

**2022**

**Mesa Campus**

**Calendar**

**Year:**

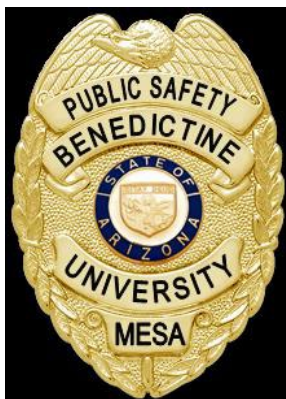
**January 1 –  
December 31**

**2019, 2020,  
2021**



**Benedictine  
University**

**ANNUAL SECURITY  
AND FIRE SAFETY  
REPORTS**



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## A Mutual Commitment to a Safe University

Benedictine University (the “University”) is dedicated to providing a safe and secure environment for all members of the University community who study, live, and work at our Lisle, Illinois main campus and our branch campus in Mesa, Arizona. Each campus is served by Campus Safety Officers. The Lisle main campus is served by the Benedictine University Campus Safety (Campus Safety); comprised of non-sworn officers, civilian dispatcher/community services officers and the Emergency Preparedness Manager/Safety Specialist. The Mesa campus is served by Benedictine University Campus Safety (Campus Safety); comprised of non-sworn officers who collaborate with local police authorities to provide safety and security.

Mesa PD, Mesa Campus Safety and Lisle Campus Safety are available for presentations to classes, student groups and other campus entities. Topics may include crime prevention, personal safety, alcohol/drug awareness, violence in the work place, and bystander intervention.

The Campus Safety officers and support personnel are a dedicated, well-trained group of professionals who take pride in their service to the University. The department values the partnerships it has developed with the students, faculty, staff, visitors, and neighbors, and believes that community relationships are the key to building trust and safety for all.

Reviewing the information outlined in this report will increase your awareness and help you understand the high level of commitment to safety the University advocates. Please feel free to directly contact the Lisle Campus Safety at 630-829-6122 or the Mesa Campus Safety at 602-888-5516 with any questions, concerns, or comments about this report. If you are experiencing an emergency, please call 9-1-1.

Sincerely,

A handwritten signature in black ink that reads "Paul Oakes". The signature is written in a cursive, flowing style.

Paul Oakes  
Lead Campus Safety Officer  
Benedictine University Mesa

## A Guide to Safety at Benedictine University - Mesa Campus

In 1998, Congress enacted the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092 (f)) (or the “Clery Act”, which previously was known as the Crime Awareness and Campus Security Act of 1990). The Clery Act requires colleges and universities receiving federal funding to disclose reported instances of criminal activities on campuses. In addition to the disclosure of campus crime statistics, the Clery Act requires that timely warnings of criminal activity be disseminated to the campus community, as well as the disclosure of various campus policies. For more information on the Clery Act, please visit the Campus Security Web Site of the U.S. Department of Education, Office of Post-secondary Education, at: <http://www2.ed.gov/admins/lead/safety/campus.html>. The Clery Act is intended to assure that students and their families, as higher education consumers, have access to accurate, complete, and timely information about safety on campus so that they can make informed decisions.

## Procedures for Preparing and Distributing the Annual Security Report

The Director, Campus Safety and the Emergency Preparedness Manager in Lisle is responsible for preparing and distributing the Annual Security Report to comply with 34 CFR 668.46 of the Clery Act for the Mesa campus. The Annual Security Report is published annually by October 1 and contains three calendar years of campus crime statistics and certain campus security policy statements in accordance with the Clery Act. This required statistical information is presented in this Annual Security Report. The Annual Security Report also informs individuals how to report crime to University officials or local law enforcement agencies on a voluntary and confidential basis. Security policies include **immediately** reporting crimes and emergencies, security resources, crime awareness and prevention, security of campus facilities and residence halls, and alcohol, drug and weapons violations.

## Distribution and Notification of Annual Security Report

**The Annual Security and Fire Safety Reports are sent twice during the academic school year, once by October 1 and by January 31.**

An e-mail notification is sent to all current students, faculty, and staff providing the website <https://ben.edu/resources/mesa-campus-safety/> to access to this report. Upon request:

- A written paper copy of the report is also available for public view with the Chief Executive Officer of Mesa Operations, located on the main floor of Gillett Hall (Room 120); or
- By calling the Chief Executive Officer of Mesa Operations, at 602-888-5507.

**Newly enrolled students** receive written notification providing the website <https://ben.edu/resources/mesa-campus-safety/> to access this report.

- Notification will be provided to newly enrolled students in their Admitted Student Packet during their initial advising.
- A link to the report is also available at Office of Admissions webpage for students enrolled in the traditional undergraduate programs for freshmen, transfer, International and International Transfer.  
<https://ben.edu/admissions/>

**Upon request, prospective students and employees:**

- May obtain a written paper copy of the Annual Fire Safety Report from the Chief Executive Officer of Mesa Operations, Benedictine University Mesa, 225 E. Main Street, Mesa, AZ 85201; or
- By calling the Chief Executive Officer of Mesa Operations, at 602-888-5507; or
- By visiting Benedictine’s University’s web site at: <https://ben.edu/resources/mesa-campus-safety/> or <https://ben.edu/office-of-institutional-compliance-and-risk-management/>

**Prospective employees** are notified about this report via Benedictine University’s Human Resources jobs website at: <https://ben.edu/resources/employment-opportunities>

**New employees** are provided a document containing a link to <https://ben.edu/resources/mesa-campus-safety/> in their new hire training materials during new hire orientation. Each new employee certifies that they have knowledge as to where the Annual Security Report is located.

**Prospective students and parents of students** can also read about and reference Clery Act information on the Office of Admissions webpage at <https://ben.edu/admissions/>; or the office of the Chief Executive Officer of Mesa Operations, Gillett Hall (Room 120) <https://ben.edu/resources/mesa-campus-safety/> and <https://ben.edu/office-of-institutional-compliance-and-risk-management/>

**Current Employees** can find the Annual Security Report and Annual Fire Safety Report by clicking the link to the Campus Safety: <https://ben.edu/resources/mesa-campus-safety/>

## Reporting of Criminal Offenses, Emergencies, and University Response

University community members – students, faculty, staff, and guests – are encouraged to report all crimes, emergencies and public safety related incidents to Campus Safety in an accurate, prompt, and timely manner. Campus Safety has been designated by the University as the official office for campus crime reporting. Accurate and prompt reporting ensures Campus Safety is able to evaluate, consider and send timely warning reports, disclose crimes through ongoing disclosure processes such as the posting of crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. The University further encourages accurate and prompt reporting to Campus Safety and/or the local police when the victim of a crime elects to, or is unable to make such a report. This publication focuses on Campus Safety because it has primary responsibility for patrolling the campus and it has been designated as the institution's primary reporting structure for crimes and emergencies. However, criminal incidents or incidents off campus can be reported to the Mesa Police Department. The Mesa Police Department is located at 130 North Robson, Mesa, Arizona 85201 and can be reached at 480-644-2211 or in the case of an emergency, 9-1-1.

To report a crime or emergency, members of the community should:

- To report an emergency, call 9-1-1;
- To report a non-emergency security or public safety related matter, call Campus Safety at extension 5516 or, from outside the University 602-888-5516;
- Report in person to Campus Safety located on the main floor of Gillett Hall;
- Mail in a report to Campus Safety at Benedictine University Mesa, 225 E. Main Street, Mesa, Arizona 85201;
- Crimes or emergency situations can be reported to the local police department by dialing 9-1-1;
- Sex offenses and other incidents of sexual or relationship violence can also be reported to the University's Deputy Title IX Coordinator, by dialing 480-878-6703 or on campus extension 6703, or in person in Gillett Hall, room 230;
- For employee related issues, contact Human Resources by dialing 630-829-6492 or on campus extension 6492;
- For student related issues, contact Chief Executive Officer of Mesa Operations by dialing 602-888-5507 or on campus extension 5507, or in person in Gillett Hall, Room 120;
- For resident students' issues, contact the Resident Manager by dialing 602-888-5500 extension 6703 or on campus extension 6703, or in person in Gillett Hall, room 230; and
- A "Silent Witness" link is found on the Campus Safety web page. You may anonymously report any crime, concern, misdeed or emergency at: <https://ben.edu/resources/mesa-campus-safety/>

The Mesa Police Department is an active member of Maricopa County Crime Stoppers. If you have specific information regarding a serious crime on or off campus, you can call Crime Stoppers anonymously at 1-800-222-TIPS and may receive a reward up to \$1,000. More information may be obtained at: <http://www.241stop.com/>

Campus Safety staff are available from 6:30 a.m. to 9:00 p.m. Monday – Friday and 8:00 a.m. to 5:00 p.m. Saturday. Campus Safety procedures require an immediate response to emergency calls. Campus Safety work closely with local and county resources to assure a timely response to emergency calls. Priority response is given to crimes against persons and personal injuries. Campus Safety respond to all reports of crimes and/or emergencies that occur on campus, adjacent to campus within its public property reporting area. In response to a call, Campus Safety will take the required action, dispatching an officer or asking the victim to report to Campus Safety to file an incident report.

To obtain information or request a safety escort, community members should call 602-888-5516 or extension 5516.

If a sexual assault should occur on campus, staff on scene, including Campus Safety, will offer the victim a variety of resources and services. This publication contains information about on and off campus resources and services. You may make a report anonymously, request anonymity, or voluntarily identify yourself.

For a life-threatening event, medical emergency, criminal act, suspicious person or incident, which should be reported immediately, dial **9-1-1**, for the Mesa Police/Fire Departments. The Mesa Police Department is located at 130 North Robson, Mesa, Arizona 85201.

You may also dial **602-888-5516**, for Campus Safety to report non-emergency incidents.

You may also report a crime or emergency to a Campus Security Authority, faculty or staff member, who will contact the appropriate authority. The crime or emergency can be reported in-person, via e-mail, telephone call, or US Mail. You can choose to make a report anonymously, request anonymity, or voluntarily identify yourself.

## Campus Security Authorities (CSA)

A CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with the institution. All listed CSAs go through annual training through the University's learning management system D2L.

1. A campus police department or a campus security department;
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;
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; and
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.

Below is a list of current Campus Security Authorities:

**Kevin Broeckling**, [kbroeckling@ben.edu](mailto:kbroeckling@ben.edu), Chief Executive Officer of Mesa Operations, Gillett Hall, room 132, 602-888-5507

**Myra Carlos**, [mcarlos@ben.edu](mailto:mcarlos@ben.edu), Administrative Support Specialist, Gillett Hall Front Desk, 602-888-5500

**Anthony (Tony) Cella**, [acella@ben.edu](mailto:acella@ben.edu), Assistant Professor, Gillett Hall, room 233, 480-878-6702

**Julie Cowgill**, [jcowgill@ben.edu](mailto:jcowgill@ben.edu), Faculty/Assistant Provost, Gillett Hall, room 230, 480-878-6703

**Robert Curtis**, [rcurtis@ben.edu](mailto:rcurtis@ben.edu), Director of Campus Ministry, Gillett Hall, room 132, 480-878-6720

**Maria Granic**, [mgranic@ben.edu](mailto:mgranic@ben.edu), Assistant Professor, Gillett Hall, room 227, 480-878-6706

**Sarah Howard**, [showard@ben.edu](mailto:showard@ben.edu), Student Success Academic Support Learning Specialist, Gillett Hall, room 230, 480-878-7514

**Paul Oakes**, [poakes@ben.edu](mailto:poakes@ben.edu), Lead Campus Safety Officer, Gillett Hall, 602-888-5516

**Michael Tole**, [mtole@ben.edu](mailto:mtole@ben.edu), Faculty, Gillett Hall, room 229, 480-878-6708

**Frank Woodford**, [fwoodford@ben.edu](mailto:fwoodford@ben.edu), Director of Athletics, Mesa Higher Education Center, room 115, 602-888-6711



## Responsibilities of the Benedictine University Community for their own Personal Safety

Members of the University community must assume responsibility for their own personal safety and the security of their personal property. The following precautions provide guidance:

- Report all suspicious activity to Campus Safety immediately;
- Never take personal safety for granted;
- Try to avoid walking alone at night. Use the Campus Safety escort service;
- Limit your alcohol consumption, and leave social functions that get too loud, too crowded, or that have too many people drinking excessively;
- Carry only small amounts of cash;
- Never leave valuable (wallets, purses, books, phones, laptops, etc.) unattended;
- Carry your keys at all times and do not lend them to anyone;
- Lock car doors and close windows when leaving your car;
- Always lock the door to your residence hall room or apartment, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home. **DO NOT PROP OPEN INTERIOR OR EXTERIOR DOORS;**
- Do not leave valuables in your car, especially if they can be easily noticed; and
- Engrave serial numbers or owner's recognized numbers, such as driver's license, on items of value.

## Confidential/Anonymous Reporting

Campus Safety encourages anyone who is the victim or witness to any crime to promptly report the incident to Campus Safety. When a report is made to Campus Safety, they must investigate the incident and cannot hold reports of crime in confidence. With the information investigated from the crime, the University can keep an accurate record of the number of incidents involving students, employees and visitors; determine where there is a pattern of crime with regard to a particular location; method, or assailant; and alert the campus community to potential danger. Reports filed are counted and disclosed in the annual crime statistics for the institution.

It is understood that not everyone is comfortable speaking with the police. We urge you to speak with your supervisor, any senior University official or Human Resources should you become aware of any act or omission, which you think violates the law or University policies or procedures.

Benedictine University has an obligation and commitment to conduct business legally and ethically. It is our policy to prevent violations of the law or other improper business conduct and detect and remedy violations should they nonetheless occur. In keeping with this obligation, employees are expected to conduct themselves ethically and honestly. Furthermore, it is the responsibility of every employee to report any illegal, unethical or improper activities. Should you need to report a situation that may conflict with this statement, you are encouraged to speak with your supervisor, an appropriate management representative or Human Resources. You may make an anonymous report by using the Anonymous Reporting Tool at: <https://ben.edu/office-of-institutional-compliance-and-risk-management/>

## Policy Statement Addressing Counselor Confidentiality

The University "Pastoral Counselors" and "Professional Counselors," when acting as such are not considered to be a campus security authority and are not required to report crimes for inclusion in the annual security report disclosure of crime statistics. As a matter of policy, the professional counselors are encouraged if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary confidential basis to the Mesa Police Department.

Counselors are defined as:

**Pastoral Counselor** – A person, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition 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. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

All information with regards to counseling remains confidential, except in situations where there is a threat to life and safety. The Early Alert Team (EAT), Campus Safety, Campus Ministry and outside professional agencies, work together to minimize any threat to one’s self and the entire internal and external campus community. Information on EAT can be found at: <https://ben.edu/student-life/care-team/>

## Violence Against Women Act and Title IX

The Violence Against Women Reauthorization Act of 2013 (VAWA) amends the Clery Act expanding the scope of this legislation in terms of reporting, response, and prevention education requirements around rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. Sexual violence primary prevention and awareness programming shall be provided for all students who attend one or more class on campus annually. In addition, we require all staff and faculty to complete online training annually. We have designed an in-house training program delivered in person and virtually with students, faculty and staff using Zoom. We have taken the training and added it to our learning management system, D2L, for those that could not make the scheduled in person or Zoom times.

Benedictine University expects its Trustees, officers, faculty, staff and students to cultivate an environment that allows members of the University community to enjoy the full benefits of their work or learning experience. It is, therefore, the policy of the University to comply with Title IX of the Education Amendments of 1972 (“Title IX”), which prohibits discrimination based on sex (including sexual harassment and sexual violence) in the University’s employment, educational programs and activities. Title IX also prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. Such behavior seriously undermines the University’s effectiveness as an educational institution and a workplace.

A person who has been a victim of sexual assault is strongly encouraged to **immediately** report the crime. Victims are strongly urged to preserve all physical, trace and serological evidence, to include clothing, bedding and body fluids, associated with the assault, to ensure a successful criminal prosecution, or administrative sanction against the offender, if desired. The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the University and in the community. Upon request, assistance will be provided in changing academic schedules and living arrangements.

### Reporting Sexual Discrimination or Harassment, Filing a Formal Complaint

- A. Any person may report conduct alleged to be sex discrimination or sexual harassment to the Title IX Coordinator, to any University Official with Authority, and/or to law enforcement without filing a Formal Complaint. A report of sexual harassment or sex discrimination may be made at any time, regardless of the length of time between the alleged sexual discrimination or harassment and the decision to report it. However, a delay in reporting may compromise the subsequent investigation. No member of the University community may discourage an individual from reporting alleged incidents of sex discrimination or sexual harassment.
- B. Individuals wishing to file a Formal Complaint must do so by contacting the Title IX Coordinator. Complaints may be filed in person, by mail, by email, or through the [Title IX Report form](https://ben.edu/office-of-institutional-compliance-and-risk-management/) on the Title IX web page found at <https://ben.edu/office-of-institutional-compliance-and-risk-management/>.

- C. To report to the Title IX Coordinator, or to file a Formal Complaint, contact:  
 Dr. Tammy Sarver  
 Professor  
 5700 College Road, SL228L  
 Lisle, IL 60532  
 630-829-6473  
[tsarver@ben.edu](mailto:tsarver@ben.edu)
- D. To report to an Official with Authority (OWA): University employees including Executive Leadership and individuals chosen by the University to serve as Campus Security Authorities. These employees are required to promptly report any information of which they become aware regarding sexual harassment (including sexual assault, domestic violence, dating violence, and stalking) to the Title IX Coordinator
- E. To report to Law Enforcement, contact:
- Mesa Police Department 911;
  - Campus Safety at 602-888-5515 for non-emergency;
  - Mesa Police Victim Services Unit (Non-emergency) 602-790-6600.
- F. Except for OWA's, University employees, faculty and Confidential Employees are not required to report allegations of sexual harassment to the Title IX Coordinator. If an individual is not comfortable making a report or filing a Formal Complaint, or would like to think through their situation with someone who can keep their information as confidential as possible, the following resources are available:
- Center for Prevention of Abuse/Violence at 800-559-SAFE (7233)
  - Voices for Crime Victims at 480-600-2661
  - Catholic Charities intake line is 602-749-4405
  - National Suicide Prevention Hotline is 800-273-8255
  - Autumn House Domestic Violence Shelter 480-835-5555 – 24 hours a day  
<https://www.domesticshelters.org/az/mesa/85203/autumn-house-domestic-violence-shelter>
  - On-line Anonymous Reports: Anonymous reports can be made at [Title IX Report form](#) and will be investigated to the greatest extent possible. However, in the case of anonymous reports, the University's ability to act may be limited by the lack of information reported.
  - In a case of physical or sexual abuse, the Complainant is able to seek medical attention. Survivors of sexual assault may receive a medical forensic examination completed at no cost to them as a result of the Sexual Assault Survivors Emergency Treatment Act.
  - Adelante Healthcare 877-809-5092, 1705 W. Main Street, Mesa, AZ
  - Banner Desert Medical Center – Mesa 480-412-3000, 1400 S. Dobson Road, Mesa, AZ
  - Valleywise Community Health Center – Mesa 833-855-9973, 950 E. Main Street, Mesa, AZ

The Victim's Bill of Rights is addressed in Article II of the Arizona Constitution. Further, Crime Victim's Rights are outlined in A.R.S. Title 13, Chapter 40 to ensure fair and compassionate treatment for victims and witnesses of crime. Arizona victims' rights law provides that victims have the right to receive timely notice of criminal proceedings in their cases. Victims have the right to be present in the courtroom during all proceedings involving the defendant. The Victim's Bill of Rights and related statutes ensure that victims are provided the opportunity to be heard at release, plea, and sentencing proceedings. These laws also provide for the safety of victims throughout the criminal justice process as well as their interest in avoiding unreasonable delays, their claims for restitution, and to be treated with dignity and respect.

#### **Arizona Domestic Violence Act: Rights of Victims**

Domestic violence is a crime. Any person, who hits, chokes, kicks, threatens, harasses or interferes with the personal liberty of another family or household member has broken the Arizona Domestic Violence law. Under Arizona law family or household members are defined as:

- Family members relate by blood;
- People who are married or used to be married;
- People who share or used to share a home, apartment, or other common dwelling;

- People who have or allegedly have child in common or a blood relationship through a child in common; and
- People who are dating or engaged or used to date; and

Domestic violence consists of physical assault, sexual abuse and stalking. The violence takes many forms and can happen all the time or occasionally. If you are in an abusive situation, you are urged to seek help. For off-campus resources refer to the following:

For employees who may have been a victim of a criminal act of violence, the University fully complies with the Arizona Revised Statute – Title 13 Criminal Code, [Section 13-4439](#), which gives employees affected certain rights for leaves of absence, protective measures in the workplace, and reasonable accommodations. More information about the University's policy may be obtained from Personnel Resources.

### **The University's Grievance Process – Pre-Investigation**

- A. Within 3 days after receiving a report or complaint of either sex discrimination or sexual harassment, the Title IX Coordinator will send the complainant or filer written acknowledgement of receipt.
- B. If the complaint or report alleges sex discrimination, the Title IX Coordinator will contact the investigator(s) to initiate an investigation, and will oversee the University's response to assure a prompt and equitable resolution of the report of sex discrimination.
- C. If the complaint or report alleges sexual harassment, the Title IX Coordinator will contact the complainant to discuss the availability of supportive measures and inform the complainant that the measures are available with or without filing a Formal Complaint. The Title IX Coordinator will consider the complainant's wishes with respect to the measures and explain to the complainant the process for filing a Formal Complaint.
- D. As soon as possible, but not later than 7 days of receiving a signed Formal Complaint of sexual harassment, the Title IX Coordinator will send written notice to the complainant and respondent of the allegations and a copy of this Grievance Process. The notice will provide all of the following:
  1. The identity of the parties involved in the incident(s), if known; and
  2. The specific section of the University's policy that has allegedly been violated; and
  3. The conduct constituting sexual harassment; and
  4. The date and location of the alleged incident, if known; and
  5. That the Respondent is presumed not responsible until a determination has been made at the conclusion of the Grievance Process; and
  6. That both parties may have an advisor of their choice, who may be an attorney, accompany them to any meeting or proceeding related to the case, but is not permitted to participate in the University's investigation; and
  7. That the parties may inspect and review evidence; and
  8. That the Student Statement of Responsibilities – Student Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the Grievance Process; and
  9. The University will provide the parties notice of any additional allegations it later decides to investigate which were not included in the original notice.
- E. The Title IX Coordinator will evaluate the complaint to determine if the alleged conduct falls within the definition of sexual harassment under this policy.
  1. The Title IX Coordinator shall dismiss any Complaint or allegations that;
    - a. Show the Complainant was not participating in or attempting to participate in the University's education programs or activities at the time the Complaint was filed; or
    - b. Would not constitute sexual harassment even if proved; or
    - c. Allege conduct which did not occur in the University's education program or activity; or
    - d. Alleged conduct which did not occur against a person in the United States.
  2. The Coordinator may dismiss a complaint;
    - a. Upon Complainant's written request to withdraw the Complaint; or
    - b. If the Respondent is no longer employed or enrolled at the University; or
    - c. If specific circumstances prevent the University from gathering evidence sufficient to reach a

determination.

3. If the Title IX Coordinator determines that dismissal is warranted, the Coordinator will promptly send notice of the dismissal simultaneously to the Complainant and Respondent, and advise each of the reason for the dismissal and their right to appeal the decision.

- F. The Title IX Coordinator will undertake an individualized safety and risk analysis to determine if the alleged sexual harassment presents an immediate physical threat to the health or safety of students or others, which would justify removing the respondent from an education program or activity on an emergency basis. The respondent, may appeal no later than 5 days after the removal decision.
- G. To the extent reasonably possible, the University will keep confidential the identity of any individual who has made a report or complaint to sex discrimination, including any individual who has made a report or filed a Formal Complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness in a Title IX grievance process except as permitted by FERPA, required by law, or as necessary to conduct the hearing or proceeding.

## **The Grievance Process**

- A. The University's Grievance Process for resolving Formal Complaints of sexual harassment will be concluded within 90 days of the date of filing. The Title IX Coordinator or either party may request a delay or extension of the time for good cause to the Title IX Coordinator or Adjudicator. Any grant or denial of a request for extension or delay will be documented in the Determination Regarding Responsibility.
- B. At any time prior to reaching a Determination Regarding Responsibility, the complainant and an eligible respondent may agree to participate in informal resolution, (see Restorative Justice). This Grievance Process will be suspended once informal resolution begins, but will resume if either party withdraws.
- C. The University is responsible for gathering the relevant evidence sufficient to prove responsibility by a preponderance of the evidence and will complete the investigation within 45 days of the filing of a Formal Complaint. The time for the completion of the investigation may be extended in 5-day intervals with written notice to the parties explaining the reason for the extension.
- D. The Title IX Coordinator will notify the complainant and respondent of the individuals involved in investigating their case and inquire about the need for language interpreters or disability accommodations before the investigation begins.
- E. Neither the complainant nor the respondent is restricted from discussing the allegations under investigation or from gathering or presenting relevant evidence. Both are encouraged to present to the investigator, witnesses and other inculpatory or exculpatory evidence to prove or disprove responsibility.
- F. The investigator will provide the parties with written notice of the date, time, location, participants, and the purpose of any hearing, investigative interview, or other meeting with the complainant or respondent at least 5 days in advance to allow each time to prepare. Each is allowed to have an advisor of their choice present during the interview, but advisors are not allowed to participate in the interviews or meetings.
- G. Each party may submit relevant questions to be asked of the other party or any witness at the investigative interview. The questions must be submitted in writing to the investigator no later than 48 hours prior to the interview. Decisions to exclude questions as not relevant will be explained in the investigative report.
- H. The University investigators will not access, consider, disclose or otherwise use medical, or mental health treatment records of a party without the party's written consent.
- I. Prior to the completion of the investigative report, the investigators will send each party and their advisor, of any, a copy of the evidence subject to inspection and review, in electronic format or hard copy including but not limited to interview summaries of the parties and witnesses. Each party will have up to 10 days to provide any additional or new evidence; or submit a written response regarding the evidence subject to inspection and review, after which time the investigator will not be required to accept a late submission. The investigator will consider written responses timely received, and will generate the investigative report within 5 days or alternatively, may provide the parties with written notice extending the investigation for an additional 5 days and explaining the reason for the extension.
- J. The investigators will create an investigative report that fairly summarizes the relevant evidence and provide a copy of the report to the parties by a secure file share for their review and written response at least 10 days prior to a hearing to determine responsibility. If a party wishes to submit a written response to the investigative

report, it must be submitted no later than 48 hours prior to the scheduled start of the hearing.

## **The Grievance Process – The Hearing**

- A. The Title IX Coordinator will schedule a date for the virtual Hearing to take place in person or by Zoom as soon as practicable after the completion of the investigative report, considering the scheduling needs of all to the extent possible. The Title IX Coordinator will send notice of the time and date to the parties, their advisors, the Adjudicator and the witnesses. Once the Hearing has commenced, the additional days and times needed to present all the evidence and expeditiously conclude the Hearing will be scheduled by the Adjudicator in consultation with the Title IX Coordinator.
- B. The parties are required to advise the Adjudicator of their intent to bring an advisor to the Hearing; and are requested to submit the questions to be asked on cross-examination of a party or any witness to the Adjudicator 24 hours in advance of the Hearing to Provide the Adjudicator with the opportunity to review the questions for relevancy. The Adjudicator is prohibited from disclosing a party's questions to the other party or their advisor or any witness.
- C. Cross examination of parties and witnesses will be conducted directly, orally and in real time by the party's advisor of choice and never by a party personally. Only relevant cross examination and other questions may be asked. After a question is asked, and before the complainant, respondent or a witness answers, the Adjudicator will determine if the question is relevant and explain a decision to exclude a question as not relevant.
- D. If a party does not have an advisor at the Hearing, the University will choose an advisor to conduct cross examination on behalf of that party. The advisor is permitted to ask the other party or witnesses relevant questions and follow-up questions including those that challenge credibility. An advisor who repeatedly violated guidelines for civility and decorum, or who disregards the directive of the Adjudicator, may be removed by the Adjudicator and replaced by an advisor of the University's choice.
- E. No party is required to participate in the Grievance Process, including being cross examined at a live hearing. In the event that a party chooses not to attend, that party's advisor may appear and conduct cross examination.
- F. If deemed reliable and relevant by the decision-maker, and not otherwise subject to exclusion under this Policy, the decision-maker may consider the statements of persons who were not present at the hearing, or persons who were present at the hearing but who nevertheless were not subject to cross-examination. This includes, but is not limited to, opinions and statements in police reports or other official reports, medical records, court records and filings, investigation notes of interviews, emails, written statements, affidavits, text messages, social media postings, and the like.
- G. Only relevant evidence may be considered by the Adjudicator to determine responsibility. Questions and other forms of information are relevant if they tend to prove or disprove the issue of responsibility. Questions and other forms of evidence not relevant are not admissible to prove responsibility and include, but not by way of limitation, the following:
  - 1. Evidence about the Complainant's sexual predisposition or prior sexual behavior are "irrelevant," unless (a) such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or (b) the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - 2. Evidence that constitutes, or seeks disclosure of, information protected under a legally recognized privilege, unless the privilege is waived by the party.
  - 3. Evidence of any party's medical, psychological, and similar records unless the party has given voluntary, written consent.
  - 4. Questions that are duplicative or repetitive.
  - 5. Conversations or statements made during informal resolution.
- H. At the conclusion of the Hearing, the Adjudicator will issue a written Determination Regarding Responsibility which will include all of the following:
  - 1. Identification of the allegations potentially constituting sexual harassment; and

2. The administrative and investigative history of the case, beginning with the filing of the formal Complaint, including but not limited to notifications to the parties, interviews, site visits, evidence gathering and hearings; and
  3. Findings of fact supporting the determination; and
  4. Conclusions regarding the application of the institution's code of conduct to the facts; and
  5. A statement of, and rationale for the result as to each allegation, including:
    - a. A determination regarding responsibility; and
    - b. Any disciplinary sanctions the University imposes on the Respondent; and
    - c. Whether remedies designed to restore or preserve equal access to the respondent's education program or activity will be provided by the University to the Complainant; (remedies that do not affect the Respondent will not be specifically disclosed); and
  6. That the decision becomes final and the sanctions imposed and remedies provided are effective on the date the notice of decision is sent to the parties; and
  7. Information regarding appeals from the determination of responsibility including:
    - a. That either party may appeal within 3 days after the date on which the recording of the hearing is made available for inspection, after which time no appeal may be made
    - b. The University's procedures and permissible bases for appeal; and
    - c. The method and date on which an audiovisual recording of the hearing will be made available for the parties' review.
- I. The Title IX Coordinator will send a copy of the written determination of responsibility electronically to the parties' Ben.edu email accounts.

### **The Grievance Process – Appeals**

- A. Both parties have the right to appeal a determination of responsibility and the dismissal of a Formal Complaint or any allegations in a Formal Complaint provided the written appeal is filed with the Title IX Coordinator within 3 days after:
  1. The date of notice of dismissal of a Formal Complaint is sent; or
  2. The date on which the recording of the hearing is made available for inspection in appeals of the determination of responsibility.
- B. Both parties may appeal from a Determination Regarding Responsibility, and from a dismissal of a Formal Complaint or any allegations in a Formal Complaint on the following bases only:
  1. Procedural irregularity that affected the outcome of the matter;
  2. New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter; and
  3. The Title IX Coordinator, Investigator(s), or Adjudicator had a conflict of interest or bias for or against Complainant or Respondent generally or the individual Complainant or Respondent that affected the outcome of the matter.
- C. Within 24 hours after receipt of the appeal, the Title IX Coordinator will send notice and a copy of the appeal to both parties and the designated Appellate Officer; advising that both parties may submit to the Appellate Officer and the Title IX Coordinator, a written statement in support of, or challenging, the responsibility determination or dismissal within 3 days after the notice of appeal.
- D. Within 7 days after the notice of appeal, the Appellate Officer will prepare a written decision of outcome of the appeal and the rationale and will send a copy of the decision simultaneously to both parties and the Title IX Coordinator.
- E. Supportive measure, such as mutual no-contact orders or academic course adjustments for either or both parties may continue in place throughout an appeal process.
- F. The decision on appeal is final, sanctions imposed and remedies provided are effective, on the date the notice of decision is sent to parties.

## The Grievance Process – Sanctions

- A. Possible sanctions against students for a violation of this policy may include, but are not limited to, the following:
  - 1. Oral or written warning
  - 2. Community service
  - 3. Training or online courses
  - 4. Mandatory referral for psychological counseling
  - 5. Removal from University housing
  - 6. Counseling
  - 7. Probation
  - 8. Immediate temporary suspension
  - 9. Suspension
  - 10. Expulsion
- B. Possible sanctions against faculty and staff for a violation of this policy may include, but are not limited to:
  - 1. Written warning
  - 2. Mandatory additional training
  - 3. Administrative leave without pay
  - 4. Separation from the University

## The Grievance Process – Restorative Justice

- A. Restorative Justice is a form of informal resolution the parties may agree to undertake at any time after a Formal Complaint is filed and before a determination of responsibility is made. Restorative Justice is facilitated by the University, is completely voluntary and requires the agreement of both parties.
- B. If the parties agree to participate in Restorative Justice, the Grievance Process with respect to the Formal Complaint stops. At any time prior to agreeing to a resolution, a party has a right to withdraw from Restorative Justice at which time the Grievance Process resumes.
- C. Restorative Justice is not available to resolve allegations that a University employee sexually harassed a student.
- D. All communications between the Facilitators and the parties during the informal resolution process are confidential dispute resolution communications with a neutral party and are not relevant evidence in any subsequent Grievance Process. Evidence that is otherwise relevant will not be rendered irrelevant as a result of its use in the informal resolution process. The sessions will not be recorded or transcribed by the Facilitators or any of the parties.
- E. No party shall be legally bound by anything said or done during the informal resolution sessions. If a solution is reached, the solution will be reduced to writing and when signed shall be binding upon the parties.

The University is committed to maintaining a positive learning, working and living environment. The University does not discriminate or allow harassment on the basis of race, color, religion, national origin, sex, gender, gender identity, age, marital status, citizenship, mental or physical disability status, sexual orientation, order of protection status, military or veteran status, or any other characteristic protected by law in admission and access to, and treatment and employment in its educational programs and activities.

## Gender-Based Violence Prevention Programs and State Definitions

Benedictine University Mesa values every member of our community. As such, the University prohibits acts of gender-based violence (sexual assault, domestic violence, dating violence, and stalking) against any student, faculty, staff, or visitor. Reports received of these crimes will be investigated by the Title IX office in accordance with the University Title IX Policy. To view the full policy, visit <https://ben.edu/wp-content/uploads/2022/02/TitleIX-Policy.pdf>. It is also the University's policy to comply with all applicable federal and state laws for reporting and publishing statistics on the occurrence of sexual assault, domestic violence, dating violence, and stalking in our annual security report located <https://ben.edu/resources/mesa-campus-safety/>.



The Benedictine University PEACE TEAM (Promoting Empowerment and Community Engagement) is a team of faculty, staff, and students from across the university that continue to invest their time in preventing sexual assault, domestic violence, dating violence, and stalking. The team works together to implement policies and programs in the areas of comprehensive violence prevention, conduct and response to incidents of violence, law enforcement, and coordinating victims' services with the assistance of community partners. We continue to add new community partners to offer options for our faculty, staff, and students to receive the best information and services available.

In order to prevent future crimes of gender-based violence (sexual assault, domestic violence, dating violence, and stalking) the University provides annual training and prevention programming to students, faculty, and staff.

When providing training and programming, the University considers the unique needs of our campus culture and provides programs that are:

- Culturally appropriate and inclusive of our diverse communities and identities;
- Sustainable, so programs can be provided annually to ensure the University's commitment to violence prevention;
- Responsive to the needs of our community to educate on local services; and
- Informed by research and evaluated for effectiveness.

The training and programming initiatives are available to all students, faculty and staff. Programs conducted during the 2021 calendar year can be found at:

<S:\Projects\DAAPP-CPAPSEP Presentation Logs\CPAPSEP\2021 CPAPSEP Logs\2021 CPAPSEP Presentations Mesa.xlsx>

We also consider the risks that may be inherent in our community on and off campus as well as protective factors that come from the safe and supportive environment that we strive to provide.

All of our programs include common themes. One important theme that guides our programming is the University's stance that violence will not be tolerated in our campus community. Some of the other topics that are covered in programming include:

- Definitions of sexual assault, domestic violence, dating violence, and stalking on the federal level which are used in University investigations;
- Definitions of these crimes in Illinois, which are used when they are reported to the University Police or local law enforcement. These definitions are particularly helpful if the victim chooses to pursue the criminal justice process against the accused;
- Discuss safe and reasonable options for bystander intervention. We believe that in order to prevent violence, it is everyone's responsibility to step up and work to ensure a safe community;
- Share information on risk reduction to decrease perpetration on our campus, reduce barriers for getting involved as a bystander, and empower individuals to know their options in situations that may feel unsafe; and
- Give information about the institution's disciplinary process, which can be found in our Title IX Policy found at <https://ben.edu/wp-content/uploads/2022/02/TitleIX-Policy.pdf>.

As defined in 34 CFR 668.46 (j)(2) and the Arizona Coalition to End Sexual and Domestic Violence:

**Awareness programs:** The term awareness programs are defined as community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

**Bystander intervention:** The term bystander intervention is defined as 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 staking. Bystander intervention includes:

- Recognizing situations of potential harm;
- Understanding institutional structures and cultural conditions that facilitate violence (this might include fraternity or sports cultures at some institutions);
- Identifying safe and effective intervention options; and

- Taking action to intervene.

**Ongoing awareness and prevention campaigns:** The term ongoing awareness and prevention campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in 34 CFR 668.46 (j) (1) (A) through (F).

**Primary prevention programs:** The term primary prevention refers to programming, initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Risk reduction:** The term risk reduction is defined as options designed to:

- Decrease perpetration and bystander inaction;
- Increase empowerment for victims in order to promote safety; and
- Help individuals and communities address conditions that facilitate violence.

**Survivor-centered:** The term survivor-centered means a student who has experienced sexual violence, domestic violence, dating violence, or stalking that (i) ensures the compassionate and sensitive delivery of services in a nonjudgmental manner; (ii) ensures an understanding of how trauma affects survivor behavior; (iii) maintains survivor safety, privacy, and, if possible, confidentiality; and (iv) recognizes that a survivor is not responsible for the sexual violence, domestic violence, dating violence, or stalking.

**Trauma-informed response:** The term trauma-informed response is an understanding of the ways by which emotional, psychological, and physical effects of trauma can impact victims' cognitive processes, decision-making, memory, and behavior. A trauma-informed response is sensitive to these effects, and helps survivors to regain feelings of control and empowerment during each step of their involvement with social and legal systems. Services focus on trust and safety in order to mitigate additional trauma and facilitate healing. This response prioritizes the needs of survivors by giving them autonomy in determining their immediate concerns.

**Victim-centered response:** The term victim-centered response reinforces that sexual violence survivors are never at fault for the victimization, and provides a supportive and compassionate response with the goal of mitigating trauma and facilitating healing for victims. The following are central components of victim-centered response:

- Services are provided to victims/survivors in a sensitive, respectful, and nonjudgmental manner, where victims are listened to and believed;
- First responders and other practitioners are competent, compassionate, and knowledgeable about sexual violence, and recognize their response can either decrease or increase the trauma experienced by victims; and
- The safety and wellbeing of the victim is responders' priority, and victims have input in determining and voicing their needs and concerns at each step of the process.

State of Arizona definitions of dating violence, domestic violence, sexual assault, stalking and consent are as follows:

**Dating Violence:** Means a pattern of behavior in which one person uses or threatens to use physical, sexual, verbal or emotional abuse to control the person's dating partner.

"Dating partner" means any person who is involved in an intimate association with another person that is primarily characterized by the expectation of affectionate involvement and that includes casual, serious and long-term dating partners. (ARS 15-712.01)

**Domestic Violence:** Any criminal act of abuse committed by one "family or household member" against another. Domestic violence abuse can be physical, emotional, sexual, economic control and neglect. Examples of crimes associated with domestic abuse include:

- Assault and Battery;

- Assault and Battery with a Dangerous Weapon;
- Criminal Trespass;
- Disorderly Conduct;
- Threatening;
- Kidnapping; and
- Witness Intimidation (ARS 13-3601 et seq.)

**Sexual Assault:** (commonly called rape) occurs when a person intentionally or knowingly engages in sexual intercourse or oral sexual contact with any person without consent of such person.

Sexual assault in Arizona can include any of the following acts:

- Sexual intercourse without consent means the penetration of the vulva, penis, or anus using anything.
- Oral sexual contact (with the vulva, penis, or anus) without consent – verbal threats, fear, or intimidation in which may be used to sexually assault someone. (ARS 13-1406 et seq.)

**Stalking:** Intentionally or knowingly engages in a course of conduct that is directed toward another and causes fear of personal safety or safety of immediate family members. (ARS 13-2923)

**Consent:** Means any of the following:

1. The victim is coerced by the immediate use or threatened use of force against a person or property;
2. The victim is incapable of consent by reason of mental disorder, mental defect, drugs, alcohol, sleep or any other similar impairment of cognition and such condition is known or should have reasonably been known to the defendant;
3. The victim is intentionally deceived as to the nature of the act; or
4. The victim is intentionally deceived to erroneously believe that the person is the victim's spouse. (ARS 13-1401 (2014))

## Sexual Misconduct

As defined by [USLegal.com](http://USLegal.com), sexual misconduct encompasses a range of behavior used to obtain sexual gratification against another's will or at the expense of another. Sexual misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is without consent, or has the effect of threatening or intimidating the person against whom such conduct is directed. State laws vary on defining acts which constitute sexual misconduct. Generally sexual misconduct can involve any of the following acts:

- Intentional touching without consent;
- Exposing his or her genitals under circumstances likely to cause affront or alarm;
- Having sexual contact in the presence of a third person or persons under circumstances likely to cause affront or alarm;
- Having sexual intercourse or deviate sexual intercourse in a public place in the presence of a third person;
- Soliciting or requesting another person to engage in sexual conduct under circumstances in which he or she knows that his or her requests or solicitation is likely to cause affront or alarm;
- Forcing a victim to touch, directly or through clothing, another person's genitals, breast, groin, thighs or buttocks;
- Vaginal or anal intercourse;
- Fellatio or cunnilingus;
- Sexual penetration with an object without consent.

## Discriminatory Harassment Policy

The University is responsible for creating an environment where we are treated with respect and dignity. Sometimes behavior that seems acceptable to you may be offensive to others. Any harassment or false accusations of harassment, of or by employees or students, are not acceptable. The University prohibits harassment based on sex, race, religion, age, national origin, disability, sexual orientation, or membership in any other group, or any characteristic, protected by law, including the following behaviors:

- Unsolicited remarks, gestures, or physical contact; display or circulation of written material or pictures negative or offensive to gender or to racial, ethnic, religious or other groups, or to any characteristic, protected by law;
- Unwelcome sexual advances, request for sexual favors, and all other verbal or physical conduct of a sexual or otherwise offensive nature, especially where submission to such conduct is made either explicitly or implicitly a term or condition of employment or academic advancement or status, or the basis for employment-related decisions affecting the employee or decisions affecting the individual's academic advancement or status; or
- Conduct that has the purpose or effect of interfering with an employee's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment.

## Prohibition on Retaliation

An institution, or an officer, employee, or agent of an institution, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities under any provision.

## Non-Discrimination Policy

In administering its affairs, the University does not discriminate against any person on the basis of race, creed, color, national or ethnic origin, sex, age, disability, military or veteran status, marital status, citizenship, or any other characteristic protected by applicable law. The laws applicable to the University include constitutional and statutory protections of the University's rights as a religiously sponsored institution.

To report discrimination or harassment contact Benedictine University's Title IX Coordinator, Dr. Tammy Sarver 630-829-6473, [tsarver@ben.edu](mailto:tsarver@ben.edu). For Arizona, you may also contact the U.S. Department of Education's Denver Office for Civil Rights, Cesar E. Chavez Memorial Building, 1244 Speer Boulevard, Suite 310 Denver, CO 80204-3582 Telephone: 303-844-5695 FAX: 303-844-4303; TDD: 800-877-8339 Email: [OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

## Hate Crime Policy

A hate crime is classified by law as a felony offense and is in direct violation of the University's non-discriminatory policies. Therefore, the University, in addition to processing hate crimes in accordance with the law, may simultaneously proceed with internal investigatory and disciplinary processes as defined by the Student Handbook. A person commits (a) hate crime(s) when by reason of the actual or perceived race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability or natural origin of another individual or group of individuals, he commits assault, battery, aggravated assault, misdemeanor or criminal damage to property, criminal trespass to property, mob action or disorderly conduct, and/or harassment by telephone.

A person who has been a victim of a hate crime may report the crime to 9-1-1, Campus Safety non-emergency (602) 888-5516, a residence hall staff member, the Chief Executive Officer of Mesa Operations, or an outside community agency. Those who report a hate crime will be advised of the importance of preserving evidence, which may be necessary to provide proof for prosecution. Hate crimes will be reported to the Chief Executive Officer of Mesa Operations. The University will provide support services for persons who have been victims of hate crimes. Staff will serve in an advocacy role and help refer individuals for appropriate medical, police, and counseling assistance.

## Authority and Jurisdiction of Campus Safety

Campus Safety consists of security professionals, with no police powers, who maintain a close working relationship with the City of Mesa Police Department. Meetings are held between the leaders of both departments on both a formal and informal basis. The Campus Safety officers communicate regularly on incidents that occur in and around the campus area. Campus Safety officers work closely with the investigative staff of the City of Mesa Police Department when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is no written Memorandum of Understanding between Campus Safety and City of Mesa Police Department.

The University utilizes a Campus Safety department, which is augmented by area law enforcement agencies, emergency fire and medical services and emergency disaster and recovery organizations. Campus Safety on the main campus in Lisle, Illinois collects crime reports from local law enforcement agencies for Clery Act statistical reporting for all properties, owned, controlled and/or adjacent to the University.

Mesa Campus Safety website provides information on services, registered sex offenders, anonymous reporting, residence hall safety, and Clery Act crime statistics.

Campus Safety staff serve on several University committees that have a direct impact on campus safety, security and violence prevention. Campus Safety officers enforce the University's Student Code of Conduct, and provide referrals for reports of off-campus crime.

Campus Safety office is located on the main floor of the Gillette Hall of the Mesa campus. The Department's office hours are Monday - Friday, 6:15 a.m. – 8:30 p.m. and Saturday, 8:00 a.m. – 5:00 p.m. Campus Safety can be contacted at 602-888-5516. For emergencies, call 9-1-1 Mesa Police Department and Campus Safety 602-888-5516.

## **Criminal Charges**

Criminal charges filed by the Mesa Police are heard at the Maricopa County Superior Court for Maricopa County, located in Mesa, Arizona. Failure to appear for designated court dates may result in the Court issuing a warrant for Criminal Failure to Appear and/or the revocation of bond.

## **Code of Conduct**

Violations of an Arizona state statute, Mesa city ordinance, or University policy also may be a violation of the Student Statement of Responsibilities found in the Benedictine University Student Handbook. Campus Safety may refer violators to the Chief Executive Officer of Mesa Operations for student disciplinary proceedings, in addition to, or in lieu of, criminal charges. If referred for disciplinary proceedings, the violator must comply with notices to appear to the Chief Executive Officer of Mesa Operations or his designated representative. Failure to comply with notices to appear will result in sanctions and/or the pursuit of criminal charges.

For information on employees' Workplace Conduct, please refer to Section 5 – General Standard of Conduct – in the Staff Handbook located on the Share Drive at S:\University Info\General Information\Human Resources\Staff Handbook.

## **Violation of Law and University Discipline**

Campus Safety seeks to maintain a safe and secure campus environment. Campus Safety in conjunction with the Mesa Police Department has authority to enforce state and local criminal and traffic laws, as well as University policies.

At the discretion of Campus Safety, based on the seriousness of the offense, violations of the law may result in custodial arrest and criminal charges brought against any student, faculty, staff, guest or visitor. The Mesa Police Department also has jurisdiction to make arrests on campus, should the Mesa Police become aware of a criminal offense.

Campus Safety may also issue administrative citations for violations of Arizona law or for violations of the Student Code of Conduct including but not limited to those violations involving the use or possession of drugs and alcohol. The same violations may be brought to the attention of the Chief Executive Officer of Mesa Operations. Faculty and staff conduct violations are brought to the attention of Human Resources, and to the appropriate senior administrator.

## **Student Life Conduct Process**

Failure to abide by your responsibilities and any University policies and procedures will be resolved through the Student Conduct Process. Many times, misconduct can be resolved informally, but situations may require a more formal procedure. The procedure is grounded in the concept of fairness and impartiality, thereby supporting the values of our

community by addressing misconduct in a constructive and positive way. If University action is warranted, a student will receive a phone call and/or email to their student email account notifying them that a conversation is required.

As defined in 34 CFR 668.46 (j)(2):

**Proceeding:** The term proceeding is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Result:** The term result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act ([20 U.S.C. 1232g](#)), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

The following options will be considered by the Office of Student Life:

**Mediation** - Incidents may be resolved through mediation – a voluntary, private and informal process.

**Hearings** - Two kinds of hearings are possible: an administrative hearing (appointed University officials) and panel hearing (representatives of the student body, faculty and administration act as panel hearing members). The purpose of the hearings is to come to an understanding of the misconduct by the student(s), determine responsibility and remedies. Hearings can be used to resolve minor disciplinary matters or more serious matters (not limited to theft, dangerous weapon possession, misuse of fire protection equipment, sexual assault, illicit use of drugs and repetitious misconduct) that may result in a student being suspended or dismissed from the University or residence hall. Hearings may be conducted by a designated hearing officer or board depending on the incident as determined by the Office of Student Life.

**Hearing Process** - Students are expected to obtain further details if they attend a hearing. The hearings will follow appropriate procedures to ensure a fair process, and parties will have the opportunity to present any facts to substantiate the claim, including witnesses.

Hearings will proceed in the absence of a respondent who was given proper notice, who does not request a postponement and who does not attend the hearing. No parent, guardian, legal counsel or person outside of the University community is allowed to appear at the hearing, except if criminal proceedings are occurring simultaneously.

To ensure a fair process, parties may request that community members assist and participate in the investigation and hearing process. Students, faculty or staff who agree to assist and/or attend the hearing with the party but do not speak at the hearing shall provide such assistance. In the event a party is unable to locate someone to act in this capacity, they may request the assistance from the Office of Student Life. The administrator or Hearing Panel will be responsible for assigning a remedy in the event it finds that a violation of the Statement of Responsibilities or University policy has taken place. Consideration of a student's entire disciplinary record at the University will be considered when designing an appropriate sanction.

**Appeal Process** - A student may appeal a decision made by a hearing concerning the finding of a violation or the remedy imposed within five (5) days of notification of a decision. To do so, the student must deliver a written explanation on the grounds upon which the appeal is made to the Office of Student Life. The burden of demonstrating an inequity in the hearing or remedy shall lie with the student. The responsibility of making a final decision will rest with the Office of Student Life.

## Sanctions

The following sanctions may be imposed upon any student found to have violated the standards as defined in the Benedictine University Mesa 2022-2023 Student Handbook. This does not and cannot include all information that may lead to sanctions. Sanctions are defined and imposed as follows:

**A. Warning:** A written statement to the student indicating disapproval of their conduct or violation of regulations, and stipulating that continuation or repetition of such action may be cause for more severe action.

**B. Restitution:** Reimbursement for damage to or mishap of property. Restitution may take the form of monetary compensation or the appropriate service to repair damages and may be combined with another type of sanction.

**C. Monetary Fine:** Financial assessment imposed according to specific sums stipulated in published rules and regulations, or when no sum is so stipulated, according to the merits of the case and established precedents. Students may opt to take the alcohol and drug awareness course (first offense only) to have their fine removed from their account.

**D. Disciplinary Probation:** The student is informed in writing that any subsequent misconduct or violation of institutional regulations during a specified period will be evaluated within the context of their probationary status and may result in suspension or expulsion. The terms of probation apply during the period of probation and may include any of the following:

1. May not become an officer or student representative in any University organization or committee;
2. May not represent the University at any public function, including intercollegiate or co-curricular activities; or
3. May not be eligible for scholastic honors or distinctions.

**E. Counseling or Psychological Treatment Mandate:** If deemed necessary due to physical or psychological problems, a student can be required to provide a release of information form to verify psychological/substance abuse/evaluation and may have further treatment mandated as a condition of enrollment.

**F. Residency Probation:** The student is informed in writing that their general behavior in the residence hall indicates that they are not able to appropriately adjust to group living, and that any subsequent misconduct or violation of institutional regulations may result in the termination of their residence hall contract. In such cases, room and board charges will not be prorated or refunded.

**G. Community Service:** The student will be assigned a task to complete that will, on many occasions, relate to the inappropriate behavior. A time frame will be set up for the completion of this task and the student will be assigned a supervisor to whom to report.

**H. Behavioral Contract:** A contract between the student and the University that limits student activities and spells out specific consequences for violation of the contract may be issued.

**I. Special Projects:** An assignment relating to the offense may be issued as a possible sanction.

**J. Suspension:** The student is informed in writing they must leave the University community temporarily. Suspension shall be interpreted to include any or all of the following stipulations: the student may not attend classes, contact faculty, reside on campus or visit residence halls, cohort locations, and participate in campus activities or exercise student privileges. Suspension may be specified as follows:

1. **Terms:** suspension may be stipulated for a specified period of time. After the suspension period, the student is automatically eligible for readmission.
2. **Conditional:** suspension may be stipulated for an indefinite period of time premised on the student's accomplishment of certain specified conditions.
3. **Interim:** The University reserves the right to suspend a student on an interim basis when circumstances and facts indicate the student's continued presence on the campus constitutes an unreasonable danger to institutional property, the student or others. Interim suspension may be interpreted to permit all of the stipulations stated above, or may permit students to continue attending classes while they are suspended from representing the University in extracurricular activities, including intercollegiate athletics.

**K. Expulsion:** The student is informed in writing that they are permanently separated from the University.

## Non-Sanction Resolutions

**Interim Intervention:** The University reserves the right to suspend a student on an interim basis when circumstances and facts indicate that the student's continued presence on the campus constitutes an unreasonable danger of harm or injury to institutional property, the student involved or others. Students may also be suspended on an interim basis while undergoing resolution by University or civil authorities.

**Involuntary Withdrawal:** A student may be subject to involuntary withdrawal from the University or from the residence halls if it is determined that the student is suffering from a mental illness and/or engages (or threatens to engage) in behavior which poses a danger of causing physical harm to self or others; engages in behavior which would cause property damage; impedes the lawful activities of others; or disrupts the community.

## Student Off-Campus Criminal Conduct

A student attending a University-sponsored function off campus is subject to the same standards of conduct as those expected on campus. Because the University is located within the Mesa downtown community, any University student who has violated criminal laws also may be subject to University judicial proceedings. Violations of local, state or federal laws on campus may also result in the filing of criminal charges.

## Preponderance of the Evidence

This standard of evidence means that a hearing must determine whether a complaint of sex discrimination is "more likely than not" to have occurred or 51% likely to have occurred. This standard applies for all complaints of sex discrimination, including sexual harassment and violence, because Title IX outlines standards for school disciplinary processes – not criminal complaints, which require the highest standard of evidence, "beyond a reasonable doubt."

## Annual Fire Safety Report

### Fire Log:

- A fire log is maintained for public view with the Chief Executive Officer of Mesa Operations, located on the main floor of Gillett Hall (Room 120); or
- A request can be made by calling the Chief Executive Officer of Mesa Operations, at 602-888-5507; or
- A written request can be sent to the Chief Executive Officer of Mesa Operations, Benedictine University Mesa, 225 E. Main Street, Mesa, AZ 85201.

## Emergency Preparedness Overview

Emergency Response and Recovery Team (ERRT) is responsible for numerous campus safety and violence prevention programming, to include the development and maintenance of the Emergency Procedures, the Emergency Operation and Business Continuity Plan, Campus Violence and Prevention Plan, mass emergency communications initiatives, and community training and awareness. ERRT is charged with developing and updating plans to prepare the University community for the event of an emergency or disaster. Through consistent promotion, educational training, and awareness campaigns, ERRT hopes to save lives, reduce injuries, minimize property damage, ensure and facilitate the restoration of essential operational and priority services. The keys to an effective Emergency Operations Plan are to communicate in a timely manner when an emergency or disaster is identified, and to train as many community members as feasible in the procedures for emergencies and disasters, and recovery.



The Emergency Procedures is presented in an easy to read single page document. Each box on the document identifies what to do in the event of a Medical Emergency, Fire, Severe Weather; Utility Failure; Hazardous Material Accidents; Suspicious Person, Suspicious Package, Sexual Misconduct and Active Shooter.

The Benedictine Emergency Procedures can be located at <https://ben.edu/wp-content/uploads/2022/08/Mesa-Emergency-Procedures.pdf>

## Emergency Warning

The safety of all faculty, staff, students and visitors to our campus is important to the University. The University has developed a process to notify the campus community in cases of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following incidents are examples which would warrant an immediate emergency notification after confirmation. These incidents include, but are not limited to: active shooter; fire; structural damage; communicable disease outbreak; and significant flooding.

Any emergencies occurring on or within any of the University's Clery geography (see Geography Definitions) should be reported to Campus Safety by calling (602) 888-5516 or by calling 911 for outside emergency responders.

The emergency notification warning capability is designed to assist the University in immediately notifying the campus community upon confirmation of a significant emergency or dangerous situation occurring on or near the campus that involves an immediate threat to the health or safety of faculty, staff, students or visitors. A threat is imminent when the need for action is instant, overwhelming, and leaves no moment for deliberation.

The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system to the appropriate segment or segments of the campus community, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Immediate notification to the campus can be accomplished through a variety of communications methods. Notification will be made by using some or all of the following multi-modal notification methods depending on the type of emergency:

- Fire alarms in the building are automatically activated in the event of a fire or can be manually activated by a pull station.
- BenAlert emergency notifications. These are a series of pre-scripted messages sent out via phone call, text message and email that provide instruction on what to do during a particular emergency. <https://ben.edu/emergency-preparedness/benalert/>
- Benedictine University website notice <https://ben.edu/emergency-preparedness/> with emergency details posted.
- Benedictine University at Mesa main line at 602-888-5500 with emergency details recorded.
- Broadcast e-mail with the "Importance: High" option (message will appear with a red exclamation point in each user's inbox) and emergency details to #All Mesa Campus Adjunct Faculty; #All Mesa Campus Faculty; #All Mesa Campus Staff; #All Mesa Campus Student.
- The Mesa branch campus notification process. Each University office is responsible for creating and maintaining a notification process to ensure effective communication of emergency details.
- Campus closed circuit TV monitors.
- The Office of Student Life or his designee will post updates to Facebook and Twitter.
- Maricopa County Community Emergency Notification System (CENS) may provide telephone notification. For more information on how this system works, visit <https://www.maricopa.gov/1755/Community-Emergency-Notification-System->
- The Office of Student Life or designee will update the [www.Cancellations.com](http://www.Cancellations.com) website.

These may be updated hourly or daily as needed and as details develop. Details may include general information; warnings or notices to have awareness of particular items; the status of classes, activities, and/or the campus or specific buildings; and for health-related incidents, information about relevant signs and symptoms of a health condition, protection and prevention measures, suspected or confirmed cases, isolation or quarantine, areas, and other pertinent items.

When on-duty officers become aware of a situation that may warrant the issuing of an immediate notification, the on-duty officer confirms (through response, investigation, or collaboration with first responders) that there is a significant

emergency and then immediately contacts the Chief Executive Office for Mesa, who quickly evaluates the situation to determine if an alert is warranted, develops the content of the notification message, and then identifies the appropriate segment or segments of the campus community who will receive the notification. In some cases when there is no imminent threat, a conference call with the Emergency Response and Recovery Team (ERRT) to discuss issuing the emergency notification will happen. An example of getting ERRT together would be a flood warning where the campus may need to closed or have a delayed opening.

Campus Security has the ability and authority to issue an alert without delay and without further consultation for an active shooter incident. Pre-scripted messages have been developed to aid in rapid communication which can be sent via BenAlert when immediate danger or threat to the campus community exists and the need to advise the campus community members to act.

Follow-up communications will be provided when a threat is neutralized or effectively removed. Additionally, updates regarding a prolonged and ongoing emergency situation such as a health emergency (communicable disease outbreak) can be provided by creating a banner at the top of the University's webpage that would contain specific status update information along with links to federal, state and local health departments or other relevant entities.

If there is an immediate threat to the health or safety of faculty, staff, students or visitors occurring on campus, the University must follow its emergency notification procedures. The University that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the University must provide adequate follow-up information to the community as needed.

The BenAlert system will be tested at least each academic semester to ensure that all systems are working properly and that all have a working knowledge of the system. These tests will also be educational moments for the campus community to remind them that this system does exist, and that it is a working and functioning system that they can rely upon. In conjunction with at least one of the annual test notifications, information is shared with the campus community on what to expect when the notification is sent.

Faculty, staff and students are automatically enrolled in the BenAlert system (opt-out) when they are hired or are enrolled for classes. The BenAlert system will send out a call, text and email to all available data in the University's PeopleSoft system. Faculty, staff, and students can go into PeopleSoft via MyBenU to update their phone numbers and email addresses.

## Timely Warning Notice

A Timely Warning Notice (TWN) is sent when a crime that poses a serious or continuing threat to members of the University community occurs within the Benedictine University Mesa Clery Geography (on campus, in the residence halls, public property near campus, non-campus property) and is reported to the University Police or other local law enforcement agencies. The University will immediately consider the safety of the community, determine the content of the notification and initiate the notification system. The TWN is sent primarily by blast email to all students and employees on campus. TWNs can also be sent/communicated via BenAlert and a variety of other notification methods, as outlined in the Emergency Warning section of this report. The Director, Campus Safety distributes TWNs to the University community.

In general, Campus Safety will issue TWN in the following circumstances:

1. It is a Clery-reportable crime or Campus Safety determines that a TWN is otherwise appropriate;
2. The crime was reported to Campus Safety either directly or through local law enforcement; and
3. There is a serious or continuing threat to the University community.

Decisions about whether to issue a TWN, the information to include, and the form in which it will be issued, will be made on a case-by-case basis by Campus Safety, in light of the relevant circumstances. In addition to issuing TWNs for campus crimes, Campus Safety will provide prevention strategies to inform the campus community of actions to take, to ensure a safe environment.

Below is a table identifying the difference between an Emergency Notification and a Timely Warning Notice and when it is necessary to send out messages.

	Timely Warning Notice (TWN)	Emergency Notification (EN)
Legal Standard	Potential ongoing or serious threat	Immediate threat to health and safety
Circumstances	Clery-reportable crimes that have been reported (occurred in past)	Clery-reportable crimes as well as other types of emergencies (happening right now or about to happen)
Audience	Community-wide	Can send to a segment of the community, if appropriate
When Issued	As soon as pertinent information is available	Upon confirmation of emergency (when possible)
Follow-up	Not Required	Required

## Public Safety Notices

A Public Safety Notice (PSN) may be sent to the University community for general crime prevention purposes, to inform the community of crimes and/or incidents that are not generally time sensitive or considered to be a continuing threat, but important to be aware of, and/or to inform the University of incidents occurring on, around, or even off campus that do not meet the requirements or specifications for distribution of a TWN, as outlined above.

A PSN may be sent via blast email to all students and employees on campus. A PSN is written and distributed to the University community by Campus Safety or designee, and the message is reviewed and approved by the Chief Executive Officer of Mesa Operations.

Updates to the University community about any particular case resulting in a PSN, when deemed necessary, may be distributed via blast email, or posted on the University's website.

## Access to and Security of Campus Facilities

### Academic and Administrative Buildings:

The Mesa campus is open to the public when academic classes are in session. After hours, buildings are secured and only persons with authorized access permission can enter or remain in the buildings. During holiday breaks all buildings are locked and if a staff member needs access to a building to get to their office they are instructed to pre-arrange a time with the Facilities Manager who will allow entry into the building.

## Residence Hall:

Access to Alhambra is restricted to residents, their approved guests, and other approved members of the University community. Residents gain entry by swiping their student ID card at the card access readers and provide a safe and secure lodging environment with visitation restrictions. Visitors must be chaperoned at all times by a resident student while in the residence hall. Security measures shall include, but are not limited to; access control measures, and security cameras in the hallways. The campus is well-lit and inspected daily by the Facilities Manager to ensure buildings and grounds are safely maintained.

## Maintenance of Campus Facilities

The Mesa campus facilities are maintained in a manner that minimizes hazardous conditions. Campus Safety regularly patrols campus and reports malfunctioned lights and other unsafe physical condition to the Facilities Manager for correction. Campus community members can additionally report hazards directly to the Facilities Manager.

The campus' overall safety and security is supplemented by a variety of technological systems including:

- A campus-wide master key system for all lockable doors;
- Exterior building and parking lot lighting;
- A CCTV system in various campus buildings;
- Residence hall card access control;
- Fire alarm system;
- Intrusion detection;
- Radio communications between Campus Safety, Residence Life, Athletics and Facilities Management;
- Written building access and room opening protocol; and
- Photo ID cards for faculty, staff, students, contractors and visitors.

All systems are controlled and audited by the Facilities Manager and Campus Safety.

A map of the campus is available on the University's website at: <https://ben.edu/about/campus-locations/mesa-campus/>

## Unlawful Entry and Trespassing

Persons making or attempting to make unauthorized entry into property owned or controlled by the University or University events are subject to arrest. "No trespassing – official business only" signs are posted at all entrances to the campus and Campus Safety and/or Residence Life staff may issue "no trespass" notices verbally or in writing, delivered in-person or via postal mail. The following conduct is prohibited:

- Unauthorized possession or use of campus keys, access cards or identification cards.
- Violation of published University regulations including those relating to entry and use of University facilities, and any other regulations, which may from time to time be enacted.
- Violation of rules applicable to residence halls.
- Violation of local, state, or federal laws pertaining to unlawful entry and trespassing.

## Rules and Policies Regarding Possession, Use, and Sale of Alcohol

The University seeks to encourage and sustain an academic environment that respects individual freedom and promotes the health, safety and welfare of all members of its community. In keeping with these objectives, the University has established the following policy governing the possession, sale and consumption of alcohol beverages by members of the University community, which conform to the laws of the State of Arizona. The University's alcohol policy and programs are intended to encourage its members to make responsible decisions about the use of alcoholic beverages, and promote safe, legal and healthy patterns of social interaction. The University prohibits the following on property owned or controlled by the University or as part of any on-campus or off-campus University activity.

- Possession and/or consumption of alcoholic beverages by persons less than 21 years of age;
- Selling, distributing or otherwise providing alcoholic beverages to and/or by anyone less than 21 years of age;
- Driving under the influence of alcohol;
- Consumption of alcoholic beverages by persons 21 years of age or older in any public area or outside of designated areas at authorized University events;
- Public intoxication of any person, regardless of age;
- Possession of containers that previously contained alcoholic beverages; and
- Possession of common source containers, of alcohol, whether full or empty, such as kegs, beer balls, or boxed wine.

Alcohol education programs are conducted routinely at the University. Students having trouble with alcohol or drug use are encouraged to talk with a staff member in the Office of Student Life, or other members of the University staff. External resources are also available.

Click the full version of the Alcohol and Drug Policy: <https://ben.edu/wp-content/uploads/2022/02/Benedictine-University-Alcohol-and-Drug-Policy.pdf>

## Drug and Alcohol Abuse Prevention Program

It is the policy of Benedictine University Mesa that the unlawful manufacture, distribution, dispensing, possession, or use of illicit drugs and alcohol is prohibited by students and employees on University property, as part of its activities or in facilities controlled by the University. The University has a vital interest in maintaining a safe and healthy learning environment for the benefit of all students, employees and guests. This information is in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 and at a minimum is required to be distributed annually in writing to each employee and student. On a semiannual basis, an e-mail notification is sent by the Emergency Preparedness Manager with website links to the Annual Security and Annual Fire Safety Reports, the Alcohol and Drug Policy and the Drug and Alcohol Abuse Prevention Program. The University provides information for students and employees regarding illicit drug and alcohol abuse, including standards of conduct, health risks, state and federal penalties, and available drug or alcohol counseling and rehabilitation services.

This information can be found at: <https://ben.edu/wp-content/uploads/2022/02/Drug-and-Alcohol-Abuse-Prevention-Program.pdf>. Printed copies of this information are available for public view with the Chief Executive Officer of Mesa Operations, located at 225 E. Main Street, Mesa, AZ 85201 on the main floor of Gillett Hall (Room 120).

## Illegal Drugs and Drug Paraphernalia

The University prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any illicit drug by any of its students, employees in its workplace, on its premises, or as any part of its activities. Illicit Drugs are defined as drugs that are illegal to use, possess or produce; and the unlawful possession, use and sharing of prescription drugs; as defined in Benedictine University's Drug and Alcohol Policy. Anyone violating the law may be turned over to civil authorities for prosecution and will be subject to all of the University's disciplinary procedures.

Criminal penalties include fines, imprisonment and, in certain cases, the seizure and forfeiture of the violator's property. In addition, federal and other forms of financial aid may be forfeited.

Arizona law regarding cannabis changed on November, 2020. Benedictine University policy continues to prohibit students, employees and members of the general public from possessing, using or distributing marijuana in any form (by inhalation, topically, or orally) on any of the University's campuses or facilities and during any University activities (on or off campus).

As a recipient of federal funding, such as financial aid and federal grants and contracts for research, the University is required to continue to prohibit the use, possession and distribution of all federally controlled substances – including marijuana. Consequently, such activity remains prohibited by University policy.

Students who have been convicted under state or federal law involving the possession or sale of a controlled substance are ineligible for federal student aid for specific periods, ranging from one year to an indefinite period depending on the nature of the offense and whether the student is a repeat offender.

At the federal level, the Controlled Substances Act states that the growing and use of marijuana is a crime and federal enforcement agencies can prosecute users and growers of marijuana, regardless of state law. In addition to being a federal offense, the use of medical marijuana in the workplace and on campus is restricted by additional federal laws, such as the federal Drug Free Schools and Communities Act and the Drug-Free Workplace Act. Even in the absence of federal law, the possession, use and distribution of these substances would be inconsistent with Benedictine University's dedication to assuring the safety, security and well-being of everyone in the University community.

<https://ben.edu/wp-content/uploads/2022/02/Benedictine-University-Alcohol-and-Drug-Policy.pdf>

Additional information is located in the Benedictine University Mesa Student Handbook.

## Deadly Weapons

Benedictine University prohibits the possession or storage of a dangerous instrument or deadly weapon. Individuals found in possession of such will be subject to disciplinary action, including dismissal from the University and possible criminal prosecution regardless of open carry status.

Dangerous Instrument means anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury.

Deadly Weapon means anything designed for lethal use, including a firearm.

Deadly Weapons include but are not limited to:

- Guns and firearms, whether loaded or unloaded;
- Imitation or replica firearms;
- Any firearm that has been rendered inoperative;
- Any carbon dioxide (CO<sub>2</sub>) or spring-propelled guns;
- Pellet, flare, tranquilizer, stun, spear, and dart guns;
- Hand instruments designed to cut or stab another by being thrown, including but not limited to: knives, foils, epees (fencing swords), stilettos, bowie knives, switchblades, machetes and daggers;
- Knife with a blade of at least 3 inches in length (except an ordinary eating utensil), dagger, dirk, switchblade knife, stiletto, ax, hatchet, or other deadly or dangerous weapon or instrument of similar type;
- Striking instruments including clubs, truncheons, baseball bats, blackjacks, metal knuckles and sap gloves;
- Martial arts weapons including nunchakus, tonfas, staffs and throwing stars;
- Bow and arrow combinations;
- Slingshots;
- Destructive devices including hand grenades, explosives, incendiary and poison gas bombs, mines, rockets, missiles or similar devices and includes the unassembled components from which such a device can be made;
- Fireworks include but are not limited to, firecrackers, rockets, roman candles, cherry bombs, toy cannons and toy guns in which explosive materials are used, fire balloons; or

- Any improvised item.

In addition to the list above, any toy weapon includes but not limited to:

- Wooden guns, rubber band guns, cap guns, model guns, prop guns, spud guns, water guns, pop guns, ray guns, tracer guns, Nerf blasters, airsoft guns, gel blasters, paintball guns, light guns, laser tag guns, dummy guns, BB guns

This policy does not apply to the possession and/or use of disabling chemical sprays when used for self-defense. These include such items as mace and pepper spray. (Training in the use of defensive sprays is strongly encouraged. Vendors should be able to provide this training as well as Safety Data Sheets.)

### Exceptions

The University recognizes that there may be activities related to education or research that may appear to be in violation of the policy (e.g., University-sponsored athletic activities and theatrical productions).

Any person invited to campus must obtain permission for weapon possession from the Director, Campus Safety while on camps.

### Violations

Any person found in possession of dangerous weapons on campus in violation of this policy will be required to remove the weapon and/or themselves from University property. Any member of the University community shall be subject to further disciplinary action in accordance with the University's disciplinary policies and procedures.

- Students in violation of the policy may be subject to disciplinary action up to and including expulsion.
- Faculty and staff violating this policy may be subject to disciplinary action, up to and including termination.
- Guests, visitors and contractors found in violation of this policy may be permanently prohibited from returning to campus for any reason.

Individuals found in possession of weapons in violation of this policy may be turned over to local law enforcement for further criminal action in accordance with the laws of the jurisdiction.

Call Campus Safety for any violation or suspected violations of this policy at 602-888-5516.

## Registered Sex Offender Information

A link to the Arizona Sex Offender Registry can be found on the Campus Safety page of the University web site at: <https://ben.edu/resources/mesa-campus-safety/>. This information can also be located through the Arizona Department of Public Safety web site at <https://www.azdps.gov/services/public/offender>. All registered sex offenders must register themselves with Campus Safety if they intend on becoming a student. Campus Safety frequently search the Arizona State Police web site for registered sex offenders living off campus, in the general vicinity of the University and as a matter of preemptive intelligence gathering.

## Missing Student Notification Policy

This policy contains the official notification procedures for the University concerning missing students who reside in on-campus housing, in accordance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092 (f)) (or the "Clery Act", which previously was known as the Crime Awareness and Campus Security Act of 1990). The purpose of this policy is to promote the safety and welfare of students who reside in on-campus housing. This policy is mandatory and must be adhered to by all University faculty, staff, and students.

1. In the event that a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she shall **immediately** call 9-1-1 or notify Campus Safety at **602-888-5516**.

- Campus Safety will collaborate with the Mesa Police Department to generate a missing person report and initiate an investigation. In addition, Campus Safety will report the missing person to appropriate Student Life staff on campus.
2. Any missing student report must be referred immediately to Campus Safety and to the local law enforcement agency that has jurisdiction in the area. The local law enforcement agency for Benedictine University Mesa is the Mesa Police Department. The Mesa Police Department is located at 130 N. Robson, Mesa, Arizona 85201 and can be reached at 480-644-2211.
  3. In addition to registering emergency contacts, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University in the event the student is determined to be missing for more than 24 hours. Students who wish to identify a confidential contact can do so by completing [the Missing Student Contact Information](#) form found on the Residence Life webpage under the Resources section.
  4. The contact information will be confidential, accessible only by authorized Student Life staff and Campus Safety, and may not be disclosed outside a missing person investigation.
  5. If the missing student is under the age of 18 and is not an emancipated individual, staff will notify the student's parent or legal guardian **immediately** after Campus Safety determine that the student has been missing for more than 24 hours.
  6. After investigating the missing person report, should Campus Safety determine that the student is missing and has been missing for more than 24 hours (regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor). Campus Safety or a representative from Student Life will notify the Mesa Police Department. In addition, the student's emergency contact will be notified no later than 24 hours after the student is determined to be missing, unless the Mesa Police Department was the entity that made the determination that the student was missing.
  7. If a student has been determined missing for more than 24 hours, in addition to the above notifications, specific procedures to follow include:
    1. If the student has designated a confidential contact, notifying that person within 24 hours that the student is determined to be missing.
    2. If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is determined to be missing.
    3. Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor, informing the Mesa Police Department within 24 hours that the student is determined to be missing.

## Crime Prevention, Fire Safety, and Safety Awareness Programming

The University offers many programs designed to inform students and employees about campus security procedures and practices and the prevention of crimes. A common theme of all awareness and crime prevention programs is to encourage students and employees to be responsible for their own safety and for the safety of others on campus. Various campus organizations and departments throughout the year sponsor crime prevention programs on personal safety and security. These programs include general crime prevention and security awareness programs, such as safety education programs and discussions about topics such as alcohol abuse, sexual assault awareness and prevention, relationship violence awareness and prevention, bystander intervention, fire safety emergency response and evacuation procedures, and theft prevention. Residence Life staff hold programs in residence halls to explain campus security and safety, campus policies, and expectations related to student conduct, behavior, fire safety measures, and procedures. During new student orientation, crime prevention and security awareness procedures are discussed. New employee orientation includes the distribution of crime prevention and fire safety materials to all new employees during scheduled orientation sessions throughout the year. Crime Prevention and security awareness presentations are conducted when requested by various groups, including students and employees of the University.

Several crime preventions, fire safety, and safety awareness events occur each year. In the fall semester, fire evacuation drills are conducted in each academic, administrative and resident hall building. These are live drills where students, faculty, staff and visitors all evacuate the buildings tested to assemble and get further instruction from the Campus Safety. In the spring semester, shelter in place drills are conducted. Emergency team members walk through each building checking to see if all students, faculty and staff are practicing the proper procedures, which are emailed prior to the drill. Any students, faculty, staff or visitors in open areas during the drill are gathered and get an explanation of what to expect and what they should do to protect themselves. Due to the COVID-19 pandemic, the 2021 fire drills did not take place.



Additional safety awareness and crime prevention training/programming occurs throughout the year during October, January and April specifically for Domestic Violence Awareness month (October), Stalking Awareness Month (January) and Sexual Assault Awareness Month (April).

## Collection of Crime Statistics/Crime Log

The Director, Campus Safety or the Emergency Preparedness Manager is responsible for the gathering of crime statistics annually from the Lisle and Mesa campuses. In addition, the Director of Emergency Preparedness Manager is responsible for contacting the area municipalities where off-site class instruction takes place to retrieve any crime information, which would be part of our Annual Security Report.

Campus Safety, in accordance with the Clery Act, maintains a daily Crime Log, and prepares and distributes statistics annually on all reported occurrences. The Clery Act requires the annual publication of crime statistics for the previous three calendar years.

Pursuant to the Clery Act, the crime statistics include reports of arrests for, and disciplinary actions arising from selected crimes. Crimes that occur on campus (including in residence halls), areas contiguous to University property (including on the public way), and hate crimes are included. Alcohol and drug incidents, and sexual assaults, are located in the report.

## Geography Definitions

**On-Campus** – (1) 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 (2) Any building or property that is within or reasonably contiguous to the area identified in (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

**On-Campus Student Housing Facility** – 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.

**Non-Campus Building or Property** – (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution (i.e. privately-owned fraternity); or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relations to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities, this is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

**Reasonably Contiguous** – refers to a building or property an institution owns or controls that is in a location that students consider to be, and treat as, part of the "campus." The University will consider locations within one mile from the core or main campus border to be reasonably contiguous with the campus.

## Federal Crime Definitions

### Primary Crimes Definitions

**Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another.

**Manslaughter by Negligence:** the killing of another person through gross negligence.

**Sexual Assault - Rape:** as defined by the Federal Bureau of Investigations (FBI) Uniform Crime Reporting Summary Reporting System: penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.

**Sexual Assault - Forcible Fondling:** is the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

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

**Sexual Assault - Statutory Rape:** is non-forcible sexual intercourse with a person who is under the statutory age of consent.

**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 is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary for an injury to result when a gun, knife or other weapon is used in the commission of the crime.

**Burglary:** the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned-including joyriding.)

**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, personal property of another, etc.

### **Hate Crimes Definitions**

**Hate Crime:** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

**Bias:** is a preformed negative opinion or attitude toward a group of persons based on their race, gender identity, religion, disability, sexual orientation, ethnicity and national origin.

### **Bias Definitions**

**Race:** a preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites).

**Gender:** a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

**Gender identity:** one's innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One's gender identity can be the same or different from their sex assigned at birth.

**Religion:** a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).

**Sexual orientation:** a preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).

**Ethnicity:** the fact or state of belonging to a social group that has a common national or cultural tradition.

**National origin:** broadly as including, but not limited to, the denial of equal employment opportunity because of an individual, or his or her ancestor's, place of origin, or because an individual has the physical, cultural or linguistic characteristics of a national origin group.

**Disability:** a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **Hate Crime Offenses Definitions**

**Larceny-Theft:** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) **Constructive possession** is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

**Simple Assault:** assaults and attempted assaults where no weapon was used and which did not result in a serious or aggravated injury to the victim. (Currently, this crime category only applies to hate crimes.)

**Intimidation:** unlawfully placing another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism of Property:** is to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### **Arrests and Referrals for Disciplinary Action**

**Weapon Law Violation:** The violation of laws or ordinances regulating weapons.

**Drug Law Violation:** violations of State and local laws related to the 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(s)); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Liquor Law Violation:** the violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still, furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; or any attempts to commit any of the foregoing violations. **Note: this list does not include public drunkenness and driving under the influence.**

**Disciplinary Referrals:** incidents in which a student was not arrested but was referred for campus disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

**Unfounded:** The term unfounded refers to where sworn or commissioned law enforcement personnel have fully investigated the reported crime and have made a determination that the crime report is false or baseless and therefore "unfounded."

### **VAWA Act Crimes**

**Dating Violence:** dating violence means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim;
2. Where the existence of such a relationship shall be determined on a consideration of the following factors:
  - a. The length of the relationship,
  - b. The type of relationship,
  - c. The frequency of the interaction between the persons involved in the relationship.

**Domestic Violence:** domestic violence includes felony or misdemeanor crimes of violence committed by current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or who 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 the jurisdiction receiving grant monies, or by any other person against a youth or adult victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

**Stalking:** engaging in a course of conduct directed at a specific person but is not limited to following, lying in wait, or harassment, when such conduct:

1. Would cause a reasonable person to feel fear for his or her physical safety or health or that of others, including fear of sexual conduct, unlawful restraint, bodily injury, or death, or would cause a reasonable person to suffer emotional distress; and
2. Serves no legitimate purpose.

Primary Crimes	2019				2020				2021			
	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property	On Campus Property	On Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault – Rape	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault – Forcible Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault – Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault – Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	1	0	0	0	0	0
Burglary	0	0	0	0	0	0	1	0	0	0	2	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>												
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	2	0	1	0	2	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Disciplinary Referrals</b>												
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

## Hate Crimes

2019	Zero (0) hate crimes or bias incidents reported in calendar year 2019.
2020	Zero (0) hate crimes or bias incidents reported in calendar year 2020.
2021	Zero (0) hate crimes or bias incidents reported in calendar year 2021.

## Unfounded Crimes

2019	Zero (0) unfounded crimes in calendar year 2019.
2020	Zero (0) unfounded crimes in calendar year 2020.
2021	Zero (0) unfounded crimes in calendar year 2021.

# Annual Fire Safety Report

The Annual Fire Safety Report is required by (HEOA of 2008) for any Title IV institution that maintains an on-campus student housing facility. Per HEOA, an institution that maintains an on-campus student housing facility must collect fire statistics, publish an Annual Fire Safety Report, and keep a fire log.

## Procedures for Preparing and Distributing the Annual Fire Safety Report

Campus Safety in Lisle collects fire statistics, composes the Annual Fire Safety Report for the Mesa campus. The Chief Executive Officer of Mesa Operations maintains a log of fire statistics. The Annual Fire Safety Report is published annually by October 1 and contains three years of fire statistics in accordance with (HEOA). This is the 2022 Annual Fire Safety Report, which contains the statistics for calendar years 2019-2021.

## Distribution and Notification of Annual Fire Safety Report

**The Annual Security and Fire Safety Reports are sent twice during the academic school year, once by October 1 and by January 31.**

An e-mail notification is sent to all current students, faculty, and staff providing the website <https://ben.edu/resources/mesa-campus-safety/> to access to this report. Upon request:

- A written paper copy of the report is also available for public view with the Chief Executive Officer of Mesa Operations, located on the main floor of Gillett Hall (Room 120); or
- By calling the Chief Executive Officer of Mesa Operations, at 602-888-5507.

**Newly enrolled students** receive written notification providing the website <https://ben.edu/resources/mesa-campus-safety/> to access this report.

- Notification will be provided to newly enrolled students in their Admitted Student Packet during their initial advising.
- A link to the report is also available at Office of Admissions webpage for students enrolled in the traditional undergraduate programs for freshmen, transfer, International and International Transfer.  
<https://ben.edu/admissions/>

**Upon request, prospective students and employees:**

- May obtain a written paper copy of the Annual Fire Safety Report from the Chief Executive Officer of Mesa Operations, Benedictine University Mesa, 225 E. Main Street, Mesa, AZ 85201; or
- By calling the Chief Executive Officer of Mesa Operations, at 602-888-5507; or
- By visiting Benedictine's University's web site at: <https://ben.edu/resources/mesa-campus-safety/> or <https://ben.edu/office-of-institutional-compliance-and-risk-management/>

**Prospective employees** are notified about this report via Benedictine University's Human Resources jobs website at: <https://ben.edu/resources/employment-opportunities>

**New employees** are provided a document containing a link to <https://ben.edu/resources/mesa-campus-safety/> in their new hire training materials during new hire orientation. Each new employee certifies that they have knowledge as to where the Annual Security Report is located.

**Prospective students and parents of students** can also read about and reference Clery Act information on the Office of Admissions webpage at <https://ben.edu/admissions/>; or the office of the Chief Executive Officer of Mesa Operations, Gillett Hall (Room 120) <https://ben.edu/resources/mesa-campus-safety/> and <https://ben.edu/office-of-institutional-compliance-and-risk-management/>

**Current Employees** can find the Annual Security Report and Annual Fire Safety Report by clicking the link to the Campus Safety: <https://ben.edu/resources/mesa-campus-safety/>

## Annual Security Report

Benedictine University - Mesa Campus has a separate Annual Security Report for Year 2021, which may be viewed at: <https://ben.edu/resources/mesa-campus-safety/>.

## Fire Log

- A fire log is maintained for public view with the Chief Executive Officer of Mesa Operations, located on the main floor of Gillett Hall (Room 120); or
- A request can be made by calling the Chief Executive Officer of Mesa Operations, at 602-888-5507; or
- A written request can be sent to the Chief Executive Officer of Mesa Operations, Benedictine University Mesa, 225 E. Main Street, Mesa, AZ 85201.

## Residence Life - Safety Brochure

The Mesa Campus provides its students with a brochure entitled [Resident Fire Safety Brochure](#) detailing fire safety tips, which also are addressed in this Report.

## On-campus Student Housing Fire Safety Systems

The on-campus student housing facility is Alhambra Hall. The facility is equipped with modern, interior fire alarm systems with horns and strobe lights, which are monitored 24 hours per day, 7 days per week. The building is equipped with automatic full sprinkler and smoke detection systems, fire extinguishers, and evacuation placards. These systems are tested at least once per year.

## Policy on Portable Electrical Appliances and Open Flames

**Portable Electrical Appliances** - The following items are not allowed: space heaters, cooking appliances with heating elements, toaster ovens, outside antennas, halogen lamps, open-coil devices or satellite dishes.

**Open Flames** – The following items are not allowed: incense and candles.

## Benedictine University Smoking/Tobacco Policy

The Benedictine University Smoking/Tobacco Policy is in consideration of the health risks to community members, environmental impact and community member feedback with the prohibition of tobacco products, smoking and vaping use.

The University prohibits the use of all tobacco products, including cigarettes, cigars, pipes, smokeless tobacco and electronic cigarettes on all our campuses. In addition to all buildings, it applies to all outside property and grounds. In a kind and courteous manner, each community member will be responsible to remind individuals of the University policy. This policy will be enforced like any other student conduct/employee violation. Individuals desiring to smoke may do so in their car.



This policy change reinforces our commitment to preserving and improving the health of our students, faculty, staff and guests. The commitment to a tobacco-free campus is a responsibility we all share together, whether you are a tobacco user or not. In making this decision, we reflected on our Benedictine roots of addressing the common good of the community and also listening to the community.

## General Residence Hall Fire Safety

All of the University's on-campus residential student housing facilities are completely covered by integrated automatic sprinkler and hard-wired addressable fire alarm systems.

In addition, on-campus residential facilities have the following life safety systems: portable fire extinguishers, emergency lighting, emergency exit signs and doors, and emergency phones. A quality control program ensures that each building is inspected by trained building inspectors on a regular basis to ensure that these systems are in working condition, and includes a yearly fire alarm system test and inspection.

Each resident is given a copy of the Resident Fire Safety Brochure, which includes information on fire safety and what appropriate action to take during a fire alarm or fire emergency. The Emergency Response and Recovery Team, Campus Safety, Mesa Fire Department and Facility Operations conduct fire drills in the fall semester. Due to the COVID pandemic, in-person fire drills were not conducted. The fire alarms and sprinkler systems were tested for 2020.

If a fire occurs in a University building, community members should immediately notify the local fire department by dialing 9-1-1. During business hours, Campus Safety along with Mesa Fire Department will initiate a response to all fire alarms or reports it receives. After hours, Mesa Fire Department will respond to all fire alarm calls.

Fires should immediately be reported to 9-1-1. If a member of the University community finds evidence of a fire that has been extinguished, and the person is not sure whether Campus Safety has already responded, the community member should immediately notify Campus Safety to investigate and document the incident. Fire alarms alert community members of potential hazards, and community members are required to heed their warning and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building. Do not use the elevator. Community members should familiarize themselves with at least two ways out of each building.

## Evacuation Procedure for Students and Employees in the Case of a Fire

Should you discover a fire, remember **RACE**:

- **R**emove anyone from immediate danger.
- **A**ctivate the fire alarm system by pulling the nearest fire alarm pull station, call 9-1-1 and then the Campus Safety at 602-888-5516.
- **C**ontain the fire by closing doors.
- **E**vacuate the building.

All buildings are equipped with fire alarm systems, which activate at certain temperature levels or smoke conditions. However, many small fires will require a fire alarm pull station to be manually activated.

Should you be in a building when an alarm is activated, take the following actions:

- Evacuate **IMMEDIATELY** in a calm, orderly manner closing doors.
- Assist those with disabilities in exiting the building and ensure, to the extent possible, that other occupants know to evacuate.
- After evacuating the building, proceed to the evacuation assembly area for that particular building. Supervisors, faculty and resident assistants will take a head count at the evacuation area and notify the Mesa Fire Department if anyone is unaccounted for. Be prepared to move to another location if the evacuation assembly area is deemed to be too close to the building. Help keep roads, fire lanes, hydrants and walkways clear for emergency vehicles and crews.

- If you become trapped in a building during a fire, stay near the floor where the air will be less toxic. Shout for help at regular intervals to alert emergency rescue crews of your location. Remain calm and do not panic.
- Do not use the elevators;
- Exit by nearest safe stairway;
- Try to exit the room, feel the doorknob
  - If it is hot, do not open the door
  - If the doorknob is not hot, brace yourself against the door and crack it open
  - If there is heat or heavy smoke, close the door and stay in your room;
- Don't panic;
- Close all doors;
- If trapped in a room or office, keep the door closed and be prepared to signal your presence from a window;
- If you are on fire, stop, drop and roll, wherever you are. Rolling smothers fire;
- Cool burns. Use cool tap water on burns immediately. Do not use ointments. If skin is blistered or charred, call for an ambulance; and
- Be aware of obstacles that may be in corridors or blocking exits. Storage of any items in these locations is strictly prohibited. Blocked exits and obstacles impede evacuation, especially during dark and smoky conditions.

A person's first action should be to evacuate the building. If a fire is small and appears controllable, use a nearby fire extinguisher to combat the fire.

Remember **PASS**:

- **P**ull the pin from the fire extinguisher.
- **A**im the fire extinguisher at the base of the fire.
- **S**queeze the handles together.
- **S**weep the spray from side to side across the base of the flames

If the first fire extinguisher used does not put out the fire, EVACUATE the building. DO NOT attempt to use a second fire extinguisher.

It is the policy of Benedictine University Mesa to have defined procedures to protect the life and safety of students, staff and guests should there be a hazard that causes the University to decide to evacuate.

If you hear the direction to "EVACUATE" over the classroom telephones, or an administrator announces the evacuation in person, or by any other means of communication, you are to follow the procedures provided by the evacuation announcement.

**What to do if outside during a building evacuation:**

1. Do not enter any building being evacuated.
2. Get to the Evacuation Assembly Area for the building being evacuated (if you are near a building).
3. Listen for specific directions.
4. An authorized person will announce via campus communication system or bullhorn when the building is safe to reenter.

## Evacuation of the Mobility Restricted and Mobility Impaired

### Mobility Restricted Individuals

Mobility restricted individuals are those with disabilities which might impede rapid building evacuation. Examples include those who are blind or deaf, or whose mobility is restricted by use of walkers or crutches. Assistance can be provided by guiding them to a stairwell, waiting until a clear passage is established and helping them down or up the stairs to a designated meeting area.

## **Mobility Impaired Individuals**

Mobility impaired individuals are those with disabilities which require the use of wheelchairs or other mobility devices. To assist those individuals, proceed as follows:

1. Call Campus Safety at 602-888-5516. Provide as much information as possible. Most importantly, provide the individual's location.
2. Move the impaired individual near the stairwell and await assistance if there is no immediate danger within the vicinity of the stairs.
3. If the hazard becomes life threatening, move the individual into a room and close the door. If evacuation is deemed necessary, attempt to gain volunteer assistance and proceed to evacuate by way of the established route. Inform Campus Safety of the individual's new location.

## **Campus Evacuation**

Should it become necessary to evacuate the entire campus, the decision to implement these procedures rests with the Chief Executive Officer of Mesa Operations. In situations requiring immediate action, the Mesa Police or Fire Department also can order a local area evacuation. When evaluating possible evacuation, consideration will be given to the following:

- Specific threat - Bomb, fire, storm, earthquake, explosion, hazardous materials incident
- Context - Time of day, likelihood
- Recommendations of the first responder officials

In all cases when the decision has been made to evacuate the following basic procedures will be used.

1. The campus will be evacuated in stages, beginning with the areas that are in the immediate vicinity of the threat.
2. Other areas may then be evacuated, depending on the nature of the threat.
3. A gradual evacuation is preferable to a total, immediate evacuation, if possible, as it triages the populations most in danger, minimizes the likelihood of gridlock and congestion, and provides for ingress of emergency vehicles and personnel.
4. In all cases, evacuees would be directed away from the vicinity of the threat.

## **Policy on Fire Safety Education and Training Programs for Students and Employees**

Fire safety education programs for all students in on-campus housing and all employees that have an association with on-campus housing are held at the beginning of each academic year and throughout the calendar year. The Emergency Preparedness Manager provides a Residence Life Safety brochure, which is distributed, to student residents. Campus Safety evaluates the effectiveness of the fire evacuation drills, and makes recommendations for improvement to University employees including the Residence Life Staff. If it is determined additional training of employees is needed, Campus Safety will coordinate the training.

The Mesa Fire Department is present during all evacuation drills. The Chief Executive Officer of Mesa Operations, working with Campus Safety, conducts training sessions, which include fire extinguisher training, evacuation planning and execution, educational materials, informational displays/booths, new employee orientation, publishing and posting of the University's Emergency Response and Recovery Plan annually, investigations, and referrals regarding fire safety issues. Training of Student Life Staff is conducted each semester for new members. The Mesa Fire Department also may provide awareness and educational programming. If a fire occurs, students are instructed to leave hazardous areas via the evacuation routes and get to a predetermined location before calling 9-1-1 for help. They are to remain in that location so First Responders can determine whether all students have left the building.

## Who should students and employees notify in the event of a fire?

- Dial 9-1-1 Mesa Fire Department
- Activate fire pull-station
- Dial 602-888-5516, Campus Safety
- Chief Executive Officer of Mesa Operations 602-888-5507

## Future Improvements in Fire Safety

The University has adopted the National Incident Management System (NIMS) and continues to train students, employees and campus first responders in fire/disaster response and recovery. The University plans to continue student and employee training provided by the Federal Emergency Management Agency (FEMA), and emergency/disaster response and recovery. Fire evacuation drills in the residence facility will be enhanced by utilizing trained Resident Assistants.

## Definitions

**Cause of Fire** – The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure or act of nature.

**Evacuate** - Is a temporary and controlled rapid removal of people from a building, disaster area or campus as a rescue or precautionary measure. If the removal extends to more than a few months or becomes permanent, it is called “relocation.”

**Fire** - Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

**Fire-related Death** – Any instance in which a person:

4. Is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or
5. Dies within 1 year of injuries sustained as a result of the fire.

Examples of fire-related deaths:

- Lung damage due to smoke inhalation
- Heart problems due to stress or exertion
- Getting struck by a falling object
- Getting burned by fallen wires
- Being killed by jumping out a window

**Fire-related Injury** – Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. Include as a fire-related injury if treated at a medical facility, including Student Health Services, individuals who are transported to a medical facility (even if they refuse treatment at the facility), individuals who are treated at a temporary medical facility that is set up at the fire site and individuals who are treated in an ambulance. Do not include as a fire-related injury if individuals who appear to be injured but refuse to be transferred to a medical facility and individuals more than one time for a single fire. If an individual is treated at a medical facility, and is later transferred to a different medical facility, count this as one person with fire-related injuries.

**Fire Log** - Contains the date the fire was reported; the nature of the fire; the date and time of the fire; and the general location of the fire.

**Intentional Fire** – A fire that is ignited, or that results from the deliberate action, in circumstances where the person knows there should not be a fire. Example – fire in a dorm restroom has been investigated by fire authorizes and determines to be arson. Perpetrator used matches to ignite paper towels.

**Official** - An official is any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

**Overhaul** – Is the practice of searching a fire scene to detect hidden fires or sparks which may rekindle, and to note the possible point of origin and cause of ignition.

**Public** - Any university student, employee or, any person not associated with the institution.

**Undetermined Fire** – A fire in which the cause cannot be determined.

**Unintentional Fire** – A fire that does not involve an intentional human act to ignite or spread into an area where the fire should not be.

**Value of Property Damage** – The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity (replacement value, not market value). This estimate should include contents damaged by fire, and related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

## Emergency Building Evacuation Drills

Fire/emergency building evacuation drills are conducted annually in the fall semester in our residence halls, academic and administrative facilities. **In 2021, due to the COVID pandemic, fire drills were not conducted in the residence hall or academic facilities.** Drills are conducted to familiarize occupants with emergency egress from a building and to establish conduct of the drill to a matter of routine. Drills will include suitable procedures, such as potential room-to-room checks, to ensure that all person's subject to the drill participate. Any person who fails to participate in a drill may be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed.

Drill shall be held at expected and unexpected times, and under varying conditions to simulate the unusual conditions that can occur in an actual emergency. Participants shall relocate to the evacuation assembly area located outside the building and remain in that location until the all-clear signal Campus Safety, Mesa Fire or University authority, give further instruction.

## Fire Investigations

Trained University personnel or the fire investigation officer within the Mesa Fire Department investigates every fire that is not known to be accidental (such as a cooking fire). Fires determined through investigation to be willfully or maliciously set are classified as arsons for Clery reporting purposes.

## Evacuation Assembly Areas for Campus Buildings

- **Alhambra Hall** – Parking lot on north side of building
- **Gillett Hall** – Southside parking lot or parking garage

Residential Facilities	2019						2020						2021					
	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries Requiring Treatment	# of Deaths Related to a Fire	Value of Property Damage Caused by Fire	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries Requiring Treatment	# of Deaths Related to a Fire	Value of Property Damage Caused by	Total Fires in Each Building	Fire Number	Cause of Fire	# of Injuries Requiring Treatment	# of Deaths Related to a Fire	Value of Property Damage Caused by
Alhambra Hall 43 S. MacDonald Street	0	0	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0	N/A

Residential Facilities Fire Safety Systems							
Facility	Clery Classification	Fire Alarm Monitoring Done On-Site (by BUPD)	Full Sprinkler System	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (Fire) Drills in Calendar Year 2021*
Alhambra Hall 43 S. MacDonald Street	On-Campus	X	X	X	X	X	0

\*Due to COVID-19 pandemic, all fire evacuation drills were postponed. The fire detection/alarm system and sprinkler inspections took place on August 16, 2021.