **Student option.** The University has identified local attorneys who are available to provide student Parties with up to four hours of consultation once a Notice of Concern is issued. Student Parties are not obligated to use this resource or to follow any guidance provided by an attorney. Stanford will directly pay for up to four hours of consultation for student Parties; student Parties will not be billed for this time. The Title IX Office will provide a list of the University- Identified Attorneys available for consultation services for student Parties. The student Parties are responsible for selecting their own University- Identified Attorney from this list.

G. **Evidentiary Determinations.** The investigator has broad discretion in determining whether an offered Witness or documentary evidence would be relevant or helpful to a



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determination. For example, some reasons an investigator might decline to speak to an offered witness include: there is not a sufficient basis that the person could have relevant information to the factual determination; the information to be solicited would be repetitive; and confidentiality concerns balanced against the importance of the information. Similarly, some reasons that an investigator might decline to seek or review documentary evidence include: the information is repetitive; cost considerations balanced against the importance of the information; and confidentiality concerns balanced against the importance of the information.

## 1. Past Sexual History

In any investigation involving an alleged Policy Violation, past sexual history between the Respondent and Complainant is only relevant when the past sexual incident or history provides compelling evidence on a disputed issue, including credibility. The past sexual history between the Complainant and any other individual will not be considered, except in the extraordinary circumstances that a Complainant affirmatively provides evidence of lack of sexual experience, which can then be rebutted if such rebuttal evidence would provide compelling evidence on a disputed issue, including credibility. Additionally, past sexual history between the Respondent and any other party may only be considered if such information could prove or disprove a pattern of conduct or knowledge of wrongdoing.

H. Review of Decision-Maker. The investigator will provide a report to the Decision-Maker. The report will become final, unless the Decision-Maker requests further review from the investigator, or asks for additional information directly from parties or witnesses.

I. Investigation Outcome. Upon completion of the Investigation and review of all materials, the Decision-Maker or their designee will give each party a copy of the written Notice of Outcome of Investigation, which will include a determination as to whether the conduct as determined by the investigator(s) violated University policy and, if so, whether any remedial or corrective action will be taken. The Notice of Outcome of Investigation will be

provided to those individuals at the University who have a need to know.

## XIV. Voluntary Resolution

As an alternative to the Investigation process described in Section XIII, some matters are appropriate for resolution through voluntary agreement. Any party or the Decision-Maker may suggest entering into the voluntary resolution process. The timeline for consideration of a Voluntary Resolution generally takes between 5 and 10 days, although this may be extended for good reason; the Decision-Maker may set reasonable deadlines (for example, 24 hours) by which the parties need to have accepted or rejected proposed resolutions.

A Party may decline to engage in discussions regarding a Voluntary Resolution; and a Party may cease discussions regarding a Voluntary Resolution at any time; the Decision-Maker will return to the investigation and outcome process upon notice from a party that they will not or no longer wish to consider any Voluntary Resolution.

- If both Parties and the Decision-Maker agree to a Voluntary Resolution, such resolution may need to be reviewed by more senior officials at the University. Once all approvals are in place, the Parties will receive a final Notice of Voluntary Resolution documenting the Voluntary Resolution.
- The administrative remedies and disciplinary sanctions will have the same force and effect as though they were imposed following a completed Investigation and (as applicable) hearing or final decision.
- Voluntary Resolutions are final and cannot be reviewed, appealed, or reconsidered in any other process or hearing.

## XV. Review of Investigation Outcome

If the Complainant or the Respondent is dissatisfied with the findings made, that person may file an appeal of the Notice of Outcome of Investigation. The appeal should be filed in writing with the Deputy Title IX Coordinator for Staff and Postdoctoral Scholars within 5 business days of the Notice of Outcome of Investigation, unless there is good



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cause for an extension. A delay in filing the appeal may be grounds for rejection of that appeal. The appeal should follow the standards for review provided here and the appeal should state the remedy sought by the appealing party. The appeal will be forwarded to the Vice President for Human Resources who may attempt to resolve the matter informally, or may refer the matter (or any part of it) to another designee or other University administrator to resolve the matter. The appeal should be completed within 20 business days unless there is good cause for an extension, including University breaks. The appeal decision will be provided in writing and the appeal decision is final. This appeal will constitute a student Complainant's non-academic grievance process.

A. Grounds for Appeal. The grounds for the Appeal will be limited to the following considerations:

1. Is there new compelling evidence that was not available at the time of the initial review?
2. Were there any procedural irregularities that substantially affected the outcome of the matter to the detriment of the Complainant or the Respondent?
3. Is the decision on the findings one that a reasonable decision-maker might have made?

### XVI. Disciplinary and Corrective Action Processes

Where the Respondent is found to have engaged in a Policy Violation, the Notice of Outcome of Investigation will be provided to those individuals at the University who have a need to know, including the Respondent's supervisor, HR manager, or Dean, as appropriate. The sanctioning procedures (if any) will be identified in the Notice of Outcome of Investigation. Depending on the Respondent's role at the University, the following procedures may be applicable:

- Regular Staff. Guide Memo 2.1.11: Staff Grievance Policy.
- Senior Staff. Guide Memo 2.1.14: Senior Staff.
- Employees covered by collective bargaining agreements. Please refer to Labor Relations & Collective Bargaining.

- Academic Staff-Librarians. Personnel Program, Academic Staff-Libraries.
- Academic Staff-Research. 10.2 of Research Policy Handbook, Grievance Procedure: Academic Staff.
- Academic Staff-Teaching. 8.2 of Faculty Handbook, Grievance Procedure: Academic Staff-Teaching.
- Post Doctoral Scholars. Postdoctoral Scholars Grievance Policy.

### XVII. Supportive Measures, Accommodations and Safety Measures

The following are available:

- Supportive Measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing a report or where no report has been filed. Such measures are designed to restore or preserve equal access to University Programs or Activities without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University educational environment, or deter sexual harassment. Supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

- Remedies: Following a determination of responsibility under this Procedure that the Respondent violated University Policy, Remedies are provided to a Complainant. Remedies must be designed to restore or preserve access to the University's educational Program or Activity. Remedies may include disciplinary Sanctions or other actions against a Respondent. They may include the same individualized services as those offered as Supportive Measures; however, Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

The Decision-Maker should provide remedies that will remediate a hostile environment for the Complainant and/or provide safety protections for the Complainant or for



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Stanford community members.

## A. Remedies Relating to the Respondent

Remedies relating to all Respondents could include the following restrictions:

1. Directive not to contact (directly or indirectly) the Complainant
2. Limiting or denying access to all or parts of campus
3. Limiting or denying participation in campus programs or activities
4. Limiting or denying the opportunity to hold leadership positions

Additionally, for teaching Respondents, remedies could include the following restrictions:

5. Limiting or denying certain advising activities
6. Limiting or denying certain teaching activities
7. Limiting access to students in private spaces

Remedies for all Respondents could include the affirmative requirement for personalized education or coaching.

## B. Additional Remedies for the Complainant

Additional Remedies for the Complainant will be directed by the Decision-Maker and/or Title IX Coordinator. Unless one of these Remedies affects the Respondent, these should remain confidential and should only be included in the Notice of Outcome of Investigation to the Complainant.

1. Academic or workplace accommodations
2. Safety accommodations
3. Other reasonable and appropriate accommodations

## C. Timeframe for Remedies

The Notice of Outcome of Investigation should indicate a timeframe for the Remedies. Restrictions should be put in place for a certain amount of time, to achieve the appropriate remedy. Generally, the remedy may be achieved in a number of months up to five years.

## D. Implementation

The Title IX Coordinator/Director of SHARE is responsible for effective implementation of any Remedies under this SHARE Investigation Procedure and the Title IX Coordinator/Director of SHARE maintains jurisdiction over the Remedies as the Parties move through the University. Remedies may be modified by the Title IX Coordinator/Director of SHARE as circumstances change over the course of a Complainant's or Respondent's student or work career at Stanford. The request for reconsideration may be submitted to the Title IX Coordinator/Director of SHARE, and the basis for such reconsideration will be limited to whether, given the changed circumstances, the Remedies are ones that could have been issued by reasonable persons.

Upon request by a Party to reconsider a remedy, which if granted would impact the other Party, the Title IX Coordinator/Director of SHARE will provide notice and an opportunity to respond to the other Party. The Title IX Coordinator/Director of SHARE's decision on reconsideration will be provided in writing.

## XVIII. This Process in Conjunction with Police Investigations

Police/Criminal Investigation. In addition to seeking redress through the University, students are also encouraged (but not required) to report criminal concerns to the Stanford University Department of Public Safety (DPS) or the jurisdiction where the incident took place. Local law enforcement agencies in other jurisdictions do not notify the University of the identity of the parties when a crime has occurred in their jurisdiction, so the University will not have notice of the parties' identities unless a party requests a report to the University. Further, reports made to the Stanford Department of Public Safety may be subject to state privacy laws, so the University may not be given notice unless the victim waives confidentiality. Therefore, victims are also encouraged to notify the University of Policy Violation that has been reported to a police department. A criminal investigation is separate from a University process and will not be coordinated through the University.

## EDUCATION PROGRAMS



# Prohibited Sexual Conduct

## Overview

Stanford University provides education and awareness programs to prevent the occurrence of dating violence, domestic violence, sexual assault, and stalking<sup>12</sup> (Prohibited Sexual Conduct). These comprehensive programs are responsive to community needs, culturally relevant, inclusive of diverse communities and identities, and informed by research. Programming initiatives are assessed for value, effectiveness, or outcome, and consider environmental risks and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to address Prohibited Conduct include both primary prevention and awareness programs directed at incoming students and new employees as well as ongoing prevention programs and awareness campaigns directed at all members of the campus community.

One aim of the prevention programs is to reinforce the university's declaration that dating violence, domestic violence, sexual assault, and stalking are Prohibited Conduct and in many instances also constitute criminal acts.

Stanford's primary prevention programs and awareness campaigns include educational information on the causes and consequences of sexual violence, prevention strategies, and bystander intervention (see next section). Risk reduction behaviors that promote safety for individuals and the community are also discussed.

Additionally, Stanford provides ongoing prevention programs and awareness campaigns that include information on community building, healthy relationships, bystander intervention, and risk reduction.

Furthermore, these programs and campaigns reinforce to the community the procedures that the university will follow in response to a report of dating violence, domestic violence, sexual assault, and stalking. This includes the provision of supportive measures, parameters of confidentiality, and other resources for the impacted parties; resources, where appropriate, for the responding party; and the opportunity

to pursue a criminal or administrative complaint.

Stanford's ongoing prevention programs and awareness campaigns include educational initiatives and sustainable strategies that are focused on increasing understanding and skills to prevent all forms of Prohibited Sexual Conduct. A range of strategies is utilized to engage audiences throughout the institution.

## Risk Reduction

Individual preventive measures are risk reduction behaviors designed to decrease perpetration and bystander inaction and to increase empowerment for those who may be at risk. These measures promote safety and help individuals and communities address conditions that may facilitate violence. For instance, consider strategies for safety and accountability when planning activities or attending events with friends. Establish an agreement that no one will attempt to intimately engage with someone who may have over-consumed alcohol or other substances. If there is a possibility that you might be separated, agree to periodically check in with each other either in person or via text message. You can also agree to not leave the event until everyone is accounted for and safe and that everyone will either leave together or continue to check in on anyone who remains at the event. If you become uncomfortable with a situation or the people involved, trust your instincts and take action or get help to increase your sense of safety and empowerment.

## Bystander Intervention

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

There are several safe and effective options that a person can employ to intervene and stop inappropriate and potentially criminal behavior, including creating a

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<sup>12</sup> Specific definitions for each of these behaviors, as defined in the Violence Against Women Act (VAWA) Re-authorization of 2013, can be found on pages 60-61. These definitions are used in Stanford's prevention programs, in addition to California state definitions.



# Prohibited Sexual Conduct

distraction by using appropriate humor or interjecting in a conversation, directly confronting the potential perpetrator, or enlisting others to help intervene when you sense that someone may be at risk of harm. If you see or suspect that a crime has or is about to occur, seek help or call the police. For more information on these programs, go to <https://titleix.stanford.edu/upstander-intervention>

## Education Programs for Students

The SHARE Title IX office develops and contributes to a wide range of programs, projects, and events to increase awareness about interpersonal violence and meet the needs of Stanford students, faculty, and staff. Programs promote healthy sexuality and relationships, dispel myths about consent<sup>13</sup> and sexual and relationship violence, examine and critique traditional gender roles, provide guidance on risk reduction, advise students of the university response and available resources, and explore how each of us can become empowered to end sexual and relationship violence.

Programming efforts include a wide range of related topics including:

- Sexuality
- Intimacy and Relationships
- Upstander Intervention
- Understanding Consent
- Healthy Masculinity
- Healthy Relationships

In August of 2014, the university began providing online primary prevention<sup>14</sup> training to all incoming undergraduate and graduate students. This training covers the topics of sexual assault, dating and domestic violence<sup>15</sup>, bystander intervention, and making healthy choices on matters such as alcohol use. The online training is a supplement to the ongoing in-person trainings and campaigns featured throughout the academic year.

<sup>13</sup> See page 64 for the California statutory and university administrative definition of consent

<sup>14</sup> Primary prevention programs are programming, initiatives, and strategies implemented in an effort to stop dating and domestic violence, sexual assault, and stalking through positive and healthy behaviors.

<sup>15</sup> See pages 60-61 for federal (VAWA) and state definitions of these crimes.

In addition to training across undergraduate and graduate student groups, training was provided to those who also have staff roles, such as Resident Assistants, Resident Directors, Graduate Life Deans, Row Managers, Peer Counselors, Residence Fellows, and Graduate Community Assistants.

In addition to programming and education, the SHARE Title IX Education Team (formerly known as the SARA office) provides consultations, advising, and resource referrals to Stanford students who have experienced sexual or relationship violence, regardless of the location where the incident(s) occurred.

## Education Programs For Staff

In 2020, over 2,650 staff supervisors and faculty members completed at least two hours of AB1825 state-mandated sexual harassment awareness training administered online by the SHARE Title IX office. Supervisors and faculty train every other year. The training program includes material required by the VAWA Reauthorization of 2013, covering forms of sexual violence, resources at Stanford, and our Responsible Employees' obligation to report sexual misconduct that occurs in the campus community. On September 9, 2014, Gov. Brown approved Assembly Bill No. 2053 that required AB1825 training to include the prevention of abusive conduct. For purposes of this training, "abusive conduct" means conduct of an employer or employee in the workplace, with malice, that a reasonable person would find hostile, offensive, and unrelated to an employer's legitimate business interests. The prevention of abusive conduct was included as part of the 2017 training program and continues to be included. Compliance with the biennial training requirement is tracked by the SHARE Title IX Education Team.

Additionally, over 10,100 non-supervisory staff completed harassment prevention training administered by the SHARE Education Team. Starting in 2020, California Senate Bill 1343 mandated training in sexual and gender-based harassment and abusive conduct for all non-supervisory employees, academic staff, postdocs, and contingent employees every two years. Stanford non-supervisory employees retrain every even year. Note that the Stanford contingent population began training in 2021 in accordance with Senate Bill 1343. An interactive online course and instructor-

led workshop sessions were offered. Both programs incorporated material on recognizing, reporting, and responding to sexual assault and other forms of prohibited sexual conduct in the campus community.

Since October 2014, all new employees are expected to complete the harassment prevention course, online or in-person. This course includes information required by the VAWA Reauthorization of 2013 and covers forms of sexual violence, resources at Stanford, and how employees can prevent and report sexual misconduct that occurs in the campus community.



# Campus Crime Statistics

## The Jeanne Clery Act and Higher Education Opportunity Act

The Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Higher Education Opportunity Act require that institutions of higher education produce an annual report containing crime statistics, fire incident statistics, and safety policies. The safety policies and guidance contained in the annual report provide information to enable individuals to make informed decisions about their personal safety and enhance the safety of the community through their actions. Additionally, fire incident and safety systems information assists residents in emergency planning. The statistical information in this report allows members of the campus community to be informed about criminal activity occurring within and immediately surrounding the geographical boundaries of the campus and any related buildings owned or operated by the University.

## Gathering & Reporting Statistical Information

For each calendar year, an SUDPS committee gathers statistical crime data from its own records and from information provided by the Office of the Vice Provost for Student Affairs, Title IX, and other designated Campus Security Authorities (CSAs). Fire incident statistics are obtained from the Stanford University Fire Marshal’s Office. Because they have local police jurisdiction over some locations where Stanford facilities are located, the Santa Clara County and San Mateo County Sheriff’s Offices, the Palo Alto Police Department, and other law enforcement agencies are asked to provide Clery-reportable crime statistics for the required geographical areas. Crime statistics are requested annually from all jurisdictions in which Stanford University maintains property for educational purposes, whether it is owned, rented, or leased.

It is not uncommon for multiple sources, including CSAs, to report the same incident to the Clery Compliance Coordinator. To minimize the potential for counting an incident more than once and to ensure crimes and locations are properly categorized, the University requires CSAs and other persons who provide information about

Clery-reportable crimes to provide their name and contact information so that the Clery Compliance Coordinator can follow up, if needed. A victim may request confidentiality when making a report.

University officials at each of the separate campuses, including the foreign campuses,<sup>16</sup> gather the required crime statistics from their own records and from local law enforcement agencies. The statistics from foreign and branch campuses are forwarded to SUDPS. As required by federal law, SUDPS reports this information on an annual basis to the United States Department of Education Office of Postsecondary Education. A team of trained university staff review the information provided by CSAs to ensure incidents are properly classified and counted.

## Clery Act Definitions

### Locations<sup>17</sup>

**Campus:** “Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls;” and “Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.” (34 CFR § 668.46(a))

**Student Residences:** “Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.” (34 CFR § 668.41(a)) Reported statistics are from all student residences, including fraternity, sorority, and other row houses as a subset of the *campus* statistics.

<sup>16</sup> See corresponding note on page 63 for definitions.

<sup>17</sup> *Ibid.*

**Non-campus:** “Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution” (34 CFR § 668.46(a)). A Stanford example of a non-campus area is off-campus graduate housing.

**Public property:** “All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus” (34 CFR § 668.46(a)). These statistics are provided by the law enforcement agency having jurisdiction where the property is located and Campus Security Authorities, where applicable.

### Clery Crime Statistics Definitions

This Safety, Security, and Fire Report includes crime statistics using updated definitions and categories as provided by the re-authorizations of the *Violence Against Women Act* and the *Higher Education Opportunity Act*. Data reported for calendar years 2018 through 2020 are based upon the definitions below.

Crime statistic definitions in this section are prescribed by the Clery Act and may differ from the California Penal Code sections.

**Murder / Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape (See also *sex offenses*).

**Sex Offenses:** Any sexual act directed against another person without the consent<sup>18</sup> of the victim, including instances where the victim is incapable of giving consent. These offenses are rape, fondling, incest and statutory rape (sometimes used interchangeably with sexual assault).

<sup>18</sup> See corresponding note on page 63.

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by the sex organ of another person, without the consent of the victim.<sup>19</sup>

**Fondling:** The touching of private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Private body parts are generally considered to be the genitals, breasts, and buttocks.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory rape:** Sexual intercourse with a person who is under the statutory age of consent. In California, the statutory age of consent is eighteen.

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (*The criminal act need not result in injury to be counted as aggravated assault when a gun, knife, or other weapon is used in the commission of the crime.*)

**Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.<sup>20</sup>

**Theft - Motor Vehicle:** The theft or attempted theft of a motor vehicle, including automobiles, trucks, motorcycles, golf carts, and mopeds.

<sup>19</sup> See corresponding note on page 63.

<sup>20</sup> See corresponding note on page 63.





# Campus Crime Statistics

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

**Hate Crimes:** Any of the herein listed crimes and any other crime involving bodily injury, theft, intimidation, assault, or destruction/damage/vandalism, in which the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of the Clery Act, the categories of bias that may serve to determine that a crime is a hate crime include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Liquor Laws:** The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages. Driving under the influence and drunkenness violations are excluded.

**Drug Laws:** Violations of laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapons Laws:** The violation of laws prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, knives, explosives, or other deadly weapons.

**Unfounded:** A statistical requirement beginning in 2015; an unfounded report is any Clery-reportable crime that was reported in good faith and determined, by a law enforcement investigation, to be false or baseless.

## VAWA Offenses

The following crimes are defined in the 2013 reauthorization of the Violence Against Women Act. Statistics for these crimes are incorporated into reporting for Clery Act compliance (see page 61).

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic

or intimate nature with the victim; where the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence is not limited to sexual or physical abuse or the threat of such abuse. (If an act of violence meets the definition of domestic violence, then the act is classified as Domestic Violence rather than Dating Violence).<sup>21</sup>

**Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws 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 California.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

For the purposes of the stalking definition—

**Course of conduct** means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person’s property.

**Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

**Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Remedies.

<sup>21</sup> See corresponding note on page 63.

## Campus Crime Statistics

### Crimes Reported to the Police and Campus Security Authorities 2018-2020

Statistics in the following table are based upon the definitions stated in the reauthorizations of the Higher Education Opportunity Act and Violence Against Women Act in 2013. See pages 58-59 for the applicable definitions. Refer to the next page for the individual sex offense statistics.

Crime	Year	Student Residences <small>A subset of Campus</small>	Campus Incl. Student Residences	Non-Campus	Public Property	Total Campus+Non-Campus+Public Property	Unfounded <small>See page 62 for details</small>
<i>Murder / Non-negligent manslaughter</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Negligent manslaughter</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Total Sex Offenses</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Robbery</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Aggravated Assault</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Burglary</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Theft- Motor Vehicles and Golf Carts</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Arson</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0



# Campus Crime Statistics

## VAWA Crimes 2018-2020

Crime	Year	Student Residences <small>A subset of Campus</small>	Campus Incl. Student Residences	Non-Campus	Public Property	Total On-Campus+Non-Campus+Public Property	Unfounded <small>See page 62 for details</small>
<i>Rape (including sodomy, sexual assault w/object, oral copulation)</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Fondling</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Incest</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Statutory Rape</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<b>Total Sex Offenses</b>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Dating Violence</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Domestic Violence</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Stalking</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0

## Arrests 2018-2020

Crime	Year	Student Residences <small>A subset of Campus</small>	Campus Incl. Student Residences	Non-Campus	Public Property	Total On-Campus+Non-Campus+Public Property	Unfounded <small>See page 62 for details</small>
<i>Liquor Law ^</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Drug Violations</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0
<i>Weapon Possession</i>	2018	0	0	0	0	0	0
	2019	0	0	0	0	0	0
	2020	0	0	0	0	0	0

^ If both an arrest and disciplinary referral are made, only the arrest is counted.

**Disciplinary Actions 2018-2020**

Violation	Year	Student Residences <small>A subset of Campus</small>	Campus Incl. Student Residences	Non-Campus	Public Property	Total On-Campus+Non-Campus+Public Property
<i>Liquor Law</i> <sup>^</sup>	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
<i>Drug Violation</i>	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0
<i>Weapon Possession</i>	2018	0	0	0	0	0
	2019	0	0	0	0	0
	2020	0	0	0	0	0

<sup>^</sup> If both an arrest and disciplinary referral are made, only the arrest is counted.

**Hate Crimes (2018-2020)**

2018- No hate crimes information was received in response to our request for statistics.

2019- No hate crimes information was received in response to our request for statistics.

2020- No hate crimes information was received in response to our request for statistics.

**Unfounded Crimes**

No unfounded crime information was received in response to our request for statistics.



# Campus Crime Statistics

## Crime Statistics Notes

16. *A separate campus is a Clery term that defines a location owned or controlled by the institution, which is not reasonably contiguous to the main campus, has an organized program of study and has on-site administrators. A branch campus is a type of separate campus. To be considered a branch campus, the location must be geographically apart and independent from the main campus. Further, it must be permanent in nature, have its own faculty and administrative organization and offer courses leading to a degree or credential. A foreign campus is another type of separate campus. A location will be classified as a foreign campus if the location is in a country other than the U.S.; a U.S. based institution owns or controls the property or facility; there is an organized program of study; and there are administrative personnel on site.*
18. *The Clery Act does not provide a federal definition of consent. See page 62 for the California Penal Code definition of consent as well the California Education Code definition that Stanford has adopted for university proceedings.*
19. *According to the FBI Uniform Crime Reporting System, Part 1 Crimes are crimes against persons or property. In situations in which more than one crime is committed, the hierarchy rule of the FBI Uniform Crime Reporting system requires only that the most serious offense be recorded for a single incident. As an exception to this rule, a sexual assault will always be recorded in the institution's annual statistics when a murder occurs in the same single incident. Furthermore, beginning in 2013 with the passage of the Violence Against Women Act, crimes that meet the definitions of dating violence, domestic violence, stalking, arson, and hate crimes will always be counted separately.*
20. *The Burglary of each room is a separate offense. This means that if an offender unlawfully enters five dorm rooms on one floor of a student housing facility for the purpose of taking something, this incident counts as five Burglaries. Similarly, if a burglar enters five separate bedrooms accessible from a single point of entry, such as a suite, then this single incident counts as five burglaries.*
21. *Most incidents of Dating Violence are subsumed by the definition of Domestic Violence, if both state and federal definitions are considered. When an incident satisfies both definitions, it will be classified as Domestic Violence only. For statistical recording, each incident is counted once.*



There are a number of considerations surrounding the issue of consent in the investigation and reporting of sex offenses. In procedures convened by the Office of Community Standards or the Title IX Office, the definition from the Stanford University Administrative Guide, in compliance with California Education Code § 67386, applies. The California Penal Code definition of consent is the standard used for criminal investigations and prosecutions in the state of California.

<b>Stanford University Administrative Guide 1.7.1</b>	<b>CA Penal Code</b>
<ul style="list-style-type: none"> <li>• 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 the person has the Affirmative Consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative Consent. Affirmative Consent must be ongoing throughout a sexual activity and can be revoked at any time. Affirmative Consent may be based on a condition(s), e.g., the use of a condom, and that condition(s) must continue to be met throughout an activity, unless there is mutual agreement to forego or change the condition. When there is no Affirmative Consent present during sexual activity, the activity at issue necessarily occurred “against the person’s will.”               <ul style="list-style-type: none"> <li>• 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 Affirmative Consent.</li> <li>• In evaluating Affirmative Consent, it cannot be a defense that a respondent’s belief that the complainant consented to the sexual activity arose under either of the following circumstances:                   <ul style="list-style-type: none"> <li>• The respondent’s belief in Affirmative Consent arose from the intoxication or recklessness of the respondent.</li> <li>• The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant gave Affirmative Consent.</li> </ul> </li> </ul> </li> <li>• Incapacitation: It shall not be a valid excuse that the respondent believed that the complainant Affirmatively Consented to sexual activity if the respondent knew or reasonably should have known that the complainant was Incapacitated. Incapacitation means the complainant was unable to Affirmatively Consent because the complainant was asleep, unconscious, under the influence of drugs, alcohol, or medication, such that the complainant could not understand the fact, nature, or extent of the sexual activity, or was unable to communicate due to a mental or physical condition. Incapacitation is not necessarily the same as legal intoxication.</li> </ul> <p><i>This consent definition is compliant with California Education Code § 67386.</i></p>	<p><b>§ 261.6</b> In prosecutions under Section 261 [<i>rape</i>], 262 [<i>spousal rape</i>], 286 [<i>sodomy</i>], 288a [<i>oral copulation</i>] or 289 [<i>penetration by a foreign object</i>], in which consent is an issue, “consent” shall be defined to mean positive cooperation in an act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.</p> <p>A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288(a) or 289.</p> <p>Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.</p> <p><b>§ 261.5</b> (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age. (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor. (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year...</p>