



**2021 Annual Security and Fire Safety Report (ASFSR)**



## TABLE OF CONTENTS

<b>Message from President David Armstrong</b>	<b>4</b>	<i>Access form to gain access to Campus</i>	11
		<i>Campus Guest Policy</i>	12
<b>Department of Public Safety Address</b>	<b>5</b>	<i>Commuter Students, Faculty, and Staff's Guest</i>	12
		<i>Residential Student Guest Guidelines</i>	12
<b>Crime/Emergency Reporting and University Response</b>	<b>6</b>	<b>Security Considerations used in the Maintenance of Campus Facilities</b>	<b>13</b>
		<b>DPS Training</b>	<b>13</b>
<i>Reporting Crimes and other emergencies</i>	6	<b>STU Alerts (Timely Warning Notices) – Notifying the St. Thomas University about Crimes</b>	<b>13</b>
<i>Response to Reports</i>	7		
<b>Responsibilities for the St. Thomas University Community for their Personal Safety and the Safety and Security of Others</b>	<b>7</b>	<i>St. Thomas University communication Methods</i>	15
		<b>Public Safety Notices</b>	<b>15</b>
<i>Voluntary Confidential Reporting</i>	8	<b>Daily Crime Log</b>	<b>16</b>
<i>Confidential Reporting</i>	8	<b>Preparation of Annual Disclosure of Crimes Statistics &amp; Clery Compliance</b>	<b>16</b>
<i>Mandated Reporting</i>	8		
<i>Anonymous Reporting</i>	9	<i>Specific Information about Classifying Crime Statistics</i>	17
<b>Statistical Disclosure of Reported Incidents</b>	<b>9</b>	<i>Clery Act Reporting</i>	17
		<i>Geography Definitions from the Clery Act</i>	18
<b>Reporting Crime to St. Thomas University Department of Public Safety</b>	<b>9</b>	<b>Annual Crime Statistics Report</b>	<b>19</b>
		<i>Unfounded Crime</i>	20
<i>How do I report an Emergency?</i>	9	<b>Emergency Response and Evacuation Procedures</b>	<b>20</b>
<i>If you are a Victim of Crime</i>	9		
<b>Off-Campus Crime</b>	<b>10</b>	<i>Emergency Preparedness</i>	20
		<i>Emergency Response</i>	20
<b>Public Safety Authority and Jurisdiction</b>	<b>10</b>	<i>Emergency Evacuation Procedures</i>	20
		<i>Building Evacuation</i>	21
<i>Public Safety Enforcement Authority</i>	10	<i>Large-Scale Evacuation</i>	22
<i>Public Safety Arrest Authority</i>	10	<i>General Evacuation Procedures</i>	22
<i>Public Safety Jurisdiction</i>	10		
<b>Security of and Access to Campus Facilities</b>	<b>11</b>		
<i>Academic and Administrative Buildings</i>	11		
<i>Residence Hall</i>	11		
<i>Access to Campus via Main Gate</i>	11		

<i>Shelter-In-Place Procedure</i>	22	<b>Training of Residence Hall Staff</b>	<b>39</b>
<i>Off-Campus Emergencies</i>	23	<b>Weapons Policy</b>	<b>39</b>
<b>Emergency/Immediate Notification</b>	<b>23</b>	<b>Missing Student Notification, Procedure &amp; Policies</b>	<b>40</b>
<b>Active Shooter</b>	<b>23</b>	<b>Annual Fire Safety Report (AY 2020-2021)</b>	<b>43</b>
<b>Alcohol/Drug Policies</b>	<b>25</b>	<i>General Residence Hall Fire Safety</i>	43
<i>Student Disciplinary Action</i>	26	<i>Reporting a Fire for Inclusion in the Fire Statistics</i>	43
<b>Sexual Misconduct Policies, Services, Resources, and Protocols</b>	<b>27</b>	<i>Procedures for Students and Employees in the Event of a Fire</i>	43
<i>Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking</i>	27	<i>Student Residence Hall Fire Evacuation Procedures in Case of a Fire</i>	44
<i>Jurisdictional Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking</i>	28	<i>Health and Safety Inspections and Violations</i>	45
<i>St. Thomas University's Definition of consent as it relates to Sexual Activity</i>	31	<i>Prohibited Items and Prohibited Conduct</i>	45
<i>How to be an Active Bystander</i>	32	<b>Emergency Building Evacuation Drills</b>	<b>43</b>
<i>Risk Reduction</i>	33	<b>Fire Investigations/Arson</b>	<b>47</b>
<i>Safety Awareness</i>	34	<b>Fire Safety Systems in St. Thomas University On-Campus Residential Facilities (2020)</b>	<b>47</b>
<i>St. Thomas University's Sexual Misconduct Policy</i>	35	<b>Annual Fire Safety Report/Fire Statistics On-Campus Residential Facilities (2018,2019,2020)</b>	<b>48</b>
<b>Procedures Victims should follow if a crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs</b>	<b>36</b>	<b>Crime Definitions</b>	<b>50</b>
<i>Procedures University will follow when a crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported</i>	36	<b>Crime Definitions from the National-Based Reporting System (NIBRMS) User Manual from the FBI's UCR Program Sex Offenses</b>	<b>51</b>
<i>Resources</i>	38	<b>Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program</b>	<b>51</b>
<b>Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Sexual Assault and Stalking for Students and Employees</b>	<b>38</b>	<b>Uniform Crime Reporting (UCR)/National Incident-Based Reporting System (NIBRS)</b>	<b>53</b>
<i>Statement of Privacy</i>	39	<i>Part I Offenses</i>	53
<b>Sex Offender Registry and Access to Related Information</b>	<b>39</b>	<i>Part II Offenses</i>	53
		<b>Clery Related Definitions</b>	<b>54</b>

## Message from President David A. Armstrong J.D.

Dear St. Thomas University community,

I am pleased to introduce the 2021 Annual Security and Fire Safety Report for the 2020 calendar year for St. Thomas University. Not only does this report comply with the Jeanne Clery Disclosure of Campus Policy and Campus Crime Statistics Act, it is part of our ongoing effort to inform you of the safety programs and services available and the steps you can take to maintain your safety and the security of others.

We rely on all members of the STU community to help identify and report potential safety concerns. In addition, certain individuals and departments have unique responsibilities for helping to ensure a safe and secure campus; they include those identified as Campus Security Authorities and the Public Safety Department.

The safety and well-being of our students, faculty, staff, and visitors are our foremost concern. The best protections against campus crime are: a strong law enforcement presence; an aware, informed, alert campus community; and a commitment to reporting suspicious activities and using common sense when carrying out daily activities.

St. Thomas University works diligently to reduce risk and the potential for crime. However, despite our best efforts, crimes may occur. Safety and security is a shared responsibility, and we expect all current and prospective community members to contribute to the safety and security of our campus. We all have an important role to play in keeping our fellow Bobcats and our campus community safe.

In the aftermath of a worldwide pandemic, on March 23, 2020, the University moved to remote learning and working. After a planning process during the summer break, the University developed clear plans and protocols to open the campus for an in-person and residential 2020-2021 academic year. Plans were developed in coordination with the Centers for Disease Control (CDC), public health experts, and the Florida Department of Health. These plans consider both fully remote learning and working model as well as a hybrid of in-person and remote learning and working model. It has never been more critical for STU community members to follow sound safety practices, including stringent adherence to established public health guidelines and mitigation compliance. Any changes to policies and procedures that would impact the Annual Security and Fire Safety Report (ASFSR) policy statements in response to the pandemic are noted within this document.

God Bless and GO BOBCATS!!

**President David A. Armstrong J.D.**



**LIMITLESS**  
DEVOTION | OPPORTUNITY | RESULTS

## ST. THOMAS UNIVERSITY 2021 ANNUAL SECURITY AND FIRE SAFETY REPORT

The Department of Public Safety (DPS) is responsible for policy enforcement, security, and emergency response on the campus. DPS is guided by the strategic mission of the University principles of a Catholic University with rich cultural and international diversity committed to the academic and professional success of our students who become ethical leaders in the global community.

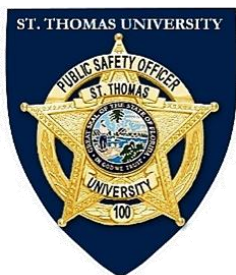
The success of Public Safety's mission depends upon an effective working relationship between Public Safety personnel and the diverse STU community, including students, staff, faculty, and visitors. Therefore, we pledge to respect the needs and interests of the community we serve and to be diligent and relentless in the protection of both persons and STU property.

In return, we ask that our STU community assume their individual and collective responsibilities to make St. Thomas University a place free of crime, discrimination, and disorder. In doing so, we provide a civil and open environment that fosters learning and mutual respect for one another.

To successfully provide the highest degree of public safety services on the campus, community members must follow good safety practices and understand that safety is the responsibility of all community members, not just those officially and formally charged with enforcing the rules and policies. This includes locking your valuables and reporting suspicious/criminal activities. DPS takes a leadership role in this area by preventative patrols, incident investigation and crime reporting, fire safety and prevention, crime prevention, and community policing. DPS Officers receive security training and emergency care.

This publication is intended to provide you with information on safety practices, crime statistics, and policies regarding the reporting of emergencies and campus crime rates. DPS's primary objective is to work collaboratively with the STU community member with collective efforts to continually enhance the safety of the campus environment, thereby affording opportunities for community members to work, live, study, and personally and professionally develop both intellectually and socially.

### *Department of Public Safety*





# CRIME/EMERGENCY REPORTING AND UNIVERSITY RESPONSE

## Reporting Crimes and Other Emergencies

STU community members – students, faculty, staff, visitors, and guest – are encouraged to report all criminal actions, emergencies, suspicious behavior to other public safety-related incidents occurring within the University’s Clery geography to the STU Department of Public Safety (DPS) in an accurate, prompt, and timely manner. The University’s Clery geography (as defined in the "Geography definitions" elsewhere in this Annual Report, and hereafter referred to as the "University’s Clery geography") includes:

- On-campus property including campus residence halls, buildings, or facilities;
- Designated non-campus properties and facilities;
- All public property, including thoroughfares, streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities.

St. Thomas University has designated the Department of Public Safety as the official office for campus incident and emergency reporting. DPS strongly encourages the accurate and prompt reporting of incidents or crimes. Accurate and prompt reporting ensures Public Safety can evaluate, consider and send timely warning notices. Disclosing crimes is done through our ongoing disclosure processes, such as posting crimes in the Daily Crime Log and accurately documenting reportable crimes in its annual statistical disclosure. St. Thomas University further encourages accurate and prompt reporting to DPS 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 DPS because it has primary responsibility for patrolling the St. Thomas University campus. 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 local Miami Gardens Police Department. Additionally, as outlined below, the University has also identified a list of primary campus security authorities (CSA) or preferred receivers of reports to whom crimes can be reported.

- Associate Vice President of Student Affairs
- Athletic Assistant Director
- Athletic Coaches and Assistant Coaches
- Athletic Director
- Law School Student Affairs Dean
- Law School Student Government Board
- Residential Assistants
- Student Government Board
- Pastoral and Professional Counselors

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by STU to serve in a counseling role are not considered CSAs when acting in the counseling role. As a matter of policy, the University encourages pastoral and professional counselors to notify those they are counseling on the many available reporting options, including the voluntary, confidential reporting process.

### Primary Campus Security Authorities (CSA) or Preferred Receivers of Reports:

- Call the Department of Public Safety by dialing (305)628-6500 or on-campus extension 6500/ 6911
- Make a report in person to the Department of Public Safety at the Public Safety office located at 37th Avenue Front Gate
- Crimes or emergencies can be reported to the Miami Gardens Police or local emergency services by dialing 911
- Sex Offenses and other sexual or relationship violence incidents can also be reported to the University’s Title IX Coordinator by dialing (305) 474-6871 or on-campus extension 6648 or in person at Mimi Dooner Building, Room 114.
- Contact the Office of Human Resources (HR) by dialing (305) 474-6871 or on-campus extension 6871, or in person at the HR office located on the ground floor of Mimi Dooner

- Contact the Dean of Students or AVP of Student Affairs by dialing (305) 628-6687 or on-campus extension 6687, or in person at the Student Affairs Office, located at the Student Center.
- Emergency Phones located throughout campus can also be used to contact Public Safety to report a crime or emergency.

Complete the online “community incident report” reporting form at:  
<https://publicdocs.maxient.com/incidentreport.php?StThomasUnivFL>

### **Response to Reports**

Dispatchers are available 24 hours a day to answer STU community calls by dialing (305) 628-6500 or on-campus extension 6500 or 6911. In response to a call, DPS will take the required action by either dispatching a patrol officer or asking the reporting party to go to the DPS to file an incident report via Maxient. All reported crimes will be investigated by the University and may become a matter of public record. Crime victims are given on and off-campus resource information as necessary and appropriate. DPS procedures require an immediate response to emergency calls. Priority response is given to crimes against persons and personal injuries. DPS responds to and investigates all reports of crimes and/or emergencies within the University’s Clery geography. Public Safety personnel can also notify Miami Garden’s emergency dispatchers of emergencies occurring on-campus via their 911 emergency center. This system allows Public Safety to summon assistance from emergency responders if deemed necessary and appropriate. Incidents occurring within the University’s Clery geography are documented and processed for further investigation and review by the Director of Public Safety and/or the local Miami Gardens Police, depending upon the nature of the crime or emergency and the involvement of the local Miami Gardens Police.

To obtain information or request any public safety or safety escort services, STU community members should call DPS. Located throughout campus are well-marked exterior Red Call Box or Emergency Blue Light phones. These phones access the campus phone system and two-way radio system and can be used like any campus extension.

When placing an emergency call, remember to stay on the line and wait for the dispatcher to end the call. The exterior Blue Light and Call Box phones should be used when seeking information and/or reporting activities, including criminal incidents. If a member of the STU community finds any of these phones inoperative or vandalized, they should call the DPS so that the phone can be repaired or replaced as quickly as possible. If assistance is required from the local Miami Gardens Police or Miami Dade Fire Rescue Department, DPS will contact the appropriate unit.

If a sexual assault or rape should occur on campus, staff on scene, including DPS, will offer the victim a wide variety of resources and services. This publication contains information about on and off-campus resources and services and is made available to the St. Thomas University community. The information regarding “resources” is not provided to infer that those resources are “crime reporting entities” for St. Thomas University.

As mentioned, DPS report crimes to ensure inclusion in the annual crime statistics and provides timely warning and STU Alert notices to the community, when appropriate. For example, a crime that was reported only to the St. Thomas University counseling center would not be known to DPS, a campus security authority (CSA), or other University officials.

### **RESPONSIBILITIES OF THE ST. THOMAS UNIVERSITY COMMUNITY FOR THEIR OWN PERSONAL SAFETY AND SECURITY AND THE SAFETY AND SECURITY OF OTHERS**

Members of the St. Thomas University community must assume responsibility for their own personal safety and the security of their personal property and are encouraged to assist others. The following precautions provide guidance.

- Report all suspicious activity to DPS immediately.
- Never take personal safety for granted.

- Try to avoid walking alone at night. Use the DPS escort service.
- Limit your alcohol consumption, leave social functions that get too loud, too crowded, or have too many people drinking excessively. Remember to call DPS for help at the first sign of trouble.
- Carry only small amounts of cash.
- Never leave valuables (wallets, purses, books, phones, etc.) unattended.
- Carry your keys at all times and do not lend them to anyone.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- Always lock the door to your residence hall room, 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 INTERIOR OR EXTERIOR DOORS.**
- Do not leave valuables in your car, especially if they can be easily noticed.
- Engrave serial numbers or owner's recognized numbers, such as a driver's license number, on valuable items.
- Inventory your personal property and insure it appropriately with private insurance coverage.

### **Voluntary Confidential Reporting**

St. Thomas University encourages anyone who is the victim or witness of any crime to promptly report the incident to DPS or the local Miami Gardens Police Department. DPS does not have a voluntary, confidential reporting process because DPS reports are educational records and not law enforcement reports; thus, DPS cannot hold reports of crime in confidence. (*Some reports may remain confidential pursuant to FS 119*).

### **Confidential Reporting**

Students may make confidential reports to Pastoral Counselors and/or Professional Counselors assigned to the Counseling Center. When acting in their capacity and function as St. Thomas University counselors, pastoral counselors, and professional counselors do not make identifiable reports of incidents to DPS unless the student specifically requests them to do so. However, the University encourages counselors, if and when they deem it appropriate, to inform students they can report incidents of crime to DPS, which can be done directly or anonymously through the anonymous reporting processes as outlined below.

*Pastoral Counselor:* An employee of an institution associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

*Professional Counselor:* An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and functioning within the scope of his or her license or certification.

Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can be made to the Director of Health Services. In their capacity as a CSA, the Director of Health Services can make confidential crime reports to DPS to ensure inclusion in the annual disclosure of crime statistics. In addition, the Director of Health Services will work closely with DPS to allow DPS to properly assess reports for timely warning consideration and avoid double counting of crimes.

### **Mandated Reporters**

In response to the growing public awareness of child sexual abuse, the Catholic Bishops of the United States authorized a training program called VIRTUS, created by the National Catholic Risk Retention Group. The purpose of VIRTUS and its "Protecting God's Children" component is to educate and train adults (clergy, religious staff, teachers, employees, volunteers, and parents) who teach in religious institutions about the dangers of abuse, the warning signs of abuse, the ways to prevent abuse, the methods of properly reporting suspicions of abuse, and responding to allegations of abuse.

As an Archdiocesan institution, all employees, vendors, and volunteers of STU must receive this vital training. While faculty and staff of St. Thomas University may not generally work with minor children, there are many instances when minors are present on our campus. In addition, at one time or another, we all



interact with children. Therefore, in addition to passing a background check to work at STU, it is mandatory for all current and new employees, vendors, and volunteers of STU to be VIRTUS trained.

### **Anonymous Reporting**

The St. Thomas University Department of Public Safety, unless otherwise prescribed by law or as set forth within this Annual Security and Fire Safety Report, does not take anonymous incident reports.

## **STATISTICAL DISCLOSURE OF REPORTED INCIDENTS**

Incidents reported to DPS that fall into one of the required reporting classifications as defined by the Clery Act that occurs within the University's Clery geography will be disclosed as a statistic in the appropriate crime table within this annual security and fire safety report published by DPS.

## **REPORTING A CRIME TO THE ST. THOMAS UNIVERSITY PUBLIC SAFETY DEPARTMENT**

A person reporting a crime to DPS has the right to report the crime to the Miami Gardens Police Department by calling 911. DPS officers regularly discuss this option with the victim of a crime and will assist the victim with that process.

### **How do I Report an Emergency?**

For all emergencies where life is in danger or a crime is being committed, immediately call 911 from your cell phone, desk phone, or via the RAVE app. Public Safety can be contacted via your cell phone, desk phone, classroom callboxes, emergency red phones, Rave app, or blue light phones.

If 911 is contacted, notify Public Safety to advise them that 911 has been contacted so they may assist local law enforcement or emergency medical services. Figure 1 contains a summary of emergency contacts; a detailed list is provided on the Resources page of this report.

Life-Threatening Emergency	911
Campus Switchboard	(305) 625-6000
University Public Safety	(305) 628-6500
Miami Dade Fire Department	(305) 759-2468
City of Miami Gardens Police	(305) 474-6473
Florida Highway Patrol	(305) 470-2500

### **If you are the Victim of a Crime**

For an emergency, call the police by dialing 911. For a non-emergency, contact STU's Public Safety Department at (305) 628-6500 or by dialing the STU Public Safety Emergency iPhone at (786) 295-9692. If you are assaulted or battered and do not know your assailant, try to remember as much information about the person as possible (gender, race, hair color, mode of travel, tag number, the color of the car, smell, etc.).

- If you see a suspicious person, do not approach the person yourself. Report the type of suspicious activity and a general description of the suspect(s).
- If your car is damaged, complete a police report to satisfy your automobile insurance requirements.
- If you receive a bomb threat, call 911 and Public Safety (extension 6500 or (305) 628-6500), notify your supervisor, and do not panic. Obtain as much specific information from the caller as possible.

The University encourages accurate and prompt reporting of all crimes and emergencies. Criminal actions and other emergencies may be reported by anyone via phone call or in-person to Public Safety. Kent Security Services, the contracted Public Safety Department, maintains a post-order manual that outlines the officer's response to criminal activities and other emergencies. The Department of Public Safety is not a sworn law-enforcement agency and is staffed with security officers that operate 24-hours a day, 365 days a year.

## OFF-CAMPUS CRIME

If the Miami Gardens Police Department is contacted about criminal activity off-campus involving St. Thomas University students, the police may notify DPS. Students in these cases may be subject to arrest by the local police and University disciplinary proceedings through the Office of Student Affairs.

## PUBLIC SAFETY AUTHORITY AND JURISDICTION

### **Public Safety Enforcement Authority**

The Department of Public Safety is responsible for providing security services for the St. Thomas University Campus. Public Safety Officers and staff are accountable to St. Thomas University to enforce University policies and Federal and State laws for campus administrative purposes only. Additionally, public Safety investigates campus criminal incidents for administrative purposes related to its campus judicial process. Criminal incidents may be investigated for possible criminal prosecution by the local Miami Gardens Police Department or other law enforcement agencies with jurisdiction. The AVP of Student Affairs, in conjunction with the Dean of Students, Title IX Coordinator, Compliance Officer, and Human Resources as it relates to employee conduct, coordinates disciplinary action for matters that are violations of University rules.

Public Safety employs its own in-house public safety officers to staff special events, perform asset security, conduct security patrols, assist with vehicle and crowd control, and perform duties as access monitors as a means of supplementing existing proprietary security operations and staff. These public safety officers enforce University policy under the leadership and supervision of the Director of Public Safety officers and report incidents and crimes immediately to the Director of Public Safety.

St. Thomas University, Public Safety officers have the authority to ask persons for identification and to determine whether individuals have lawful business at St. Thomas University. University Public Safety officers have the authority to issue parking tickets, which are billed to financial accounts of students, faculty, and staff. Criminal incidents are referred to the Miami Gardens Police Department who has jurisdiction on the campus. The Departments of Public Safety and Compliance at St. Thomas University maintain a professional working relationship with the Miami Gardens Police Department. All crime victims and witnesses are strongly encouraged to immediately report the crime to the DPS and the appropriate police agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics

### **Public Safety Arrest Authority**

Department of Public Safety (DPS) personnel and any contracted security officers are non-sworn security personnel for St. Thomas University and have no official powers of arrest authority. DPS will summon support from the Miami Gardens Police Department or other applicable law enforcement entities to affect an arrest on or within campus-owned, controlled, leased, or recognized property.

### **Public Safety Jurisdiction**

Public Safety's jurisdiction encompasses its Clery geography, which includes its main campus, campus residence halls, buildings, and/or facilities; designated non-campus long term properties and facilities that are within the Miami Gardens and local township; public property adjacent to and accessible from the on-campus property; and leased, rented, or otherwise recognized and/or controlled buildings, spaces, and/or facilities that are also within the Miami Gardens or local township.

DPS does not have an expanded patrol jurisdiction beyond the buildings, facilities, and property the University owns or otherwise controls. This is also true for any contract security officer(s) working for DPS.

# SECURITY OF AND ACCESS TO CAMPUS FACILITIES

## **Academic and Administrative Buildings**

During normal business hours, the St. Thomas University campus is generally open and accessible to students, faculty, staff, and University visitors. However, during the 2020/2021 academic year, visitors to campus have been limited to those whose access directly supports the University's primary academic, administrative, and residential missions.

The majority of academic and administrative buildings are open during normal business hours (typically Monday through Friday, from 8 am to 5 pm, except holidays) and are typically secured during the late evening hours, depending upon class schedules, special event scheduling, and community usage. In addition, members of the Department of Public Safety regularly patrol the interiors and exteriors of all campus facilities, including designated 24-hour buildings.

DPS officers patrol the campus grounds via foot, vehicle, or bicycle, conduct regular interior and exterior checks of academic and administrative buildings and respond to incidents occurring anywhere within the University's Clery geography. In addition, DPS will provide security escorts when requested for staff members, students, and faculty.

## **Residence Halls**

Access to residence halls is restricted to St. Thomas University students and authorized staff, and the halls are secured by key and lock systems 24 hours a day/7 days a week. Members of the Department of Public Safety routinely patrol the common interior areas, spaces, and hallways of buildings equipped with such common spaces and regularly patrol the exteriors of all campus residence halls. Residence hall assistants and student staff also enforce campus policies and security measures within the residence halls to achieve a community respectful of individual and group rights and responsibilities.

Over extended breaks, the doors of all halls will be secured around the clock. Students are reminded to make travel arrangements accordingly; all students must vacate the residence halls during this break. Extended Break Housing for students who cannot return home or leave campus may be provided. Should a student need extended break housing accommodations during *any* portion of the break, they must complete and submit a request form.

Any student requesting access to their residence hall or room during winter break when the residence halls are officially closed shall present themselves to the Department of Public Safety and request permission for access. Public Safety will authorize a student's access to their respective room for legitimate reasons only. Public Safety officers are authorized full discretion in determining a student's legitimacy to enter the closed residence hall based on the information given. For example, access should be limited to medical needs and necessities and similar related urgent requests. Once the legitimacy of the request is established, access requests will be managed as follows: the student's identity, resident status, and room assignment will be verified; after this verification, an officer will escort the student to their room, allow drop-off or retrieval of the item(s) in question, and then escort the student from the building.

## **Access to Campus via the Main Gate**

The STU ID allows entry through the automated gate lanes for students, faculty, and staff into the campus. DPS reserves the right to stop an STU student, faculty, or staff member to verify identification at the gate. If a member of the campus community does not have their STU ID present, they must utilize the 'visitor' lane, show proof of identification (i.e., Drivers' License), and completely fill out a Campus

## **Access form to gain access to the campus.**

STU students, faculty, or staff entering campus in a vehicle without a valid parking decal must utilize the 'visitors' lane to be issued a temporary parking pass for that day. When requested, visitors must produce proper identification before entering. Anytime there is a question regarding the legitimacy of the visitor or vehicle, admittance will be denied.

### **Campus Guest Policy**

The STU community is welcomed to bring guests to the campus but must assume responsibility for the conduct of their guests and must accompany them at all times. If a guest is asked to leave a specific area of campus, it is the responsibility of the STU host to cooperate with the University official making the request. The University reserves the right to exclude all guests from any area on campus in times of impending or actual crises or emergencies, such as hurricanes, campus disruptions, or bomb threats, and to exclude any guest(s) from any area of the campus for any reason the University deems appropriate.

In order to gain admittance to the campus, you must have a valid STU parking decal and student ID, be an invited guest or visitor of a student, faculty, or staff member. All guests authorized onto campus will be issued a guest parking pass, which is valid only for the date issued. A guest/visitor is defined as a person who is invited by another. For the purpose of this policy, this includes food deliveries, taxis, private transportation services (i.e., Uber, Lyft, GO Airport Shuttle, etc.), professional colleague, study partner/tutor, friend, or relative.

Guests or visitors may not bring animals on campus, including but not limited to warmblood animals (cats, dogs, ferrets, etc.), feathered and poisonous pets.

### **Commuter Students, Faculty, and Staff Guest Guidelines**

All commuter students, faculty, and staff must send an email notice from their STU email account to Public Safety at [publicsafety@stu.edu](mailto:publicsafety@stu.edu) with the following information:

- Name of person;
- Company affiliated with, if appropriate;
- Date and estimated time for arrival; and,
- Destination of where the guest should be sent.

This information is required for all guest(s), every visit. Please notify guests that they are required to provide a government-issued, photo ID (i.e. a driver's license, passport, etc.) to Public Safety in order to receive entry to the campus.

### **Residential Student Guest Guidelines**

In addition to the email notice noted above, the residential student guest guidelines include:

- Students are responsible for the actions and behavior of their guest(s), visitor(s), or those they are hosting at all times.
- Student hosts should accompany their guests at all times.
- Guest(s) or visitor(s) visiting the residence halls should be registered with Residence Life staff.
- If a Guest(s) or visitor(s) violates STU policies, the host may be held accountable, and the guest or visitor may be asked to leave.
- Residents are responsible for accurately and adequately identifying their visitor(s) or guest(s) to University staff upon request.

Residents must escort all guests in the Residence Halls at all times. A resident's right to privacy and comfort takes precedence over the community member's privilege to have a guest. It is essential for roommates and suitemates to discuss visitation and to arrive at an acceptable agreement. As a resident, you assume responsibility for the actions of your guests. If a guest is creating a disruption that affects a roommate, suitemate(s), other residents and/or the community, they may be asked to leave, and you will be held accountable for their actions. Residents are subject to sanctions for the misconduct of a guest and are liable for any damages caused by a guest. A guest is considered a non-resident student, utilizing the room of a resident student as a place of leisure, learning, or lodging. Residents may have peer age or sibling guests of the same sex overnight (overnight guest) at no charge for a maximum period of three consecutive days and no more than five nights in a year. It is the resident's responsibility to properly sign in guest(s) prior to the guest(s) being escorted into any residential housing facility.

## SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF CAMPUS FACILITIES

St. Thomas University facilities and landscaping are maintained in a manner that minimizes hazardous and unsafe conditions. DPS regularly patrols the campus and reports malfunctioning lights and other dangerous physical conditions to Facilities Management for correction. Campus community members can additionally report hazards directly to Facilities Management through an online service. The campus's overall safety and security program is supplemented by various technological systems, including access control, closed-circuit television, emergency phones, fire detection, suppression, and reporting systems. Other members of the University community are helpful when they report equipment problems to DPS or Facilities Management. DPS is often consulted on security measures during construction and renovation capital project meetings.

Emergencies may necessitate changes or alterations to facilities schedules. Areas that are revealed as problematic have security surveys conducted of them. Administrators from the Office of Physical Plant, Residence Life, and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Associate Vice President for Student Affairs, the Director for Facilities and Resident Assistants, meets to discuss pressing concerns.

## DPS TRAINING

St. Thomas University's Public Safety Department is staffed by STU hired public safety officers and is responsible for providing physical security on campus. STU Public Safety Officers patrol the campus in order to provide security to all campus personnel. The Public Safety Department is also responsible for enforcing campus traffic and parking regulations, registering vehicles, enforcing all campus policies and procedures, and most importantly, providing immediate emergency assistance as required. All Public Safety officers are radio equipped and dispatched when notified.

Public Safety Officers are trained routinely on-campus security measures. Outside law enforcement personnel who are authorized to possess weapons. STU Public Safety Officers provides the University campus with a high level of physical security protection by utilizing motor vehicle patrols, bicycle patrols and effectively utilizing all access control directives. Training topics may include criminal law, civil law, federal law, the Clery Act and campus security authority, Title IX, sexual assault, Active shooter training, self-defense, CPR, AED, and interpersonal communication.

## STU ALERTS (TIMELY WARNING NOTICES) - NOTIFYING THE ST. THOMAS UNIVERSITY ABOUT CRIMES

In an effort to provide timely notice to the St. Thomas University community in the event of a criminal situation that, in the judgment of the Director of Public Safety or designee, may pose a serious or continuing threat to members of the campus community, an **STU ALERTS** (timely warning notice) will be issued.

**STU ALERTS** will be distributed as soon as pertinent information is available, in a manner that is timely, that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar crimes or occurrences.

**STU ALERTS** are primarily distributed by blast email to all students and employees on campus as soon as pertinent information is available. **STU ALERTS** can also be sent/communicated via St. Thomas's text/voice messaging system and a variety of other notification methods, as outlined in the Emergency/Immediate Notification section of this Annual Report and highlighted below. The intent of an **STU ALERTS** is to warn the



campus regarding a criminal incident, providing individuals an opportunity to take reasonable precautions to protect themselves.

**STU ALERTS** are generally written and distributed to the campus community by the Departments of Compliance and Philanthropy and Communications. They are routinely reviewed and approved by the Associate Vice President of Student Affairs or a designee. AVP of Student Affairs has the authority to issue a Campus Safety Alert without such consultation if consultation time is not available. Should the AVP of Student Affairs be directly impacted and involved with the incident response or otherwise unavailable, any trained member from the Communications and Marketing Office could write and send a Campus Safety Alert.

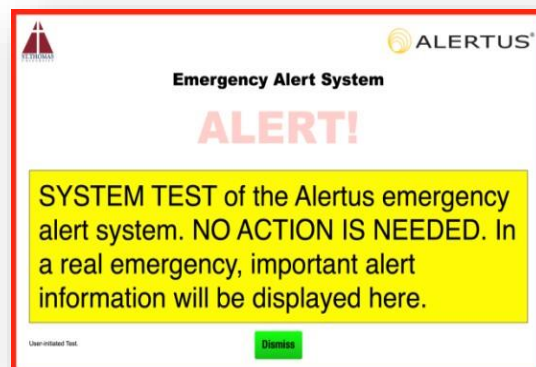
**STU ALERTS** are sent to the University community upon review and assessment that determines the incident may pose a serious or continuing threat to the university community members. **STU ALERTS** will notify community members about specific Clery Act crimes (as described below) that have been reported to DPS and that have occurred on or within the University's Clery geography (on-campus, non-campus, or public property).

Crimes that occur outside the campus' primary Clery geography will be evaluated on a case-by-case basis as stipulated or other non-Clery specific crimes. Information related to these crimes may be distributed to the campus as a Public Safety Notice, as outlined and described in the below policy statement for "Public Safety Notices."

Updates to the campus community, when deemed necessary, about any particular case resulting in an **STU ALERTS**, may be employ by some or all of the communication notifications as follow: distributed via blast email, posted on the University website, electronic signage message board, shared with the STU social media outlets, and/or message on the RAVE app.

All members of the STU community are responsible for maintaining their contact information to maximize the University's capability to notify them of a life-threatening emergency and issue appropriate protective actions. The STU emergency notification system utilizes a third-party vendor (Backboard Connect) to deliver all **STU ALERTS** as text messages, voice phone messages, and email to the STU community.

All University desktop computers have Alertus Desktop Notification installed. This notification grabs the attention of computer users immediately with a full-screen pop-up alert.



**STU ALERTS** are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident-Based Reporting System (NIBRS) crime classifications:

- Murder/Non-Negligent Manslaughter
- Aggravated Assault (cases involving assaults among known parties, such as two roommates fighting which results in an aggravated injury, will be evaluated on a case-by-case basis to determine if the individual is believed to be an ongoing threat to the larger St. Thomas University community)
- Robbery involving force or violence (cases including pick pocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice but will be assessed on a case-by-case basis)
- Sexual Assault (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Executive Director or designee). In cases involving sexual

assault, they are often reported long after the incident occurred. Thus there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Campus Safety Alert.

- Major incidents of Arson
- Other Clery crimes as determined necessary by the Director of Public Safety or their designee.

Typically, alerts are not issued for any incidents reported that are older than ten (10) days from the date of occurrence, as such a delay in reporting has not afforded the University an opportunity to react or respond in a timely manner.

The Director of Public Safety will confer with the AVP of Student Affairs, Compliance Manager, or designee during the response to a crime to ensure a proper review of all Clery crimes (and other criminal incidents, as deemed appropriate) to determine if there is a serious or continuing threat to the community and if the distribution of an **STU ALERTS** is warranted.

Campus officials not subject to the timely reporting requirement are those with significant counseling responsibilities which were providing confidential assistance to a crime victim. At St. Thomas University, this would only apply to professional counselors from the Counseling Center and pastoral counselors who are performing that specific function and role as their primary employment with the University.

#### **St. Thomas University communication methods:**

Emergency Email, Voice, and Text Messaging: **STU ALERTS** is an emergency notification system utilizing STU email, personal email, text messaging, and telephone voice messaging. It is important that everyone registers her/ his phone number (mobile or other) in their MyBobcat user account. In the event of a campus-based emergency, STU officials will contact the campus community via text messages or phone call that is registered with us.

Electronic Signage: Messages displayed on the electronic signage at the main gate of the campus.

Blue Light Phones: Look for the blue light designating a Public Safety emergency telephone. There are nine (09) blue light phones throughout the campus. These blue light phones put you in immediate communication with a Public Safety officer. If you have a concern or questions, please go to a blue-light phone and push the button on the face of the unit. Public Safety will respond immediately. All of our blue light phones have integrated public access capability (loud speakers) that enables STU Public Safety to broadcast announcements over the campus grounds. After dark, Blue Light Phones emit a light, which can be seen from a distance.

Alertus Desktop Notification: All University desktop computers have Alertus Desktop Notification installed. This notification grabs the attention of computer users immediately with a full-screen pop-up alert.

## **PUBLIC SAFETY NOTICES**

A Public Safety Notice may be sent to the campus 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 campus of incidents occurring on, around, or even off-campus that do not meet the requirements or specifications for distribution of a Campus Safety Alert, as outlined above.

A Public Safety notice may be sent via blast email to all students and employees on campus. A Public Safety Notice is generally written and distributed to the campus community by the AVP of Student Affairs or Compliance Manager, and they are routinely reviewed and approved by the AVP of Student Affairs or Dean of Students or a designated in Student Affairs.

Updates to the campus community about any particular case resulting in a Public Safety Notice, when deemed

necessary, may be distributed via blast email, posted on the University website, included in electronic signage board, or may be shared on STU social media outlets.

## **DAILY CRIME AND FIRE LOG**

The Department of Public Safety combines its Daily Crime Log and Fire Log into one public document. DPS makes the Daily Crime and Fire Logs for the most recent 60-day period open to public inspection during normal business hours (typically Monday through Friday, from 9 am to 5 pm, except holidays) at the DPS front gatehouse on 37<sup>th</sup> Ave. Any portion of these crime and fire logs that are older than 60 days are made available for public inspection within two business days of a request. All confirmed fires occurring within or on any and all on-campus residential facilities will also be included in the Daily Crime and Fire Log. The crime and fire log information typically include the incident number, crime classification or nature of the fire, date reported, date occurred, general location of crime or fire, and disposition of each reported crime or fire. Faculty, staff, and students are encouraged to review these logs periodically to become more familiar with the types and locations of criminal incidents and fires that may impact the University's campus community.

Unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim, newly reported crimes/incidents within the University's Clery geography and updated information regarding previously reported crimes are entered onto the Daily Crime and Fire Log within two business days of when it is reported to the Department of Public Safety. It is important to note that DPS has no expanded patrol jurisdiction outside of its identified Clery geography.

## **PREPARATION OF ANNUAL DISCLOSURE OF CRIME STATISTICS & CLERY COMPLIANCE**

The following information provides context for the crime statistics reported as part of compliance with the Clery Act. The St. Thomas University Department of Public Safety is primarily responsible for preparing the Annual Security and Fire Safety Report. This responsibility is specifically designated to the Director of Public Safety or designee. The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the University community obtained from the following sources: the St. Thomas University Public Safety Department (DPS), the Miami Gardens Police Department (MGPD), and non-police or public safety personnel who have been designated as Campus Security Authorities or CSAs. The Office of Student Affairs, Title IX Office and Human Resources Department are key offices from which drug, liquor, and weapon offense referral data is obtained along with sexual offenses and potential reports of other Clery crimes.

Final report preparation is coordinated by the Director of Public Safety, AVP of Student Affairs, Residential Life, Compliance Manager, and Title IX Coordinator.

A written request for statistical information is made at least on an annual basis to all Campus Security Authorities or CSAs (as defined by federal law). CSAs are also informed in writing and/or through training to report crimes to DPS in a timely manner so those crimes can be evaluated for timely warning purposes. A Campus Security Authority or CSA is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution:

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property)
- 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
- 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. An Official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Statistical information is not requested from, nor is it provided by, Professional Counselors of the Counseling Center or Pastoral Counselors who are performing that function and role as their employment with the University. Professional Counselors and Pastoral Counselors are not required by law to provide statistics for this compliance document. Counseling and Pastoral Professionals, as defined by the Federal law, who act in such capacities, have been advised that, while they are not obligated to report crimes for the purpose of compiling these statistics, they are encouraged, when they deem it appropriate, to inform the persons they are counseling of their ability to report any crimes to DPS for inclusion in the annual statistics. The Counseling Center and Pastoral Counselors facilitate anonymous reporting, as outlined earlier in this Annual Security and Fire Safety Report.

All statistics are gathered, compiled, and reported to the University community via this report, entitled the “Annual Security and Fire Safety Report,” which is published by DPS no later than October 1<sup>st</sup> of each year.<sup>1</sup> DPS submits the annual crime statistics published in this brochure via a Web-based reporting system to the Department of Education (ED).<sup>2</sup> The statistical information gathered by the Department of Education is available to the public through the ED website. Table One of the crime statistics satisfies the requirements outlined by the Clery Act.

DPS sends an email to every enrolled student and current employee on an annual basis informing them of the availability of the Annual Security and Fire Safety Report. The email includes a brief summary of the contents of this report. The email also includes the address for the STU website where the Annual Security and Fire Safety Report (ASFSR) can be found online and notification that a physical copy may be obtained by making a request to DPS by calling (305) 628-6500 or in person at the Public Safety Office located in Lewis Hall. The availability of the ASFSR is also posted on the admissions application website and included on all Human Resources employment application forms informing prospective students and employees how to access the ASFSR and obtain a copy.

### **Specific Information about Classifying Crime Statistics**

The statistics in this brochure are published in accordance with the definitions and many of the standards and guidelines used by the FBI Uniform Crime Reporting (UCR) Handbook, National Incident-Based Reporting System (NIBRS), relevant Federal law (the Clery Act), and applicable State law (the FLORIDA Uniform Crime Reporting Act).

### **Clery Act Reporting**

For Clery Act reporting purposes, the number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three victims, this would be counted as three aggravated assaults in the crime statistics chart. The number reflected in the statistics for the following crime categories includes one offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five students are walking across campus together and they are robbed, this would count as one instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic. In cases involving Liquor Law, Drug Law, and Illegal Weapons Law violations, the statistics indicate the number of people arrested by law enforcement or referred to the Office of Student Affairs or Human Resources for possible disciplinary action for violations of those specific laws.

Hate crimes are reported in narrative form and are separated by category of prejudice. A hate crime is not a separate, distinct crime but is the commission of a criminal offense that was motivated by the offender’s bias.

---

<sup>1</sup> In July of 2020, the Department of Education (ED) announced via an electronic announcement that due to the challenges students and institutions of higher education (IHE) are facing because of the novel coronavirus (COVID-19) pandemic, they were extending the date for IHEs to publish and distribute their Annual Security and Fire Safety Reports from October 1<sup>st</sup> to December 31<sup>st</sup>, 2020.

<sup>2</sup> The annual crime and fire statistics survey used to electronically submit individual statistics to ED would be open from November 18, 2020 through January 14, 2021.

For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of their bias against the victim's race, sexual orientation, gender, religion, ethnicity, national origin, gender identity, or disability, the assault is then also classified as a hate crime. For Clery Act Purposes, Hate Crimes include any of the following offenses that are motivated by the offender's bias: Murder and Non-negligent Manslaughter, Sexual Offenses (rape, fondling, incest, and statutory rape), Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny- Theft, Simple Assault, Intimidation, and Destruction/Damage/ Vandalism of Property.

Campus SaVE was signed into law on March 7, 2013, as part of the reauthorization of the Violence Against Women Act (VAWA); it covers students and staff of institutions of higher education and amends the Jeanne Clery Act to include new reporting requirements for Domestic Violence, Dating Violence, and Stalking and additional policy statements and training requirements.

### **Geography Definitions from the Clery Act**

On-Campus *defined as*: (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 paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or retail vendor).

Non-Campus Building or Property *defined as*: (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 relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

The Non-Campus geography definition includes buildings or properties under temporary control during institutionally sponsored short-stay-away domestic or international trips for students of more than one night, or buildings or properties under temporary control during institutionally sponsored domestic or international trips for students to repeated locations.

- For example, students in the debate club take a trip to Washington, D.C., and stay at the same hotel every year. In this example, the institution must include in their Clery Act crime statistics any Clery Act crimes that occur in the rooms used by the students and any common areas used to access those rooms, including the lobby, elevator, and staircases.

Public Property *defined as*: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus or on-campus property/facilities. The St. Thomas University crime statistics do not include crimes that occur in privately- owned homes or businesses within or adjacent to the campus boundaries.

On-campus Student Housing Facility *is defined as*: Any student housing facility owned or controlled by the institution, or is located on property 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. This category is considered a subset of the On-Campus category.

Reasonably Contiguous *is defined in as*: Any 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." Generally speaking, St. Thomas University considers locations within one mile from the core or main campus border to be reasonably contiguous with the campus.



## ANNUAL DISCLOSURE OF CRIME STATISTICS

The federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) establishes the requirements for collecting and reporting campus crime statistics. The classifications of crimes used in these reports are defined in the Federal Bureau of Investigation Unified Crime Reports Reporting Handbook and/or the UCR Reporting Handbook: NIBRIS edition (UCR). The Director of Public Safety prepares the following report based on information reported to Public Safety (and other campus security authorities) and the Miami-Gardens Police Department. The following is the report of statistics for calendar years 2017 through 2019. The statistics reported here are provided to the campus community and also to the U.S. Department of Education as required by the Clery Act.

### Crime Statistic Report, 2018-2020

Criminal Offenses	Geographic Location				
	Year	On-Campus Property	On-Campus Housing	Non Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	1	0	1	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	1	0
	2019	0	0	0	0
	2018	1	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	1
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	3	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	1
	2019	0	0	0	1
	2018	1	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

VAWA Offenses	Geographic Location				
	Year	On-Campus Property	On-Campus Housing	Non Campus Property	Public Property
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	1	1	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	1	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Arrests and Disciplinary Referrals	Geographic Location				
	Year	On-Campus Property	On-Campus Housing	Non Campus Property	Public Property
Arrests: Weapons: Carrying, Possession, etc.	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Referrals: Weapons: Carrying, Possession, etc.	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arrest: Liquor Law Violations	2020	0	0	0	0
	2018	0	0	0	0
	2017	0	0	0	0
Referrals: Liquor Law Violations	2020	24	24	0	0
	2019	6	6	0	0
	2018	35	35	0	0
Arrest: Drug Abuse Violations	2020				
	2019	0	0	0	0
	2018	2	2	0	0
Referrals: Drug Abuse Violations	2020	25	7	0	0
	2019	37	20	0	0
	2018	57	47	0	0

NOTE: The University made a reasonable and good faith effort to request and retrieve statistics from all local law enforcement agencies with jurisdiction over the University's identified Clery geography. Reportable Clery crime data received from agencies who responded to these requests are included on Table 1, crime statistics noted above.

### **Unfounded Crimes**

If a Clery Act crime is reported as occurring in any of the University's Clery Act geographic categories and the reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is considered to be "unfounded." Only sworn or commissioned law enforcement personnel may unfound a crime after a thorough investigative process.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

### **Emergency Preparedness**

Emergency operations planning at St. Thomas University means preventing, preparing for, responding to, and recovering from any and all emergencies that could affect the University and the local Miami Gardens community. The complete weather emergency guide is available on the University's website at: <https://www.stu.edu/wp-content/uploads/2019/05/Weather-Emergency-Guide-2019.pdf>. The emergency response and evacuation protocols and procedures outlined within this Annual Report are reflective for both on-campus and non-campus buildings, facilities, and residence halls.

### **Emergency Response**

Each University's departments are responsible for developing emergency response and continuity of operations plans for their areas and staff. Emergencies occurring on campus should be reported to DPS by dialing (305) 628-6500 or on-campus extension 6500/6911 or by dialing 911 for outside emergency responders.

In conjunction with other emergency agencies, the University conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests, which may be announced or unannounced, are designed to assess and evaluate the emergency plans and capabilities of the institution. After-action reviews will be conducted following each test and/or exercise that documents the test/exercise, provides a description for each test/exercise, the date, time, whether the test was announced or unannounced, and an assessment of the lessons learned from the exercise

### **Emergency Evacuation Procedures**

The emergency evacuation procedures are tested at least twice each year. Students learn the locations of the emergency exits in the residence halls and are provided guidance about the direction they should travel when exiting each facility for a short-term building evacuation. DPS officers do not tell building occupants in advance about the designated locations for long-term evacuations because those decisions are affected by time of day, location of the building being evacuated, the availability of the various designated emergency gathering locations on campus, and other factors such as the location and nature of the threat. In both cases, DPS staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At St. Thomas University, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

The Offices of Residential Life, Public Safety, and Physical Plant work collaboratively to conduct mandatory fire evacuation drills every fall and spring semester. The fire evacuation drills are conducted by activating each individual fire alarm system in each on-campus student resident facility.

DPS shall be responsible for the safe evacuation of all persons utilizing the University's facilities in the event of

natural disasters, civil disturbances, and active threats. The level of necessity will determine the response by DPS. If large-scale events occur that are beyond the resource capabilities of DPS and the University, officials will request assistance from outside emergency resources such as the Miami Gardens Police and Fire, State Police, Miami-Dade County Emergency Management, and/or state departments of emergency management. The need to implement evacuation from a campus building or the entire campus shall be based upon information received by or furnished to St. Thomas University. The information may be in the form of instructions or advice from the Miami-Dade County Emergency Management Agency, the Governor's Office, or other officially recognized agency.

Full or partial evacuations may be necessary as a protective action to reduce STU community members' exposure to a hazard. Protective actions reduce TIME of exposure, create DISTANCE, or provide SHIELDING from a specific hazard. Hazards that may require an evacuation include:

- Fire
- HAZMAT release
- Bomb threat or suspicious device/package
- Hostile intruder
- Massive utility failure
- Severe weather conditions
- Hazard that renders facilities uninhabitable

*Exercise of Judgment and Contingencies:* The actions described are basically standard by nature. When situations arise for which the procedures to be followed are not fully prescribed in the University's Emergency Action Plan, responsible personnel will be expected to exercise good judgment, make appropriate decisions, and provide any support necessitated by the situation.

As part of the decision-making process relative to an evacuation, the evacuation must be completed well before the arrival of a hazard. When there is little to no warning time, a shelter-in-place decision/order may be more appropriate.

Additional factors to consider beyond warning time when deciding on whether or not to evacuate include:

- Size and geographical area affected
- Population density of the surrounding area
- Capacity and condition of the road network
- Are sufficient transportation resources available – University transportation, public transportation, and private transportation?
- Are there safe alternatives?
- Ability of campus facilities to provide shielding from the hazard
- Ability of facilities to support the population
- Local considerations and local police and emergency resources support

*Scope of an Evacuation:* The scope of an evacuation can include a single building, a group of buildings, and/or a large geographical area. The scope could go beyond the borders of the institution, and/or the University may be impacted by an evacuation initiated by the local authorities. Size and scope considerations must be included in the overall decision-making process.

### **Building Evacuation**

- All building occupants are required to evacuate when the fire alarm sounds or upon the order of an authorized University official, such as a Public Safety officer.
- If time permits, stabilize lab procedures, turn off stoves and ovens, and unplug or disable any device that could make a dangerous situation even worse.
- Move to the closest exit and proceed down the EXIT stairwell in a safe and orderly manner. Take personal belongings with you. Do NOT use elevators.
- Remain at least three hundred (300) feet outside of the building and await further instructions. Keep roadways open, and beware of approaching emergency vehicles. Notify emergency responders of anyone trapped, especially anyone with a physical disability.

## Large-scale Campus Evacuation

- If evacuation of part or all of the campus is necessary, monitor text message/voice alert system, email, RAVE app, and the University's website for additional information.
- Those in need of transportation will be directed to areas to await transport to an off-campus site.

## General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify DPS by dialing (305) 628-6500 or on-campus extension 6500/6911 or by dialing 911 for outside emergency responders.

- Remain Calm
- Do NOT use Elevators, Use the Stairs.
- Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform DPS or the responding Fire Department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building.

## Shelter-in-Place Procedures – What It Means to “Shelter-in-Place”

University authorities may instruct STU community members to "shelter-in-place" if a condition exists that is potentially life-threatening and has an immediate threat to the health and personal safety of the STU community. Immediate threats would include but are not limited to: active shooter incidents, mass acts of violence, tornadoes, terrorist attacks, or hazardous materials incidents. Thus, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside. STU community members should remain in a shelter-in-place status until the all-clear is communicated by emergency response personnel.

## Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belonging (purse, wallet, access card, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If police or fire department personnel are on the scene, follow their directions.

## How You Will Know to “Shelter-in-Place”

A shelter-in-place notification may come from several sources, DPS, Office Residential Life, other University employees, local law enforcement or outside emergency services, or other authorities utilizing the University's emergency communications tools.

## How to “Shelter-in-Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

- If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
- Locate a room to shelter inside. It should be:
  - An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary.
- Shut and lock all windows (tighter seal) and close exterior doors.

- Turn off air conditioners, heaters, and fans.
- Close vents to ventilation systems as you are able.
- Make a list of the people with you and ask someone (hall staff, faculty, or other staff) to call to DPS so they know where you are sheltering. If only students are present, one of the students should call DPS immediately.
- Turn on a radio or TV and listen for further instructions.
- Make yourself comfortable.

### **Off-campus Emergencies**

DPS officials often receive emergency information from the Miami-Dade EOC regarding incidents in Miami-Dade County that could imminently impact the safety of the STU community. When appropriate, University officials/designees will notify the STU community of off-campus threats that could also represent a threat to the health or safety of students or employees.

## **EMERGENCY/IMMEDIATE NOTIFICATION**

St. Thomas 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 identified situations are examples that may warrant an emergency (immediate) notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Emergencies occurring on or within any of the University's Clery geography (as defined in the "[Geography Definitions](#)" elsewhere in this Annual Report) should be reported to DPS by dialing (305) 628-6500 or on-campus extension 6500/6911, or by dialing 911 for outside emergency responders.

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 judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate an emergency.

Emergency notifications 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: University's Emergency Mass Notification System (**STU ALERTS**) – which contains email, cell phone text, voice message alert); select in-building audible voice notification devices, fire alarm (where available); public address systems/outdoor speakers (where available); social media; digital signage (main entrance of campus); local media, webpage, and/or RAVE alert for shelter-in-place. If any of these systems fail or the University deems it appropriate, in-person communication may be used to communicate an emergency.

## **ACTIVE SHOOTER**

Any armed intruder(s) engaged in the act of violence with any type of weapon up to and including firearms. The act may be random or targeted at specific individuals. An active shooter is an individual actively engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearm(s), and there is no pattern or method to their selection of victims.

### **Potentially fatal or serious injuries to individual(s) and/or mass casualty incident protocol.**

If someone brings a weapon on campus, there are several things to remember that will help protect your life. First, in any serious life-threatening emergency, always call 911 and alert Public Safety. Police officers, firefighters, and emergency medical services (EMS) personnel (first responders) who come to a University campus because of a 911 call involving gunfire face a daunting task. Though the objective remains the same – protect students and staff – the threat of an active shooter incident is different than responding to a natural disaster or many other emergencies. If a dangerous situation has been confirmed



on campus, the appropriate First Responders will be called to respond. When law enforcement officials arrive, they won't know the good people from the bad people, so remain calm, show them your hands, and provide them with as much specific information as possible about the individual.

- Emergency calls can involve actual or future threats of physical violence. This violence might be directed not only in or at University buildings, students, staff, and areas on campus but also at nearby buildings off-campus.
- The better first responders and University personnel are able to discern these threats and react swiftly; the more lives can be saved. This is particularly true in an active shooter situation where law enforcement responds to a 911 call of shots fired. Many innocent lives are at risk in concentrated areas. This is why it is critical that STU work with our community partners (e.g., first responders, emergency managers) to identify, prepare, prevent, and effectively respond to an active shooter situation in a coordinated fashion.

Active shooter situations are unpredictable and evolve quickly. Because of this, individuals must be prepared to deal with an active shooter situation before law enforcement personnel arrive on the scene.

**RUN.** If you cannot find a secure location or are caught in an area near the hostile intruder. RUN! Put as much distance as possible between you and the intruder, and run in a zigzag pattern.

**HIDE.** Close the door and lock it if possible. If the door does not lock, use whatever you can find to barricade the door. Turn off the lights, turn off the phone, and be quiet.

**FIGHT.** If you are in a situation where you can't escape, fighting for your life might be your best option. Throw books, pens, or whatever you have to stun the attacker. Gang-up on the hostile intruder to overpower and take them down. Your life may depend on it.

**When Law Enforcement arrives on the scene:**

- Do exactly as the officers instruct.
- Do not approach the officers.
- Keep your hands visible, fingers spread, and empty.
- A normal reaction to a hostile intrude situation is to panic. Preplanning your own individual actions for such an incident will greatly improve your initial reactions and increase your chances for survival.

**ACTIVE SHOOTER RESPONSE**  
LEARN HOW TO SURVIVE A SHOOTING EVENT

**RUN**   **HIDE**   **FIGHT**

**CALL 911 ONLY WHEN IT'S SAFE TO DO SO**

**RUN**

- HAVE AN ESCAPE PLAN
- EVACUATE
- LEAVE YOUR BELONGINGS
- HELP OTHERS IF POSSIBLE
- DO NOT MOVE WOUNDED PEOPLE

**HIDE**

- BE OUT FROM SHOOTER'S VIEW
- LOCK DOORS AND BLOCK THEM WITH FURNITURE
- KEEP YOUR OPTIONS FOR MOVEMENT
- SILENCE PHONE
- BE QUIET

**FIGHT**

- ACT AGGRESSIVELY
- INCAPACITATE THE ACTIVE SHOOTER
- THROW OBJECTS
- YELL AND CALL FOR HELP
- FIGHT ONLY AS A LAST RESORT**
- BE PREPARED**

**CALL 911**   **WHEN LAW ENFORCEMENT ARRIVES**

- CALL 911 WHEN YOU ARE SAFE
- GIVE INFORMATIONS TO THE OPERATOR
- FOLLOW THE INSTRUCTIONS OF POLICE OFFICERS
- DROP ANY OBJECT
- KEEP HANDS VISIBLE

ACTIVE SHOOTER SAFETY GUIDELINES

## ALCOHOL/DRUG POLICIES

In accordance with the federal Drug-Free Workplace Act of 1988, the federal Drug-Free Schools and Communities Act (DFSCA) of 1989, St. Thomas University prohibits the unlawful or unauthorized possession, use, sale, manufacture, distribution, or dispensation of alcohol and other drugs by employees and students in the workplace, on University property, or as part of any campus activity. Employee or student violators are subject to disciplinary action, up to and including termination of employment and expulsion.

The University's Department of Public Safety reports violations of University policies to the appropriate University department. This includes the enforcement of the State's underage drinking laws and Federal and State drug laws. Student violations of the policies and guidelines pertaining to alcohol and drugs specified in the St. Thomas University Community Standards Handbook will result in sanctions appropriate to the degree of the violation. Sanctions will increase in severity for repeated violations. Student sanctions will include but are not limited to, fines, education, referrals for counseling, community service, probations, residence hall separation, or suspension or expulsion from the University.

Florida law states that a person who is under 21 years of age and who attempts to purchase, purchase, consumes, possess, or who knowingly and intentionally transports any alcohol, liquor, or malt beverages commits a misdemeanor of the second degree and punishable as provided in §. 775.082 or §. 775.083; however, any person under the age of 21 who has been convicted of a violation of this subsection and who is thereafter convicted of a further violation of this subsection is, upon conviction of the further offense, guilty of a misdemeanor of the first degree, punishable as provided in §. 775.082 or §. 775.083. A person who is under 21 who misrepresents their own age to a licensed dealer or other persons who sell or furnish intoxicating liquors constitutes a criminal offense. Any person who misrepresents on behalf of a person under 21 to be of legal age to cause a licensed dealer or other person to sell or furnish intoxicating liquors to the underage person commits a misdemeanor of the 3<sup>rd</sup>, will be fined \$500 and up to 60 days of imprisonment. A person also commits a third-degree misdemeanor for selling or providing alcoholic beverages to a known minor.

There are also severe legal repercussions for driving under the influence of alcohol. Drivers under the age of 21 with a BAC of .02 or higher will be charged with Driving Under the Influence. Drivers 21 and over with a BAC of .08 or higher will be charged with Driving Under the Influence. Locally, there are Miami Gardens and Miami-Dade County open container and noise ordinances.

Florida law requires drivers to submit to a BAC test if the police request it. The state punishes drivers who use their right under the U.S. Constitution to decline. The punishment is suspension of the driver's license for one year. A second refusal on another occasion results in suspension for 18 months.

The use of narcotics and controlled substances with or without a prescription on University premises, as elsewhere, is illegal. Illegal possession, use, and/or sale of drugs or narcotics by students, employees, or guests constitutes unacceptable and illegal conduct. The Department of Public Safety reports violations of law to the appropriate University department and works in collaboration with state and federal law enforcement and local police, who are responsible for enforcing the laws of Miami-Dade County, including laws relative to the possession, use, and sale of narcotics and controlled substances. When students are receiving Federal Title IV financial aid (including Federal Pell Grants and Federal Direct Student Loans), it is their responsibility to inform the Financial Aid Office within five days of any criminal illegal drug statute conviction. Students also agree to abide by the conditions of the drug-free workplace certifications.

The Code of Student Conduct also specifies the prohibitions and penalties for violations of these prohibitions and is part of the STU Community Standards Handbook, which is published under a separate cover and is available through the Office of Student Affairs.

The Handbook can also be found online at:

<https://www.stu.edu/students/wp-content/uploads/sites/9/2020/01/STU-HANDBOOK-UPDATED-1.3.20.pdf>

## Student Disciplinary Actions

The University Community Standards describes behaviors that are inconsistent with the essential values of the University community. The University retains the right to modify the University Community Standards at any time without advanced notice. The University reserves the right to discipline any student and/or their guest who engages in misconduct that adversely affects the pursuit of the University's educational purposes and objectives or otherwise violates University rules. Students are held accountable for their guest's actions and may be subject to disciplinary action for their guest's infractions of the University Community Standards. Intentionally attempting or assisting in the violation of the student code may be considered as serious as engaging in the behavior. A person commits an attempt when, with the intent to commit a specific violation of the University Community Standards, he/she performs any act that constitutes a substantial step toward the commission of that violation.

The Student Judicial Process begins when the University receives information that a student's conduct may be in violation of the policies in the University Community Standards or other University policies.

The University will review the information provided to decide if:

1. It is appropriate to initiate a Student Judicial Process.
2. More information or investigation is needed before making a determination whether to initiate a Student Judicial Process.
3. It is not appropriate to initiate a Student Judicial Process at this time.

If a Student Judicial Process is initiated (including after further investigation or information gathering), the Student Judicial Process will proceed as follows:

1. The University will promptly communicate with the relevant parties, including the complainant and the referred student, in order to explain the Student Judicial Process.
2. Depending on the circumstances, the University may decide to impose interim sanctions.
3. The University will determine whether the Student Judicial Process will proceed with a judicial hearing. This determination will be discussed with the relevant parties during any initial meetings. Factors that contribute to the decision include but are not limited to the type of violation, the severity of the incident, consideration for likely potential sanctions, the impact on the larger University community, and the role of the complainant.
4. The University will work with the individuals involved to determine each individual's level of participation in the Student Judicial Process and what role each individual will have in the Student Judicial Process. For example, whether the referred student will be participating in the Student Judicial Process; and whether the complaining individual will serve as a complainant, witness, or not participate at all.
5. The University will hold a judicial hearing.
6. If a referred student is found "IN VIOLATION" of any policy, conduct sanctions will be assigned.
7. The complainant and the referred student will have the opportunity to appeal all determinations as to policy violations and sanctions.
8. For Law Students, violation of any law and/or this policy may lead to appropriate action to be taken under the Law's School's Honor Code. Law students should refer to that Code for potential consequences for violation of laws and regulations. The University Judicial Process and the Law School Disciplinary Process can both operate independently with regard to any Law Student. Disposition under one process is not binding on the other.

## VIOLENCE AGAINST WOMEN (VAWA) REAUTHORIZATION

### SEXUAL MISCONDUCT POLICIES, SERVICES, RESOURCES, AND PROTOCOLS

St. Thomas University prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking (as defined by the Clery Act) and reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the STU community. Toward that end, St. Thomas University issues this statement of policy to inform the STU community of our programs to address domestic violence, dating violence, sexual assault, and stalking as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off-campus when it is reported to a University official.

#### **Federal Clery Act Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

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

- Domestic Violence:
  - i. A Felony or misdemeanor crime of violence committed by—
    - A) a current or former spouse or intimate partner of the victim;
    - B) a person with whom the victim shares a child in common;
    - C) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - D) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - E) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  - ii. For the purposes of complying with the requirements of this section and 34 CFR §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.
- Definition of a Crime of Violence: According to Section 16 of Title 18 of the United States Code, the term "crime of violence" means:
  - i. An offense that has an element of the use, attempted use, or threatened use of physical force against the person or property of another; or,
  - ii. Any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.
- Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - i. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - ii. For the purposes of this definition—
    - A) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - B) Dating violence does not include acts covered under the definition of domestic violence
  - iii. For the purposes of complying with the requirements of this section and 34 CFR §668.41,

any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

- Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual from the FBI UCR Program, a sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent."
  - Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
  - Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- Stalking:
  - i. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
    - A) Fear for the person's safety or the safety of others; or,
    - B) Suffer substantial emotional distress.
  - ii. For the purposes of this definition—
    - A) Course of Conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.
    - B) Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.
    - C) Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - iii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

#### **Jurisdictional Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

- Sexual Assault: The state of Florida defines Sexual Assault as Sexual Battery (FL § Ch. 794) (h) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

Sexual Assault/Sexual Battery is the act of engaging in sexual intercourse or deviate sexual intercourse with a person without the person's consent. The crimes defined under Florida law as rape (FL § Ch. 794) and involuntary deviate sexual intercourse (FL § Ch. 794) are not included in this definition and are considered separate crimes.



- Domestic Violence: Florida law (FL § Ch. 741.28) defines domestic violence as:
  - 1) “Department” means the Florida Department of Law Enforcement.
  - 2) “Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
  - 3) “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
  - 4) “Law enforcement officer” means any person who is elected, appointed, or employed by any municipality or the state or any political subdivision thereof who meets the minimum qualifications established in s. 943.13 and is certified as a law enforcement officer under s. 943.1395.
  
- Dating Violence: The state of Florida defines Dating Violence (FL § Ch. 784.046D) as:
  - (d) “Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:
    1. A dating relationship must have existed within the past 6 months;
    2. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
    3. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.
  
- Stalking: Florida law (FL § Ch. 784.048) defines Stalking when a person either:
  - (1) As used in this section, the term:
    - (a) “Harass” means to engage in a course of conduct directed at a specific person which causes substantial emotional distress to that person and serves no legitimate purpose.
    - (b) “Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, which evidences a continuity of purpose. The term does not include constitutionally protected activity such as picketing or other organized protests.
    - (c) “Credible threat” means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.
    - (d) “Cyberstalk” means:
      1. To engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person; or
      2. To access, or attempt to access, the online accounts or Internet-connected home



electronic systems of another person without that person's permission, causing substantial emotional distress to that person and serving no legitimate purpose.

- (2) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.
  - (3) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person and makes a credible threat to that person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
  - (4) A person who, after an injunction for protection against repeat violence, sexual violence, or dating violence pursuant to s. 784.046, or an injunction for protection against domestic violence pursuant to s. 741.30, or after any other court-imposed prohibition of conduct toward the subject person or that person's property, knowingly, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks another person commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
  - (5) A person who willfully, maliciously, and repeatedly follows, harasses, or cyberstalks a child under 16 years of age commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
  - (6) A law enforcement officer may arrest, without a warrant, any person that he or she has probable cause to believe has violated this section.
  - (7) A person who, after having been sentenced for a violation of s. 794.011, s. 800.04, or s. 847.0135(5) and prohibited from contacting the victim of the offense under s. 921.244, willfully, maliciously, and repeatedly follows, harasses, or cyberstalks the victim commits the offense of aggravated stalking, a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
  - (8) The punishment imposed under this section shall run consecutive to any former sentence imposed for a conviction for any offense under s. 794.011, s. 800.04, or s. 847.0135(5).
  - (9) (a) The sentencing court shall consider, as a part of any sentence, issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any such order be based upon the seriousness of the facts before the court, the probability of future violations by the perpetrator, and the safety of the victim and his or her family members or individuals closely associated with the victim.  
  
(b) The order may be issued by the court even if the defendant is sentenced to a state prison or a county jail or even if the imposition of the sentence is suspended and the defendant is placed on probation.
- Consent: The state of Florida defines Ineffective Consent as (FL § Ch.794.011 (a):
    - Ineffective consent — Unless otherwise provided by this title or by the law defining the offense, assent does not constitute consent if:
      - 1) it is given by a person who is legally incapacitated to authorize the conduct charged to constitute the offense;
      - 2) it is given by a person who by reason of youth, mental disease or defect or intoxication is manifestly unable or known by the actor to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct charged to constitute the offense;
      - 3) it is given by a person whose improvident consent is sought to be prevented by the law defining the offense;  
or

- 4) it is induced by force, duress or deception of a kind sought to be prevented by the law defining the offense.

Further, under Clery and UCR (Uniform Crime Reporting) definitions, the Florida Statute relating to sexual assault (FL § Ch. 794), involuntary deviate sexual intercourse (FL § Ch. 794), and aggravated indecent assault (FL § Ch. 794) are considered rape for the purposes of Clery and FL UCR reporting.

The Florida Uniform Crime Reports program defines Rape as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person or object, without the consent of the victim. This definition includes either gender of victim or offender and instances where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate a lack of consent. Attempts to commit rape are also included.

The following definitions are relevant to this crime:

- “Consent”: intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
- “Mentally defective”: a mental disease or defect that renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.
- “Mentally incapacitated”: temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.
- “Physically helpless”: unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
- “Retaliation”: includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.
- “Serious personal injury”: great bodily harm or pain, permanent disability, or permanent disfigurement.
- “Sexual battery”: oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.
- “Physically incapacitated”: bodily impaired or handicapped and substantially limited in ability to resist or flee.

### **St. Thomas University’s Definition of Consent as it Relates to Sexual Activity**

Consent to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in, and continue to engage in, a specific sexual activity. In order to be valid, consent must be knowing, voluntary, active, present, and ongoing.

To give consent, a person must be awake, of legal age, and have the capacity to reasonably understand the nature of their actions. Individuals who are physically or mentally incapacitated cannot give consent. Some

indicators that an individual is incapacitated due to intoxication may include, but are not limited to, vomiting, unresponsiveness, inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, or inability to perform other physical or cognitive tasks without assistance. When alcohol is involved, incapacitation is a state beyond drunkenness or intoxication. When drug use is involved, incapacitation is a state beyond being under the influence of or impaired by the use of the drug. Alcohol and other drugs impact individuals differently. Determining whether an individual is incapacitated requires an individualized determination.

Silence, without actions evidencing permission, does not demonstrate consent. Where force or coercion is alleged, the absence of resistance does not demonstrate consent. The responsibility of obtaining consent rests with the person initiating sexual activity. The University encourages verbal consent to be present at all times at each step of sexual activity.

At any time, consent to engage in sexual activity may be withdrawn by either person. A previous or current dating or sexual relationship, by itself, is not sufficient to constitute consent. Once withdrawal of consent has been expressed, the sexual activity must cease. Consent is automatically withdrawn by a person who is no longer capable of giving consent (due to falling asleep or passing out into a state of unconsciousness, for example).

When determining whether a person has the capacity to provide consent, St. Thomas University will consider whether a sober, reasonable person in the same position knew or should have known that the other party could or could not consent to the sexual activity. When determining whether consent has been provided, all the circumstances of the relationship between the parties will be considered.

### **How to Be an Active Bystander**

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

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”<sup>3</sup> We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do, even if we want to help. Below is a list<sup>4</sup> of some ways to be an active bystander. If you or someone else is in immediate danger, call DPS at (305) 628-6500 or the local police by dialing 911. This could be when a person is yelling at or being physically abusive towards another, and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Be direct, delegate responsibility, or cause a distraction when you see a person secludes, hits on, tries to make out with, or has sex with people who are incapacitated.
- Intervene when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources listed in this document for support in health, counseling, or with legal assistance.

---

<sup>3</sup> Burn, S.M. (2009). A situational model of sexual assault prevention through bystander intervention. *Sex Roles*, 60, 779-792

<sup>4</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse

## Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org)). A copy of the risk reduction tips is included in the "A Safe and Healthy Community" guide, which is given to all students that attend orientation.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act as you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place.
- Try not to load yourself down with packages or bags, as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money and/or an on-demand driver app loaded.
- Don't allow yourself to be isolated from someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check-in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
  - Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - Have a code word with your friends or family so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **Safety and Awareness**

### ***Personal Safety Tips***

- Always be aware of your surroundings.
- If you see something, say something.
- Try to stay in well-lit areas.
- Walk confidently at a steady pace on the side of the street facing traffic.
- Walk close to the curb. Avoid doorways, bushes, and alleys.
- Don't walk alone at night and always avoid areas where there are few people.
- Be careful when people stop and ask you for directions; always reply from a distance.
- If you are in trouble, attract help in any way that you can. Scream and yell for help.
- Stay as calm as possible, think rationally, and evaluate your resources and options.
- If ever attacked, go to a safe place and call the police. The sooner you make the report, the greater the chances the attacker will be caught.
- Be prepared and have a survivor's mindset. For detailed information on preparing a comprehensive safety strategy, visit [www.ready.gov/are-you-ready-guide](http://www.ready.gov/are-you-ready-guide).

### ***Home Safety Tips***

- Check the identification of any sales or service people before letting them in.
- Don't let any stranger in your home when you are alone.
- Never give the impression that you are alone if strangers telephone or come to the door.
- If you come home and find a door open or signs of a forced entry, don't go in. Call the police from the nearest phone.
- Keep written records, with serial numbers if available, of all furniture, jewelry, bicycles, and electronic products, including mobile phones. If possible, keep these records in a safe deposit box or fireproof safe.
- Check your homeowner's insurance policies to ensure personal property is covered or purchase insurance; inventory your valuables (to include a brief description, make, model, serial number, and a picture).
- Secure sliding glass door locks.
- Don't hide spare keys in mailboxes, planters, or under doormats.

### ***Vehicle Safety***

- Close all windows, lock all doors and take the keys with you.
- Never hide a second set of keys anywhere in your car.
- Never leave your car's engine running, even if you will only be gone for a minute.
- Park in well-lit areas.
- Activate any anti-theft devices you have.
- Push or recline your passenger seat forward; if you return to your car and the passenger seat has been returned to its normal position, chances are someone has entered your vehicle.
- When approaching your vehicle, have your keys in hand.
- Before you invest in any alarms, check with several established companies and decide what level of security fits your needs.

### ***Travel Safety***

- If you do travel alone, leave your route and destination times with family or friends.
- Make sure your car is in good working order and has plenty of gas before you drive. Don't leave packages or valuables in plain sight in your car; keep them in your trunk.

- If you are being followed by another car, honk your horn and drive to the closest public place such as a police or fire station, restaurant, or gas station. Never go home if you think you are being followed.
- If you are involved in a minor accident, do not get out of the car until fire, police, or medical assistance arrives. This is a favorite ploy of kidnappers and sexual battery offenders.

## **St. Thomas University’s Sexual Misconduct Policy**

St. Thomas University is committed to encouraging and sustaining a learning and living community that is free from harassment, violence, and prohibited discrimination in consistent with this commitment and Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex/gender in any of the institution’s programs or activities<sup>5</sup>. STU has developed this comprehensive Sexual and Discriminatory Harassment Policy, applicable to all students. Further, STU conducts education and awareness programs with the goal of preventing and discouraging sexual assault, domestic violence, dating violence, and stalking.

As discussed more fully below, this Policy on Sexual and Discriminatory Harassment prohibits all forms of sex/gender-based harassment, sexual violence, sexual exploitation, relationship violence (domestic violence and dating violence), and stalking. Collectively, these terms are referred to in this policy as “Sexual Misconduct.” They are defined below under “Prohibited Conduct.” (Note that non-sex/gender-based harassment is also a violation of University policy, as described under the University’s Policy, available at [www.stu.edu/titleix](http://www.stu.edu/titleix)).

The Policy serves three principal purposes. First, it establishes conduct standards—namely, prohibited Sexual Misconduct—for all University faculty, staff, and students. Note that a violation of this Policy may also constitute a crime, which will be independently reported to STU’s Department of Public Safety, Miami Gardens Police Department, or other appropriate law enforcement agency.

Second, the Policy outlines reporting, investigation, and complaint resolution procedures in cases where it is alleged that an STU faculty, staff or student has engaged in Sexual Misconduct. In the paragraphs that follow, the Policy specifies to whom violations of this policy should be reported, the availability of confidential reporting, intermediate measures available to the complainant (i.e., the individual who was the alleged victim of the behavior[s] in question) and the respondent (i.e., the one alleged to have committed a possible violation of the policy), how the University will investigate and resolve alleged violations, possible sanctions, and appeals. The University’s Office of Compliance is primarily responsible for implementing these procedures. Anyone with concerns about a possible violation of the Policy by a student, faculty or staff member is encouraged to contact Matthew Roche, J.D., Compliance Officer at (305) 628-6648 [mattroche@stu.edu](mailto:mattroche@stu.edu) or through an online reporting system located at [www.stu.edu/titleix](http://www.stu.edu/titleix).

Third, the Policy describes resources available to complainants of Sexual Misconduct. A variety of support resources are available on campus and in the community to assist students in dealing with the impact of Sexual Misconduct, whether it happened recently or in the past. Such services are provided in the section titled Resources to Help Survivors Cope and interim measures issued by the Office of Student Affairs and/or the Human Resources (or her/his designee).

All violations of the Policy must be submitted either online at [www.stu.edu/titleix](http://www.stu.edu/titleix) or by contacting:

**Matthew Roche, JD**  
 AVP of Student Affairs/Compliance Manager & Title IX Coordinator  
 Office Location: Student Center, Student Affairs Suite  
 (O) (305) 628-6687 [mattroche@stu.edu](mailto:mattroche@stu.edu)

---

<sup>5</sup> Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013



Faculty, staff and students may also contact the Department of Education's Office of Civil Rights (OCR) and for Florida are:

Atlanta Office  
Office for Civil Rights  
U.S. Department of Education 61 Forsyth St. S.W., Suite 19T10 Atlanta, GA 30303-8927 Telephone: (404) 974-9406  
Fax: (404) 974-9471; TDD: (800) 877-8339  
Email: OCR.Atlanta@ed.gov

U.S. Department of Education Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg. 400 Maryland Avenue, SW  
Washington, DC 20202-1100  
Telephone: (800) 421-3481  
Fax: (202) 453-6012; TDD: (800) 877-8339  
Email: OCR@ed.gov

## **Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Occurs**

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible. Sexual Assault Nurse Examiners at the hospital are trained and certified in physical evidentiary recovery kit collection. Evidence may be collected, even if the victim chooses not to make a report to law enforcement. If a sexual assault victim does not currently wish to involve the police, there is still an option to have the forensic evidence collected in a timely manner. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult.

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to University adjudicators/investigators or local police.

Although the University strongly encourages all members of its STU community to report violations of this policy to Public Safety, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the Department of Public Safety will assist any victim with notifying law enforcement if the victim so desires. The Miami Gardens Police Department may also be reached directly by calling (305) 474-6473, or 911 during off-hours or in emergency situations, or in person at the Miami Gardens Police Office located at 18611 NW 27<sup>th</sup> Ave, Miami Garden, FL 33054.

## **Procedures the University Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, or Stalking is Reported**

The University has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges; as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa, and immigration assistance, and other services on and/or off-campus; as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The University will make such accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator (office: Mimi Dooner, Room 114; phone: 305-628-6652) by calling, writing, or coming into

the office to report in person. The Title IX Coordinator will collaborate and coordinate with the AVP of Student Affairs for student cases and the Director of Human Resources for employee cases.

Incident being Reported	Procedures Institution Will Follow
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), institution will provide victim with access to medical care</li> <li>2. Institution will assess immediate safety needs of victim</li> <li>3. Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department</li> <li>4. Institution will provide victim with referrals to on- and off- campus mental health providers</li> <li>5. Institution will assess need to implement interim or long- term protective measures, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate</li> <li>8. Institution will provide written instructions on how to apply for Protective Order</li> <li>9. Institution will provide a copy of the policy applicable to Sexual Assault to the victim and inform the victim regarding timeframes for inquiry, investigation, and resolution</li> <li>10. Institution will inform the victim of the outcome of the investigation, whether or not the accused will be administratively charged, and what the outcome of the hearing is</li> <li>11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for reporting sex-based discrimination or for assisting in the investigation</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if complainant requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long- term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of victim</li> <li>2. Institution will assist victim with contacting local police if victim requests AND provide the victim with contact information for local police department</li> <li>3. Institution will provide written instructions on how to apply for Protective Order</li> <li>4. Institution will provide written information to victim on how to preserve evidence</li> <li>5. Institution will assess need to implement interim or long- term protective measures to protect the victim, if appropriate</li> <li>6. Institution will provide the victim with a written explanation of the victim's rights and options</li> <li>7. Institution will provide a "No trespass" or "No Contact" directive to accused party if deemed appropriate</li> </ol>

## Resources

Life Threatening Emergency	911
Campus Switchboard	(305) 625-6000
University Public Safety	(305) 628-6500
Office of Physical Plant/Maintenance	(305) 628-6594
Student Health Center	(305) 628-6690
Report Suspicious Activity	(888) 352-7233
Florida Poison Information Center	(305) 858-5250
Miami Dade Fire Department	(305) 759-2468
City of Miami Gardens Police	(305) 474-6473
Florida Highway Patrol	(305) 470-2500

## Resources Related to Sexual Assault, Domestic Violence, Sexual Harassment, Stalking, or Dating Violence

Human Resources	(305) 628-6648
Aid to Victims of Domestic Abuse (AVDA) 24-hour hotline	(800) 355-8547
Florida Coalition Against Domestic Violence	<a href="http://www.fcadv.org">www.fcadv.org</a>
Florida Council Against Sexual Violence	<a href="http://www.fcasv.org">www.fcasv.org</a>
Rape, Abuse & Incest National Network (RAINN)	<a href="http://www.rainn.org">www.rainn.org</a>

## Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault, and Stalking for Student and Employee

Student groups are subject to the conduct expectations detailed throughout this policy. Any behavior, patterns of behavior, or information suggesting patterns of behavior that creates or contributes to the creation of a hostile environment, retaliation, discrimination, or harassment will be investigated. It could result in organizational and/or individual charges.

Any member of the STU community may bring allegations against a student group/organization for violation of Sexual Misconduct. The University will conduct a preliminary investigation into an incident.

An investigation will be conducted to determine if the allegations have merit and have met the threshold (defined below) to move forward with charges. The Title IX Coordinator, AVP of Student Affairs, may confer with the student group/organization's advisor(s), and/or other faculty and staff with a relationship to the student group/organization to solicit advice and recommendations regarding the case. Ultimately, the University is responsible for determining if the organization and/or individuals will be charged and the process for adjudication. All sections of this policy apply to groups and organizations.

## **Statement on Privacy**

The University will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking (to the fullest extent of the law). Additionally, the University will take all reasonable steps to investigate and respond to the complaint consistent with any request for privacy or request not to pursue an investigation. However, its ability to do so may be limited based on the nature of the request by the Complainant. If the Victim requests anonymity or that the University does not pursue an investigation, the University must balance this request in the context of its responsibility to provide a safe environment for all STU community members. In cases where the University cannot respect the wishes of the Victim, the University will consult with the Victim and keep them informed about the University's course of action.

If the report of misconduct discloses an immediate threat to the STU community, where timely notice must be given to protect the health or safety of the community, the University will maintain the privacy of the Victim or Respondent's identities, understanding that in a small community, a STU Alert may make members of the community feel known or singled out.

The University will assess any barriers to proceeding, including retaliation, and in cases where informal or formal resolution will take place, the University will inform the Respondent that Title IX prohibits retaliation and the University will take strong responsive action to protect the Complainant.

The University has designated individuals to evaluate requests for privacy once the University is aware of alleged sexual violence. That process is coordinated by the Title IX Coordinator.

## **SEX OFFENDER REGISTRY AND ACCESS TO RELATED INFORMATION**

The Campus Sex Crimes Prevention Act (CSCPA) requires institutions to provide the campus community where they may obtain information provided by the state concerning registered sexual predators and offenders. Sexual predator or offender information can be obtained by visiting the Florida Department of Law Enforcement website at <https://offender.fdle.state.fl.us>.

The CSCPA amendment to Family Educational Rights and Privacy Act of 1974 (FERPA) directed the Secretary of Education "to take appropriate steps to notify educational institutions" that they may disclose information concerning registered sex offenders provided to them under State registration and community notification programs.

## **TRAINING OF RESIDENCE HALL STAFF**

The Office of Residential Life and Student Affairs provides annual security and life safety training. This training minimally includes the introduction of officers, description of services offered, instruction on fire safety hazards and building evacuation, education on the emergency operations plan and emergency notification system, Health and Safety inspections, training related to the Clery Act and Campus Security Authorities (CSA), Title IX Awareness training, roommate conflicts, wellness check, and general information on requesting emergency assistance from Public Safety.

Other related training conducted for the Resident Assistants by public safety members includes locking buildings, responding to fire alarms, confiscations, and other crisis response procedures. Several times each academic year, DPS officers are invited into each traditional residence hall to conduct informal meetings with students on security and enforcement procedures.

## **WEAPONS POLICY**

All types of guns (including paintball guns, airsoft guns, pellet guns, etc.), bows and arrows, Tasers, and all other weapons are prohibited in residence halls. Any device that has the appearance and/or function of a serviceable weapon or is being used in a manner of a real weapon is also prohibited.

A “weapon” can be defined as any object or substance designed to inflict a wound, cause injury or incapacitate, or create a reasonable fear of harm, including but not limited to, all firearms, including air rifles and pellet guns; bow and arrows; ammunition; all knives; martial arts weapons; brass knuckles; explosives; and dangerous chemicals or poisons that are possessed with the intent to injure another or to cause damage to property.

The possession and/or use of weapons or other instruments that can be used as weapons are strictly prohibited on University premises, including University parking lots, or at any other location while engaged in University business regardless of whether the person is licensed to carry a weapon or not. This policy applies to all University employees, students, visitors, customers, and contractors on University property, regardless of whether they are licensed to carry a concealed weapon or not.

The only exceptions to this policy are public safety officers or other persons who have been given explicit consent by the University to carry a weapon on the property and police officers. This policy also prohibits unauthorized weapons at any University-sponsored function. For the purposes of this policy, weapons or dangerous instruments are broadly defined to include but are not limited to: rifles, shotguns, machine guns, semi-automatic rifles, B.B. guns, dart guns, pellet guns, and other firearms; razors and other knives capable of inflicting harm. For the purposes of this policy, a firearm is broadly defined as a weapon capable of firing a projectile and using an explosive charge as a propellant. Individuals with questions about whether an item is covered by this policy have the responsibility to contact Student Affairs and Public Safety.

## **MISSING STUDENT NOTIFICATION PROCEDURES & POLICIES**

In accordance with the Higher Education Opportunity Act (HEOA), the University must develop and implement certain procedures to be followed when on-campus residential students are determined to be missing for 24 hours.

In accordance with federal, state, and local law, the following protocol has been established to outline the University response procedures in the event University officials receive a report that a person residing in on-campus housing is missing.

The University has adopted a missing student policy for students residing in University-owned and controlled (leased or rented) residential facilities (this includes residential facilities in both the on-campus and non-campus Clery geography categories). Every report made to the campus will be followed up with an immediate investigation once a student has been missing for 24 hours. Depending on the circumstances presented to University officials, parents of a missing student will be notified. In the event that parental notification is necessary, the Provost and Chief Academic Officer and/or Associate Vice President for Student Affairs will place the call.

In addition to registering a general emergency contact, all students residing in student housing facilities have the option to annually register confidential contact information for a person to be notified by the University in the event the student is officially reported as missing. These procedures and registration processes are communicated to students when registering at the beginning of each academic year. Residential students will be asked to provide, on a voluntary basis, emergency contact information in the event they are reported missing while enrolled at St. Thomas University. The contact information will be confidential, accessible only by authorized campus officials and law enforcement, and may not be disclosed outside a missing person investigation.

If a student has identified such an individual, DPS or Residential Life officials will notify that individual no later than 24 hours after the student is determined to be missing.

If a member of the University community has reason to believe that a student who resides in University-owned, controlled or officially recognized student housing has been missing for 24-hours, they should notify:

- Call the Department of Public Safety by dialing (305) 628-6500 or on-campus extension

6500/6911

- Report in person to the Department of Public
- Contact the Dean of Students AVP of Student Affairs by dialing (305) 628-6687 or on-campus extension 6687, or in person at the Student Center
- Contact the Office of Student Activities by dialing (305) 628-6687 or on-campus extension 6687, or in person at the Student Center
- Contact the Office of Residential by dialing (305) 628-6687 or on-campus extension 6901, or in person at the Office of Residential Life located in the Student Center

### **General Procedures**

Any report of a missing student, from whatever source, must immediately be directed to the Public Safety. After investigating the Missing Person report, should DPS 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), DPS or a representative from Residential Life will notify the Miami Gardens Police Department or law enforcement authority with jurisdiction and the student's emergency contact no later than 24 hours after the student is determined to be missing, unless the local law enforcement agency was the entity that made the determination that the student was missing.

If the missing person is under the age of 18 and is not an emancipated individual, DPS or a representative from Residential Life must and will notify the student's custodial parent or legal guardian, the missing person contact, and the Miami Gardens Police or local law enforcement with jurisdiction immediately after DPS has determined that the student has been missing for more than 24 hours, in addition to notifying any additional contact person designated by the student.

If a student has been determined missing for more than 24 hours, in addition to the above notifications, specific procedures to follow include: contacting the student's RAs, checking with emergency health care providers, and taking such other investigative actions as are appropriate under the circumstances. The University will implement these procedures in less than 24 hours if circumstances warrant a faster implementation.

Upon notification from any entity that a student may be missing, the University may use any or all of the following resources to assist in locating the student.

- Call the student's room,
- Go to the student's residence hall room,
- Talk to the student's RA, roommate, and floor mates to see if anyone can confirm the missing student's whereabouts and/or
  - confirm the date, time, and location the student was last seen.
- Secure a current student ID (from security) or other photo of the student from a friend.
- Call and text the student's cell phone and call any other numbers on record.
- Send the student an email.
- Check all possible locations mentioned by the parties above including, but not limited to, library, residence hall lounges, student commons, fitness center, etc. The Office of Public Safety and the Office of Residence Life may be asked to assist in order to expedite the search process.
- Contact or call any other on-campus or off-campus friends or contacts that are made known to the University. This could
  - include checking a student's social networking sites.
- Ascertain the student's car make, model and license plate number. A member of the Office of Public Safety will also check the University parking lots for the presence of the student's vehicle.

The Office of Information Technology Staff may be asked to obtain email logs in order to determine the last log in and/or access of the University's network.

Once all information is collected and documented, University staff may contact the local police to report the information. (Note: If in the course of gathering information as described above, foul play is evident or strongly indicated, the police will be contacted immediately.) If it is necessary to contact the local or state authorities, police procedure and protocol will be followed by the University.



## **Non- Residential Students**

The University also is concerned about the safety of its non-residential students. Concerns about these students should be reported to Public Safety. But Public Safety's scope of authority is limited to the campus and University-owned property. Therefore, when a non-residential student is believed to be missing, the reporting person also should immediately notify local law enforcement authorities and then provide the information to Public Safety in case the University is asked to assist external authorities with the investigation.

## **Campus Community, Response to a Crisis Accounting for All Persons**

Keeping persons together by their naturally occurring groups, such as by classroom or residence hall floor and wing, provides the most natural and workable framework for "head counting". Public Safety officers and the Residence Hall staff will be notified to assist with "counting" and identifying the location of persons within their areas (buildings, classrooms, offices, and/or residence halls).

*How will University personnel determine who should be in attendance at the assembly area?*

Public Safety officers and/or Residence Hall staff are responsible for completing a "head count" in the assembly area. Additionally, Public Safety and Physical Plant will work collaboratively to determine if any rentals are present in the building(s) in question and work with the point of contact for the rental to complete a head count.

*What to do when a student, faculty, staff member, or visitor cannot be located?*

If someone cannot be located, law enforcement will be contacted immediately to report the individual as missing. In addition, with working with local law enforcement, if the individual is a student, then the Division of Enrollment Services will attempt to contact the student and their emergency contact to determine student's whereabouts.

If the individual is a faculty or staff member, Human Resources will attempt to contact the employee and their emergency contact to determine the employee's whereabouts.

*How and when will students, faculty, and staff will be permitted to resume their activities?*

Normal activities will resume after Public Safety and/or local law enforcement deems it is safe to return.

# ANNUAL FIRE SAFETY REPORT (AY 2020/2021)

---

## Fire Safety Report Overview

The Higher Education Opportunity Act of 2008 (HEOA) requires all academic institutions with on-campus student residential facilities to develop and publish an annual fire safety report. The following report includes the information required by the HEOA as it relates to the St. Thomas University campus.

DPS publishes this Fire Safety Report as part of its annual Clery Act Compliance document via this annual report, which contains information with respect to the fire safety practices and standards for St. Thomas University. This report includes statistics concerning the number of fires within on-campus residential facilities, the cause of each fire, the number of injuries and deaths related to a fire, and the value of the property damage caused by a fire. The compliance document is available for review 24 hours a day on the University website.

## General Residence Hall Fire Safety

This report contains a description of each on-campus housing facility fire system, the number of drills held during the previous calendar year, and policies or rules on portable electrical appliances, smoking, and open flames in student housing facilities. The Annual Fire Safety Report also contains procedures for evacuating student housing in case of fire, policies regarding fire safety education, and training programs provided to the students.

With exceptions as noted below, all of St. Thomas University's on-campus residential student housing facilities are completely covered by integrated automatic sprinklers and hard-wired addressable fire alarm systems, which are monitored twenty-four hours a day, seven days a week by the Florida Safeguard communications center.

## Reporting a Fire for Inclusion in the Fire Statistics

If a fire occurs in a St. Thomas University-owned, rented, leased, or otherwise controlled building, STU community members should notify the local fire department by dialing 911. DPS can be contacted at (305) 628-6500. DPS will initiate a response to all fire alarms or reports it receives. Upon confirmation of a fire, DPS will immediately summon the local fire department for assistance by contacting 911 Miami-Dade Emergency Dispatch Center.

Fires should be immediately reported to the Department of Public Safety (DPS). If a member of the STU community finds evidence of a fire that has been extinguished, and the person is not sure whether DPS has already responded, the STU community member should immediately notify DPS to investigate and document the incident. For example, if a housekeeper finds evidence of a fire in a trashcan in the hallway of a residence hall, they should not touch the trashcan and should report the incident to DPS immediately and wait for a Public Safety officer's response. The officer will document the incident prior to removing the trashcan.

Fire alarms alert STU community members of potential hazards, and STU community members are required to heed their warnings and evacuate buildings immediately upon hearing a fire alarm in a facility. Use the nearest stairwell and/or exit to leave the building immediately. Do not use the elevator. STU Community members should familiarize themselves with the exits in each building. When a fire alarm is activated, the elevators in most buildings will stop automatically. Occupants should use the stairs to evacuate the building.

## Procedures for Students and Employees in the Event of a Fire

Find nearest pull station and sound central alarm, or call 911, or contact DPS directly at: (305) 628-6500 or 6500/6911 from an on-campus phone.

- Shut all doors and windows in the vicinity of the fire

- If the fire is small, use fire extinguishers to put it out
- Exit by the nearest safe stairway
- Do not use the elevators
- Do not run
- If there is smoke in the room, keep low to the floor
- 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
- Seal up the cracks under the door with sheets, or towels
- If there is smoke in the room, crack the windows at the bottom and at the top, if possible, to allow for ventilation
- Hang a sheet or towel from the window to announce that you are in your room
- Call DPS at (305) 628-6500; be sure to give your room number and your location
- If you can exit the room, put on shoes (and, if necessary, a coat). If smoke is evident, get a wet towel to cover your face
- Close all doors
- If in exiting the building you are blocked by fire, go to the safest fire-free area or stairwell. If a phone is available, call DPS; or find a window and signal that you are still in the building.

#### **Student Residence Hall Fire Evacuation Procedures in Case of a Fire**

- The fire alarm system may be used to evacuate a building(s) if there is a potential threat to the health and safety of that segment of the STU community.
- Activate the building fire alarm if it is not already sounding. Pull a fire alarm station on the way out.
- Leave the building by using the nearest exit.
- Crawl if there is smoke. Cleaner, cooler air will be near the floor. Get Low and Go.
- Before opening any doors, feel the metal knob. If it is hot, do not open the door. If it is cool, brace yourself against the door, open it slightly, and if heat or heavy smoke are present, close the door and stay out of the room.
- Go to the nearest exit or stairway. If the nearest exit is blocked by fire, heat, or smoke, go to another exit.
- Always use an exit stairway, not an elevator. Elevator shafts may fill with smoke or the power may fail, leaving you trapped. Stairway fire doors will keep out fire and smoke, if they are closed, and will protect you until you get outside. Close as many doors as possible as you leave. This helps to confine the fire. Total and immediate evacuation is safest. Only use a fire extinguisher if the fire is very small and you know how to do it safely. Do not delay calling emergency responders or activating the building fire alarm.
- If you cannot put out the fire, leave immediately. Make sure the fire department is called—even if you think the fire is out.
- If you get trapped, keep the doors closed. Place cloth material (wet, if possible) around and under door to prevent smoke from entering.
- Be prepared to signal your presence from a window.
- Signal for help. Hang an object at the window (jacket, shirt) to attract the fire department's attention. If there is a phone in the room, call 911 or 6500 from an on-campus phone, or (305) 628-6500 from a cellular phone, and report that you are trapped. Be sure to give your room number and location. If all exits from a floor are blocked, go back to your room, close the door, seal cracks, open the windows if safe, wave something out the window, and shout or phone

for help.

- If you are on fire, stop, drop and roll, wherever you are. Rolling smothers fire.
- Cool burns. Use cool tap water on burns immediately. Don't use ointments. If the skin is blistered or charred, call for an ambulance.
- Be aware of obstacles. Storage of any items in the corridors, such as bicycles, chairs, desks, and other items, is prohibited in all exit ways, including stairwells. Blocked exits and obstacles impede evacuation, especially during dark and smoky conditions.
- If you are a person with a disability (even temporarily), you should do the following:
  - Learn about fire safety
  - Plan ahead for fire emergencies

### **Health and Safety Inspections and Violations**

The Office of Residential Life conducts full-scale Health and Safety (H&S) inspections four times a year during each academic semester. Not all common area inspections are announced. The Health and Safety inspections are primarily designed to find and eliminate safety violations. Students are required to read and comply with the Residential Guidelines, which include life and fire safety rules and regulations for residential buildings.

The inspections include, but are not limited to, a visual examination of electrical cords, sprinkler heads, smoke detectors, fire extinguishers, and other life safety systems. In addition, each room will be examined for the presence of prohibited items (e.g., sources of open flames, such as candles; non-surge protected extension cords; halogen lamps; portable cooking appliances in non-kitchen areas; etc.) or prohibited activity (e.g., smoking in the room, tampering with life safety equipment, possession of pets, etc.). This inspection will also include a general assessment of food and waste storage and the cleanliness of the room.

### **Prohibited Items and Prohibited Conduct**

If a student's behavior does not meet University Community Standard expectations or is in violation of the policies outlined in the Residence Hall Housing License Agreement or the STU Community Standard Handbook, they may expect conduct action.

St. Thomas University expects students, as adults, to maintain a standard of personal discipline that is in harmony with the Catholic identity, educational goals of the institution, federal, state, and local laws, and to respect the rights, privileges, and property of fellow students, faculty, staff, and administrators.

Students are responsible for the items contained in their rooms and the events that occur in their rooms. Special surveillance resources may be utilized by the University when conduct issues become chronic or disruptive.

### **Prohibited Items**

The following items are prohibited in residence halls:

- Guns; firearms; knives longer than three inches; or weapons of any type, including BB and pellet guns
- Candles and/or incense (lit or unlit)
- Tapestries, banners, and flags. These items cannot be hung on walls, ceilings, or over windows.
- Kerosene or oil lamps, and alcohol burners
- Pressurized tanks (e.g., helium tanks)
- Flammable and/or combustible liquids and/or chemicals, including gasoline and charcoal
- Grills of any type
- Fireworks, smoke bombs, sparklers, etc.

- Drug paraphernalia and illegal drugs
- Animals or pets of any kind, except certified service animals or non-carnivorous fish; refer to the University's Pet Policy in the Student Handbook.
- Light dimmers, ceiling fans, or any other device that replaces, adds to, or interferes with any room apparatus.
- Excessive furniture that blocks or restricts egress from sleeping areas
- Physical training equipment
- Three-section couches
- Waterbeds and beds other than twin size
- Dartboards and darts
- Nails, hooks, double-faced adhesive tape, or other items that will damage walls
- Live trees
- Personal lofts

The following electrical appliances and corded items are prohibited in residence halls (Note: all cords and permitted appliances must be UL Listed):

- Portable electrical appliances (including toasters, toaster ovens, hot plates, etc.)
- Halogen lamps
- Overloaded electrical receptacles
- Faulty or old extension cords
- Portable washers, dryers, and dishwashers
- Air conditioners (except for a certified disability)

NOTE: The preceding list is not all-inclusive; any item that is a threat to public safety may be removed. In addition to confiscation, violators may pay a monetary fine and may be subject to Conduct action.

### **Prohibited Conduct**

The following activities and actions are prohibited in residence halls and may result in conduct action:

- Smoking inside any residential space, this includes the use of electronic cigarettes
- Open flames
- Draping or placing objects, including fabric, over lighting fixtures, smoke detectors, or fire sprinkler systems
- Hanging cardboard, plastic, or fabric (e.g., tapestries, banners, and flags) on walls, ceilings, light fixtures, or fire sprinkler apparatus. Posters on walls cannot exceed 25% of the total wall surface.
- Hanging stringed lights on the exterior of buildings without the advance, expressed, written consent of the Office of Residential Life. Inside residence halls, students may use up to three strands of stringed lights per room; all stringed lights must be UL-approved.
- Lending keys to others, copying keys, possession of keys that are not authorized for your use
- Water fights, ball playing, bike riding, or similar activities that may cause harm to persons or property
- Storage of bicycles in stairwells or halls
- Storage of personal items such as sports bags/equipment, furniture, or suitcases in stairwells or halls
- Throwing any items into or out of windows
- Altering, tampering, or dismantling any door closure or propping open any exterior door
- Cooking food in individual rooms (other than in microwaves)
- Solicitation of goods or services, except by STU students who have received prior

- approval from the Office of Student Life
- Painting, wallpapering, or similarly decorating individual rooms or common areas, unless prior approval is given by the Office of Residential Life
- Repairing any damages or the removal or replacement of light bulbs in ceiling fixtures that have not been provided by the Facilities staff
- Removal, destruction, disassembling, or altering of any furniture in a room
- Removing screens from windows
- Installing wall partitions or paneling
- Modifying or tampering with circuit breakers or any part of the electrical system
- Installing and subscribing to a cable or satellite TV provider
- Installing personal locks or chains on doors or windows
- Sleeping in public areas of the residence halls by residents and/or guests
- Entering the Quarry pond - this includes wading and swimming
- Vehicle maintenance on University property

## EMERGENCY BUILDING EVACUATION DRILLS

Fire/emergency building evacuation drills are conducted each semester in residence halls. Emergency Building Evacuation Drills are conducted to familiarize occupants with emergency egress from a building and to establish the 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 persons subject to the drill participate. Any person who fails to participate in a drill will be subject to disciplinary action by the appropriate authority. In the conduct of drills, emphasis shall be placed on orderly evacuation rather than speed.

## FIRE INVESTIGATIONS/ARSON

Every fire that is not known to be accidental (such as a cooking fire) is investigated by the Fire arson investigator. Fires determined through investigation to be willfully or maliciously set are classified as arsons for Clery reporting purposes.

## FIRE SAFETY SYSTEMS IN ST. THOMAS UNIVERSITY ON-CAMPUS RESIDENTIAL FACILITIES (2020)

Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2020							
Facility	Clery Classification	Fire Alarm Monitoring by FL Safeguard	Fully Sprinklered	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
Cascia Hall	On-Campus	xxx	xxx	xxx	xxx	xxx	2
Murphy Family Residence*	On-Campus	xxx	xxx	xxx	xxx	xxx	2
Sullivan Hall	On-Campus	xxx	xxx	xxx	xxx	xxx	2
University Inn	On-Campus	xxx	xxx	xxx	xxx	xxx	2
Villanova Hall	On-	xxx	xxx	xxx	xxx	xxx	2



**Current Fire Safety Systems in place within On- Campus Residential Facilities as of Calendar Year 2019**

Facility	Clery Classification	Fire Alarm Monitoring by FL Safeguard	Fully Sprinklered	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
Cascia Hall	On-Campus	xxx	xxx	xxx	xxx	xxx	2
Donnellon Hall*	On-Campus	xxx	xxx	xxx	xxx	xxx	2
University Inn	On-Campus	xxx	xxx	xxx	xxx	xxx	2
Villanova Hall	On-Campus	xxx	xxx	xxx	xxx	xxx	2
	Campus						

**Current Fire Safety Systems in place within On-Campus Residential Facilities as of Calendar Year 2018**

Facility	Clery Classification	Fire Alarm Monitoring by FL Safeguard	Fully Sprinklered	Smoke Detection	Fire Extinguisher Devices	Evacuation Plans & Placards	Number of Evacuation (fire) Drills Each Calendar Year
Cascia Hall	On-Campus	xxx	xxx	xxx	xxx	xxx	2
University Inn	On-Campus	xxx	xxx	xxx	xxx	xxx	2
Villanova Hall	On-Campus	xxx	xxx	xxx	xxx	xxx	2

*\*Murphy Family Residence, formerly Donnellon Hall*

**ANNUAL FIRE SAFETY REPORT/FIRE STATISTICS ON-CAMPUS RESIDENTIAL FACILITIES (2018, 2019, 2020)**

**On-campus Residential Facilities – Calendar Year 2020**

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Cascia Hall	0	0	N/A	0	0	N/A
Murphy Family Residence*	0	0	N/A	0	0	N/A
Sullivan Hall	0	0	N/A	0	0	N/A
University Inn	0	0	N/A	0	0	N/A
Villanova Hall	0	0	N/A	0	0	N/A

### On-campus Residential Facilities – Calendar Year 2019

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Cascia Hall	0	0	N/A	0	0	N/A
Donnellon Hall*	0	0	N/A	0	0	N/A
University Inn	0	0	N/A	0	0	N/A
Villanova Hall	0	0	N/A	0	0	N/A

### On-campus Residential Facilities – Calendar Year 2018

Residential Facilities	Total Fires in Each Building	Fire Number	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to a Fire	Value of Property Damage Caused by Fire
Cascia Hall	0	0	N/A	0	0	N/A
University Inn	0	0	N/A	0	0	N/A
Villanova Hall	0	0	N/A	0	0	N/A

*\*Murphy Family Residence, formerly Donnellon Hall*

## CRIME DEFINITIONS

The following definitions are to be used for reporting the crimes listed in the Clery Act, in accordance with the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program.

- The definitions of murder/non-manslaughter by negligence, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons: carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program.
- The definitions of fondling, incest, and statutory rape are excerpted from the "National Incident-Based Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
- The definitions of larceny-theft (except motor vehicle theft), simple assault, intimidation, and destruction/damage/vandalism of property are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

### **Crime Definitions from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program**

**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.

**Criminal Homicide—Manslaughter by Negligence:** The killing of another person through gross negligence.

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

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

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

**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.)

**Weapons: Carrying, Possessing, Etc.:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Drug Abuse Violations:** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Liquor Law Violations: The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Unfounded Crime Reports:** According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority "if the investigation shows that no offense occurred nor was attempted." These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

## **Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program Sex Offenses**

Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- A. *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. *Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

## **Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual from the FBI's UCR Program**

Hate Crimes: any of the above offenses, and any other crime involving bodily injury, reported to local police agencies or campus security authority that manifest evidence that the victim was intentionally selected because of the perpetrator's bias, or the perpetrator perceived the person to be in one of the protected group categories. Additionally, on August 14, 2008, the Clery Act was amended to include larceny/simple assault, intimidation, and destruction/damage/vandalism (except arson) as reportable categories of hate crimes. These new reporting categories are only reported if motivated by bias as determined by one of the designated bias categories. The types of bias categories include: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity, and disability.

Hate Crime Definitions: To ensure uniformity in reporting nationwide, the following definitions have been adopted for use in hate crime reporting:

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

Bias Crime: a criminal offense committed against a person or property that is motivated, in whole or in part, by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; also known as Hate Crime.

Note: Even if the offender was mistaken in their perception that the victim was a member of the group the offender was acting against, the offense is still a bias crime because the offender was motivated by bias against the group.

Larceny-Theft (Except Motor Vehicle Theft): The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays

a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

**Destruction/Damage/Vandalism of Property:** 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.

**Unfounded Crime Reports:** According to Uniform Crime Report (UCR) guidelines, a reported offense can be cleared as unfounded by a sworn law enforcement authority "if the investigation shows that no offense occurred nor was attempted." These cases thus remain as official crime reports and are included in the departmental statistics; however, they are explicitly labeled as "unfounded" cases within UCR reports on the various index crimes. According to UCR guidelines, the statistics on unfounded cases should include crime reports that are either: False or Baseless.

**Domestic Violence, Dating Violence, and Stalking additions from the 2014 VAWA Negotiated Rulemaking Final Consensus Language** The Federal definition (from VAWA) of Domestic Violence: a felony or misdemeanor crime of violence committed:

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred

The Federal definition (from VAWA) of Dating Violence: the term "dating violence" means violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship shall be determined based on the reporting party's statement with consideration of:
  - the length of the relationship;
  - the type of relationship;
  - the frequency of interaction between the persons involved in the relationship
- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse
- Dating violence does not include acts covered under the definition of domestic violence

The Federal definition (from VAWA) of Stalking: engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- fear for the person's safety or the safety of others; or
- suffer substantial emotional distress

For the purposes of this definition:

- **Course of Conduct:** means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property
- **Reasonable Person:** means a reasonable person under similar circumstances and with similar identities to the victim
- **Substantial Emotional Distress:** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling

# UNIFORM CRIME REPORTING (UCR)/NATIONAL INCIDENT-BASED REPORTING SYSTEM (NIBRS) DEFINITIONS

## The Part I

### Offenses

#### Criminal Homicide:

Murder and Non-negligent Manslaughter: the willful (non-negligent) killing of one human being by another. Deaths caused by negligence, attempts to kill, assaults to kill, suicides, and accidental deaths are excluded. The program classifies justifiable homicides separately, and limits the definition to:

- the killing of a felon by a law enforcement officer in the line of duty; or
- the killing of a felon, during the commission of a felony, by a private citizen.

Manslaughter by Negligence: the killing of another person through gross negligence. Traffic fatalities are excluded.

Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Statutory offenses (no force used —victim under age of consent) are excluded.

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

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

Burglary (Breaking or Entering): The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on land surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

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.

## The Part II Offenses

Other Assaults (Simple): Assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim. Includes subjecting a person to unlawful physical attack or in fear of bodily harm by word or action.

Vandalism: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law. Attempts are included.

Weapons; Carrying, Possessing, etc.: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. Attempts are included.

Sex Offenses (except forcible rape, prostitution, and commercialized vice): Statutory rape, offenses against chastity, common decency, morals, and the like. Includes the offense of Fondling, Incest and non-forcible statutory offenses. Attempts are included.

Drug Abuse Violations: The violation of laws prohibiting the production, distribution, and/or use of certain



controlled substances. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The following drug categories are specified: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics —manufactured narcotics that can cause true addiction (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

Liquor Laws: The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness. Federal violations are excluded.

All Other Offenses: All violations of state or local laws not specifically identified as Part I or Part II offenses, except traffic violations.

## CLERY RELATED DEFINITIONS

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

Arrest is defined as persons processed by arrest, citation or summons.

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

Burglary is the unlawful entry of a structure to commit a felony or a theft.

Bystander Intervention is when sexual misconduct, assault, domestic violence, dating violence, and stalking can occur in the presence of bystanders or even friends of the parties involved. It can occur over the course of time with the knowledge of others. Often opportunities present themselves for others to intervene in a fashion that is both safe for them and effective in averting an offense. Just as it is said that friends don't let friends drive drunk, it could also be said —particularly in the context of “date rape” occurring during or after a party, or domestic violence and stalking occurring over the course of time — that friends intervene when friends are committing or about to commit serious offenses of a violent or sexual nature. The University encourages all those who can safely and effectively help prevent sexual misconduct, assault, domestic violence, dating violence, and stalking to intervene, and will take the steps within its powers to protect anyone who does from retaliation.

Campus Security Authority (CSA) as defined by the Clery Act as:

- (1) A campus police department or a campus security department of an institution.
- (2) Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrances into institutional property.
- (3) Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- (4) An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

Consent to Sexual Activity means intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

Criminal Homicide are offenses separated into two categories:

1. Manslaughter by Negligence is the killing of another person through gross negligence. This includes: Any death caused by the gross negligence of another. In other words, it's something that a reasonable and prudent person would not do.
2. Murder and Non-Negligent Manslaughter is the willful (non-negligent) killing of one human being by another. This includes: Any death caused by injuries received in a fight, argument, quarrel, assault or the commission of a crime.

Dating Violence is committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition— Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. And, dating violence does not include acts covered under the definition of domestic violence.

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.

Domestic Violence is a felony or misdemeanor crime of violence committed— by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Emergency Notification Warnings is disseminated to the campus community upon confirmation of a dangerous situation on campus involving an immediate threat to the health or safety of students or staff regardless of whether a crime is involved.

Fire Drill is a supervised practice of a mandatory evacuation of a building for a fire.

Fire is 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 is defined as any instance in which a person (1) 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 (2) dies within one year of injuries sustained as a result of the fire.

Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

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

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

Larceny-Theft is the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness

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

On-Campus Geography is any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

Pastoral Counselor is 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 is 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 the counselor's license or certification.

Rape is the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

Referred for Disciplinary Action is defined as the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction. Retaliation is prohibited. Any individual who believes he or she has been subjected to misconduct under the policy is encouraged and has the right to seek support, utilize available resources, and come forward with his/her concern or complaint. Fear of retaliation should never be an obstacle to reporting an incident of alleged sex/gender-based harassment, sexual violence, relationship violence, or stalking. Retaliation is prohibited against anyone who participates in an investigation of or follow-up to a complaint of a violation of the policy.

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

Sexual Assault, which is called "sexual battery" under Florida law, "means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object": (1) by force; or (2) by threatening (a) to use force or violence likely to cause serious personal injury on the victim or to retaliate against the victim or any other person, and (b) the victim reasonably believes that the offender has the present ability to execute the threat; or (3) when the victim is mentally defective and the offender has reason to believe this or has actual knowledge of this factor; or (4) the victim is physically helpless to resist or is physically incapacitated.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to— fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Statutory Rape is sexual intercourse with a person who is under the statutory age of consent.

Timely Warning Notices must be considered for all Clery Act crimes that are: (1) reported to CSAs or local police, and (2) determined by the institution to represent a serious or continuing threat to students and employees.

Value Property Damage is the estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. 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.

Weapons, the Carrying, Possessing, Etc., is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

