2016 Mesa Campus

Annual Security and Fire Safety Reports

Calendar Year: January 1 – December 31


Benedictine University®
AT MESA
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In 1998, Congress enacted the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092 (f)) (or the “Clery Act”, which previously was known as the Crime Awareness and Campus Security Act of 1990). The Clery Act requires colleges and universities receiving federal funding to disclose reported instances of criminal activities on campuses. In addition to the disclosure of campus crime statistics, the Clery Act requires that timely warnings of criminal activity be disseminated to the campus community, as well as the disclosure of various campus policies. For more information on the Clery Act, please visit the Campus Security Web Site of the U.S. Department of Education, Office of Post-secondary Education, at: http://www2.ed.gov/admins/lead/safety/campus.html.

The Clery Act is intended to assure that students and their families, as higher education consumers, have access to accurate, complete, and timely information about safety on campus so that they can make informed decisions.

Procedures for Preparing and Distributing the Annual Security Report

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

Distribution and Notification of Annual Security Report

Annually by October 1, an e-mail notification is sent to all current students, faculty, and staff providing the website http://www.ben.edu/police/ to access to this report. Upon request:
- A written paper copy of the report is also available for public view with the Associate Vice President of University Services and Student Life, located on the main floor of Gillette Hall (Room 121); or
- By calling the Associate Vice President of University Services and Student Life, at (602) 888-5507.

Newly enrolled students receive written notification providing the website http://www.ben.edu/police/ to access this report.
- Notification will be provided to newly enrolled students in their Admitted Students Packet during their initial advising.
- A link to the report is also available at Office of Admissions webpage at http://www.ben.edu/mesa/admissions/ for students enrolled in the traditional undergraduate programs (both for freshmen and transfer), Mesa Graduate programs, Mesa School of Graduate, Adult and Professional Education.

Upon request, prospective students and employees:
- May obtain a written paper copy of the Annual Fire Safety Report from the Associate Vice President of University Services and Student Life, Benedictine University, 225 E. Main Street, Mesa, AZ 85201; or
- By calling the Associate Vice President of University Services and Student Life, at (602) 888-5507; or
- By visiting Benedictine’s University’s web site at: http://www.ben.edu/mesa/campus-resources/publicsafety.cfm

Prospective employees are notified about this report via Benedictine University’s Human Resources jobs website at: http://www.ben.edu/human-resources/ or http://www.ben.edu/human-resources/employment-opportunities.cfm

New employees are provided a document containing a link to http://www.ben.edu/police/ in their new hire training materials during new hire orientation. Each new employee certifies that they have knowledge as to where the Annual Security Report is located.

Prospective students and parents of students can also read about and reference Clery Act information on the Office of Admissions webpage at http://www.ben.edu/mesa/admissions/; or the office...
of the Associate Vice President of University Services and Student Life, Gillette Hall (Room 121) [http://www.ben.edu/mesa/campus-resources/publicsafety.cfm].


Term Definitions

Awareness programs: The term awareness programs refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration. These efforts can include campus community-wide mobilizations as well as targeted audience-specific programming (including both students and employees). Awareness month campaigns, rallies or marches, informational poster campaigns or resource websites, and educational programming that focus on sharing resources and information about these issues are examples of awareness programs.

Bystander intervention: The term bystander intervention refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and take action.

Discrimination: The term discrimination refers to conduct that is based upon an individual’s race, color, religion, national origin, creed, service in the uniformed services, veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment and non-sexual harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

Ongoing awareness and prevention campaigns: The term ongoing awareness and prevention campaigns refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to sexual assault, domestic violence, dating violence and stalking prevention. These programs will occur at different levels throughout the institution (i.e. faculty, athletics, incoming students) and will utilize a range of strategies. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, domestic violence, dating violence, intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the specific audience and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

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

Primary prevention: The term primary prevention refers to programming, initiatives and strategies intended to stop initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to
change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

**Proceeding:** The term proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

**Programs to prevent:** The term programs to prevent refers to comprehensive educational and training programs intended to prevent violence that incorporate diverse approaches that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and consider risk and protective factors as they occur on the individual, relationship, community and societal levels.

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

**Risk reduction:** The term risk reduction refers to approaches that seek to mitigate risk factors that may increase the likelihood of perpetration, victimization, or bystander inaction. Risk reduction focuses on helping individuals and communities address the institutional structures or cultural conditions that facilitate sexual violence, domestic violence, dating violence and stalking to increase safety. Examples of risk reduction may include but are not limited to general crime prevention education, campus escort programs, programs that educate on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the campus on how to recognize and interrupt situations of harm, or implementing a communications system that can notify the entire campus community of immediate threats to security. For more tips, visit this [link](#).

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

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**Campus SaVE Act and Title IX**

The Campus Sexual Violence Elimination Act (Campus SaVE) refers to the recent Violence Against Women Act (VAWA) amendments to the Clery Act. ([https://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf](https://www.gpo.gov/fdsys/pkg/PLAW-113publ4/pdf/PLAW-113publ4.pdf)) This is an update to the Clery Act, expanding the scope of this legislation in terms of reporting, response, and prevention education requirements around rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. In addition, a new training requirement has been established for all incoming students and employees. Benedictine University (the “University”) takes it one step further and requires all students, faculty and staff to complete the training. We have contracted with an outside vendor to provide us with online training.

Title IX of the Education Amendments of 1972 (Title IX) is a federal civil law that prohibits discrimination on the basis of sex in education programs and activities. Under, Title IX, discrimination on the basis of sex can include sexual harassment or sexual violence, such as rape, sexual assaults, sexual battery, and sexual coercion.

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

In pursuit of these goals, the University will not tolerate acts of discrimination, harassment, sexual misconduct (including dating/domestic violence or stalking) or retaliation against or by any administrator, staff, faculty or student as such behavior seriously undermines the University’s effectiveness as an educational institution and a workplace.
Complaints may be directed to the University’s Title IX Coordinator:

Title IX Coordinator
Kevin Broeckling
Associate Vice President of University Services and Student Life
225 E. Main Street
Mesa, AZ 85201
602-888-5507
kbroeckling@ben.edu

Deputy Title IX Coordinator
Elizabeth Corrigan
Career Services Coordinator
225 E. Main Street
Mesa, AZ 85201
602-888-6713
ecorrigan@ben.edu


Annual Fire Safety Report

Fire Log:

- A fire log is maintained for public view with the Associate Vice President of University Services and Student Life, located on the main floor of Gillette Hall (Room 121); or
- A request can be made by calling the Associate Vice President of University Services and Student Life, at (602) 888-5507; or
- A written request can be sent to the Associate Vice President of University Services and Student Life, Benedictine University, 225 E. Main Street, Mesa, AZ 85201.

Emergency Warning

The safety of all faculty, staff, students and visitors to our campus is important to the University. The Emergency Response and Recovery Team (“ERRT”) developed the Emergency Response and Recovery Plan (“ERRP”) for the purpose of preparing the University community for an emergency event or disaster. The University community’s adherence to the ERRP guidelines will enable the University to communicate in a timely manner in the event of an emergency or disaster, save lives and reduce potential for additional injury and property damage, meet basic human needs, and restore essential operations and priority services.

The ERRT is assembled and the Emergency Operations Center (“EOC”) is activated upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students, employees or guests on campus.

The ERRT members or designees alert and/or notify the campus population and the general public of major emergencies through a combination of the following University Emergency Alerts and Information Notification systems. These systems are:

- Fire alarms in the building are automatically activated in the event of a fire or can be activated by a pull station.
- Benedictine University at Mesa website notice http://www.ben.edu/mesa/emergency/index.cfm with emergency situation details posted.
- Benedictine University at Mesa main line at (602) 888-5500 with emergency situation details recorded.
- The Mesa branch campus notification process. Each University office is responsible for creating and maintaining a notification process to ensure effective communication of emergency situation details.
- Campus closed circuit TV monitors.
- The Office of Student Life or his designee will post updates to Facebook and Twitter.
- BenAlert emergency notification system. For more information about BenAlert and how to add additional contact information, go to www.ben.edu/benalert.
- Telephone notification may be provided by Maricopa County Community Emergency Notification System (CENS). For more information on how this system works, visit http://www.maricopa.gov/emer_mgt/cens.aspx
- The Office of Student Life or his designee will update the www.Cancellations.com website.

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

When a crime that poses a serious or continuing threat to members of the campus community occurs on campus and is reported to law enforcement, Campus Safety, or other University officials, the ERRT will activate the University’s Emergency Alerts and Information Notification systems as described above.

Information regarding minor crimes or non-life threatening incidents (i.e., incidents that do not pose a direct threat to the campus community) will be disseminated at the discretion of Campus Safety in the form of e-mail alerts, and notices posted on exterior doors and bulletin boards. In addition to timely warnings of campus crimes, Campus Safety will provide prevention strategies to inform the campus community of actions to take, to ensure a safe environment.

Authority and Jurisdiction of Campus Safety

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

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

Campus Safety website provides information on services, registered sex offenders, anonymous reporting, residence hall safety, Clery Act crime statistics, alternatives to drinking, and traffic enforcement initiatives.

Campus Safety serves on several University committees that have a direct impact on campus safety, security and violence prevention. Campus Safety officers enforce all state criminal statutes as well as the University’s Student Code of Conduct, and provide referrals for reports of off-campus crime.

Campus Safety office is located on the main floor of the Gillette Hall of the Mesa campus. The Department’s office hours are Monday - Friday, 8:00 a.m. - 10:00 p.m. Campus Safety can be contacted at (602) 888-5516. For emergencies, call 9-1-1 Mesa Police Department and Campus Safety (602) 888-5516.

Criminal Charges

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

Code of Conduct

Violations of an Arizona state statute, Mesa city ordinance, or University policy also may be a violation of the University's Student Code of Conduct. Campus Safety may refer violators to the Associate Vice President of University Services and Student Life for student disciplinary proceedings, in addition to, or in lieu of, criminal charges. If referred for disciplinary proceedings, the violator must comply with notices to appear to the Associate Vice President of University Services and Student Life or his designated representative. Failure to comply with notices to appear will result in sanctions and/or the pursuit of criminal charges.

Access to Campus Facilities

Buildings are open to the public when academic classes are in session. After hours, buildings are secured and only persons with authorized access permission can enter or remain in the buildings. The Phoenix Mesa Marriott Hotel will provide a safe and secure lodging environment. Security measures shall include, but are not limited to; access control measures, security cameras in the hallways, and trained security personnel on evenings and weekends. The campus is well-lite and inspected daily by the Facilities Department to ensure buildings and grounds are safely maintained.

Security hardware and technology consist of a campus-wide master key system for all lockable doors; exterior building and parking lot lighting; a CCTV system in campus buildings; fire alarm system; emergency telephones located in numerous building common areas;
intrusion detection/panic alarms; radio communications between Campus Safety, Residence Life, and the Facilities Department; written building access and room opening protocol; campus-wide interior and exterior public address system; and photo ID cards for faculty, staff, students, contractors and visitors. All systems are controlled and audited by the Facilities Department and Campus Safety.

Unlawful Entry and Trespassing

Persons making or attempting to make unauthorized entry into property owned or controlled by the University or University events are subject to arrest. The following conduct is prohibited:

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

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

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

- Possession and/or consumption of alcoholic beverages by persons less than 21 years of age;
- Selling, distributing or otherwise providing alcoholic beverages to and/or by anyone less than 21 years of age.
- Driving under the influence of alcohol.
- Consumption of alcoholic beverages by persons 21 years of age or older in any public area or outside of designated areas at authorized University events:

- Public intoxication of any person, regardless of age;
- Possession of containers that previously contained alcoholic beverages.
- Possession of common source containers, of alcohol, whether full or empty, such as kegs, beer balls, or boxed wine.

Alcohol education programs are conducted routinely at the University. Students experiencing difficulties with alcohol or drug use are encouraged to talk with a staff member in the Office of Student Life, or other members of the University staff.

Click the full version of the [http://www.ben.edu/policies/upload/Benedictine-University-Alcohol-and-Drug-Policy.pdf](http://www.ben.edu/policies/upload/Benedictine-University-Alcohol-and-Drug-Policy.pdf).

Drug and Alcohol Abuse Prevention Program

It is the policy of Benedictine University that the unlawful manufacture, distribution, dispensing, possession, or use of illicit drugs and alcohol is prohibited by students and employees on University property, as part of its activities or in facilities controlled by the University. Benedictine University has a vital interest in maintaining a safe and healthy learning environment for the benefit of all students, employees and guests. This information is in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 and at a minimum is required to be distributed annually in writing to each employee and student. The University provides information for students and employees regarding illicit drug and alcohol abuse, including standards of conduct, health risks, state and federal penalties, and available drug or alcohol counseling and rehabilitation services. This information can be found at: [http://www.ben.edu/policies/upload/Drug-and-Alcohol-Abuse-Prevention-Program.pdf](http://www.ben.edu/policies/upload/Drug-and-Alcohol-Abuse-Prevention-Program.pdf). Printed copies of this information are available for public view with the Associate Vice President of University Services and Student Life, located at 225 E. Main Street, Mesa, AZ 85201 on the main floor of Gillette Hall (Room 121).

Illegal Drugs and Drug Paraphernalia

The University prohibits the unlawful manufacture, distribution, dispensation, sale, possession or use of any drug by any of its students, employees in its workplace, on its premises, or as any part of its activities. The use, possession or distribution of any drug, including marijuana, or drug paraphernalia on any University property or as part of a University-sponsored activity, in violation of the law, is strictly forbidden. Anyone violating the law may be turned over to civil authorities for
prosecution and will be subject to all of the University's disciplinary procedures. Students should not be in a room where drugs or drug paraphernalia are present. Both Arizona and federal law prohibit the possession and/or distribution of illicit drugs and any student suspected of breaking the law will be subject to University discipline and sanction. Criminal penalties include fines, imprisonment and, in certain cases, the seizure and forfeiture of the violator's property. In addition, federal and other forms of financial aid may be forfeited.

http://www.ben.edu/policies/upload/Benedictine-University-Alcohol-and-Drug-Policy.pdf


Firearms and Dangerous Weapons

Firearms and dangerous weapons are prohibited on property owned or controlled by the University, and at University-sponsored events. All persons in possession of firearms and/or weapons in violation of University policy or Arizona law are subject to arrest and prosecution. Firearms and dangerous weapons, including but not limited to BB guns, crossbows, facsimile weapons, martial arts devices, paint-ball guns, or any other device deemed dangerous, are not permitted in any University residence facility or any other building, facility, campus, or other property owned or controlled by the University.

Discrimination Prohibited

The University does not discriminate in its admission policies, programs or activities, educational policies, scholarship and loan programs, athletic and other University-administered programs, or employment practices and programs on the basis of age, religion, sex, disabilities, race, color, national ethnic origin, or any other legally protected characteristic. The University fully complies with its non-discrimination obligations under federal and state laws.

The University is committed to maintaining a community in which a diverse population can live and work in an atmosphere of tolerance, civility and mutual respect for the rights and sensibilities of each individual, regardless of difference in economic status, ethnic background, political views or other personal characteristics and beliefs.

Hate Crime Policy

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

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

Prevention and Reporting of Sexual Assaults

It is the intent of the University to provide a safe and secure environment for University employees, students and visitors, by establishing preventative measures to avoid or reduce campus violence.

The University is committed to providing a safe learning and work environment for the campus community. The University has a zero tolerance standard with regard to threats and/or violent behavior, whether direct, indirect, implied, or actual conduct by any person, including faculty, staff, students and members of the public. The University will respond promptly and decisively to resolve disruptive or destructive behavior, by means of awareness and educational programming, enforcing University policies, discipline or sanctions of employees and students, and criminal prosecution.

Community policing encourages the campus community to participate actively in campus crime prevention. Throughout the academic year, the Mesa Police Department, together with the Office of Student Life and Campus Safety, provides demonstrations, seminars,
informational programming, newsletters and the 
production and distribution of posters, e-mails and safety 
brochures on campus crime prevention topics including 
sexual assault prevention, self-defense, alcohol and 
drug awareness, on-campus referrals and services, and 
criminal law. Alternatives to drinking initiatives, which are 
presented every semester, address staying safe at 
social engagements and the bystander/Good Samaritan 
response should knowledge of a sexual assault become 
apparent.

Additional programming and information is provided on 
the important subjects of disaster response, 
evacuations, first aid, CPR, use of AED device, and fire 
safety training. Crime victims are provided information 
about resources available from external sources.

The University encourages reporting of all incidents or 
related retaliation to the Title IX Coordinator and 
respects that whether or not to report the incident is a 
decision that the victim needs to make. The Title IX 
Coordinator is available to inform victims of the reporting 
procedures, services, advocates, appropriate referrals 
and information for victims in a safe, supportive, and 
confidential setting. The University offers services to 
victims even if they choose not to report the incidents. In 
some circumstances, a victim may wish to seek an 
Order of Protection from a court of appropriate 
jurisdiction against an alleged perpetrator. Victims may 
also seek restriction of access to the University by non-
students or non-employees in certain circumstances.

Personal safety concerns are often very important for 
victims. Crisis intervention and victim safety concerns 
will take precedence.

Sexual Misconduct

The University defines “sexual misconduct” as any 
attempted or actual act of non-consensual or forcible 
sexual touching.

“Consent” requires speech or conduct indicating a freely 
given, un-coerced agreement to engage in sexual 
contact. Consent may not be inferred from silence or 
passivity alone and a current or previous relationship is 
not sufficient to constitute consent. Consent may be 
withdrawn at any time prior to a specific sexual act by 
either person.

To be valid, the person giving consent must be 
physically and mentally able to:

• understand the circumstances and implication of the 
  sexual act;
• able to make a reasoned decision concerning the 
  sexual act; and
• able to communicate that decision in an 
  unambiguous manner.

There are a number of factors which may limit or negate 
a person’s ability to consent to a sexual act. These 
include impairment due to the influence of alcohol or 
drugs (illegal or prescription), a person’s mental or 
physical impairment of which the other person is aware 
or should reasonably have been aware, 
unconsciousness, age, and fear or coercion.

Additional information is located at VAWA/Campus 
SaVE Act Policy.

Sexual Assault Victim Reporting Policy

A person who has been a victim of sexual assault is 
strongly encouraged to report the crime to Campus 
Safety (602) 888-5516, a residence hall staff member, 
the Associate Vice President of University Services and 
Student Life, Campus Security Authority members, Title 
IX Coordinator, or an outside community agency such as 
the Center for Prevention of Abuse/Violence at 800-559-
SAFE (7233). The University provides support services 
for persons who have been victims of sexual assault. 
Staff will serve in an advocacy role and help refer 
individuals for appropriate medical, law enforcement, 
judicial and counseling assistance. Upon request, 
assistance will be provided in changing academic 
schedules and living arrangements.

Even if a victim decides not to file a criminal complaint 
with the Mesa Police Department, it is recommended 
that the individual contact a University or community 
resource for support. Victims are entitled to confidential 
services either on or off campus, whether or not charges 
are pressed. Resources both on campus and in the 
community are:

On-Campus Resources
Student Life Office
Gillette Hall 121
602-888-5507

Off-Campus Resources
24-hour Emergency Number 911
Mesa Police Victim Services Unit (Non-emergency) 
602-790-6600
Center for Prevention of Abuse/Violence 
800-559-SAFE (7233)
Voices for Crime Victims 
480-600-2661
The Victim’s Bill of Rights is addressed in Article II of the Arizona Constitution. Further, Crime Victim’s Rights are outlined in A.R.S. Title 13, Chapter 40 to ensure fair and compassionate treatment for victims and witnesses of crime. Arizona victims’ rights law provides that victims have the right to receive timely notice of criminal proceedings in their cases. Victims have the right to be present in the courtroom during all proceedings involving the defendant. The Victim’s Bill of Rights and related statutes ensure that victims are provided the opportunity to be heard at release, plea, and sentencing proceedings. These laws also provide for the safety of victims throughout the criminal justice process as well as their interest in avoiding unreasonable delays, their claims for restitution, and to be treated with dignity and respect.

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

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

- Family members relate by blood;
- People who are married or used to be married;
- People who share or used to share a home, apartment, or other common dwelling;
- People who have or allegedly have child in common or a blood relationship through a child in common;
- People who are dating or engaged or used to date; and

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

Autumn House Domestic Violence Shelter
480-835-5555 – 24 hours a day


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

**Disciplinary Process Sexual Assault Policy**

Students accused of sexual misconduct will be subject to disciplinary action in accordance with the University's policies and procedures for student misconduct. At the discretion of the University, persons accused of sexual misconduct may be immediately suspended or restricted from campus pending final disposition of any disciplinary proceedings. Individuals found to have committed sexual misconduct will be subject to sanctions, up to and including dismissal from the University.

In addition to student disciplinary action, persons accused of sexual misconduct may be subject to criminal prosecution by the law enforcement agency with appropriate jurisdiction in that case. In the course of a criminal investigation or prosecution, the University may choose or may be required to provide information and records related to its disciplinary proceeding involving the same act. However, the University's student disciplinary process is independent of and not dependent upon any criminal process. The decision to prosecute or not prosecute and the ultimate outcome of any criminal proceedings do not determine the University's student conduct proceedings.

At institutional disciplinary proceedings the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding and both the accuser and the accused will be informed of the outcome of any institutional disciplinary proceedings brought alleging a sex offense.

Similarly, the University's decisions with respect to the continued employment of any employee (faculty or staff) accused of sexual misconduct will be made independently of the filing or disposition of any criminal charges involving the same conduct.

Additional information is located at [VAWA/Campus SaVE Act Policy](http://www.azdps.gov/Services/Crime_Victims/serviceAgencies/domestic/).

**Preponderance of the Evidence**

The student conduct process at the University requires a preponderance of the evidence in order for a student to be found in violation of the University policy. This means that a student will be found in violation of a University policy if the evidence demonstrates that it is “more likely than not” that the alleged violation occurred.
Sanctions

The following sanctions may be imposed upon any student found to have violated the standards as defined in the Benedictine University 2016 - 2017 Student Handbook. This does not and cannot include all information that may lead to sanctions. Sanctions are defined and imposed as follows:

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

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

C. Monetary Fine: Financial assessment imposed according to specific sums stipulated in published rules and regulations, or when no sum is so stipulated, according to the merits of the case and established precedents.

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

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

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

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

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

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

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

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

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

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

Registered Sex Offender Information

A link to the Arizona Sex Offender Registry can be found on the Campus Safety page of the University web site at: http://www.azdps.gov/Services/Sex_Offender/. This information can also be located through the Arizona State Police web site at http://www.azdps.gov/. All registered sex offenders must register themselves with Campus Safety if they intend on becoming a student. Campus Safety frequently search the Arizona State Police web site for registered sex offenders living off campus.
campus, in the general vicinity of the University and as a matter of preemptive intelligence gathering.

Sexual Harassment Policy

Students are strongly encouraged to report all incidents of sexual harassment to Title IX Coordinators. The University will conduct an appropriate and discreet investigation of all reports of sexual harassment. The details of the investigation will be kept as confidential as feasible, consistent with University policies and applicable federal, state and local laws.

- Complaints of sexual harassment by a University executive, faculty member, staff member, or teaching assistant are reported to and investigated by the employee’s immediate supervisor, or the Associate Director of Human Resources, or any other senior University official. (If any person to whom the report would be directed is involved in or associated in any way with the alleged conduct, the report must be directed to another senior official who is not involved.)
- Complaints of sexual harassment by a student are reported to and investigated by the Title IX Coordinators. (If any person to whom the report would be directed is involved in or associated in any way with the alleged conduct, the report must be directed to another senior official who is not involved.)
- An appropriate and timely response to each complaint will be provided.
- No individual who makes a good faith report shall be subjected to retaliation, including harassment or any adverse employment, academic or educational consequence, as a result of making a report.

Discriminatory Harassment Policy

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

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

Enforcement of Prohibitions

Harassment of any sort is a serious breach of University policy. The University will take prompt and appropriate corrective action, up to and including termination of employment, expulsion and/or other sanctions against anyone who engages in harassment. If you believe you have been the subject of harassment (or a violation of the University’s Equal Employment Opportunity policy), report the alleged conduct immediately to the Associate Vice President of University Services and Student Life, Associate Director of Personnel Resources, or any other senior University official. The University prohibits any form of retaliation against any employee or student for filing a complaint or for assisting in a complaint investigation.

Violation of Law and University Discipline

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

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

Campus Safety may also issue administrative citations for violations of Arizona law or for violations of the Student Code of Conduct including but not limited to those violations involving the use or possession of drugs and alcohol. The same violations may be brought to the attention of the Associate Vice President of University Services and Student Life. Faculty and staff conduct violations are brought to the attention of the Associate
Director of Personnel Resources, and to the appropriate senior administrator.

**Student Life Conduct Process - Conflict Resolution Procedure**

Failure to abide by your responsibilities and any University policies and procedures will be resolved through the Student Life Conduct Process. Many times misconduct can be resolved informally, but situations may require a more formal procedure. The procedure is grounded in the concept of fairness and impartiality, thereby supporting the values of our community by addressing misconduct in a constructive and positive way. If University action is warranted, a student will receive a phone call and/or email to their student email account notifying them that a conversation is required. The following options will be considered by the Office of Student Life:

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

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

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

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

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

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

**Student Off-Campus Criminal Conduct**

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

**Reporting of Criminal Offenses, Emergencies, and Voluntary Confidential Reporting**

For a life threatening event, dial 9-1-1, for the Mesa Police/Fire Departments. The Mesa Police Department is located at 130 North Robson, Mesa, Arizona 85201.

You may also dial 602-888-5516, for Campus Safety to report a medical emergency, criminal act, suspicious person or incident. The Campus Safety Office is located on the main floor of Gillette Hall. The Office’s mailing address is Benedictine University at Mesa, 225 E. Main Street, Mesa, Arizona 85201.

The Mesa Police Department is an active member of Maricopa County Crime Stoppers. If you have specific information regarding a serious crime on or off campus, you can call Crime Stoppers anonymously at 1-800-222-TIPS and may receive a reward up to $1,000. More information may be obtained at: http://www.241stop.com/
You may confidentially report any crime, concern, misdeed or emergency at: “Silent Witness”.

You may also report a crime or emergency to any faculty or staff member, who will contact the appropriate authority. You may specifically contact Campus Safety, 602-888-5516, or Kevin Broeckling, Associate Vice President of University Services and Student Life, 602-888-5507. You may report a crime or concern in-person, via e-mail, telephone call, or US Mail. You may report anonymously, request anonymity, or voluntary identify yourself, if you chose.

Resident student may report criminal acts, or emergencies to the Associate Vice President of University Services and Student Life, 602-888-5507.

Crime Prevention Awareness and Personal Safety Education

Community policing encourages the campus community to participate actively in campus crime prevention. Throughout the academic year, Campus Safety, together with the Mesa Police Department and the Associate Vice President of University Services and Student Life, provides demonstrations, seminars, informational programming, newsletters and the production and distribution of posters, e-mails and safety brochures on campus crime prevention topics including sexual assault prevention, self-defense, alcohol and drug awareness, on-campus referrals and services, criminal law, and alternatives to drinking initiatives. Additional programming and information is provided on the important subjects of disaster response, evacuations, first aid, CPR, use of AED device, and fire safety training. Crime victims are provided information about resources available from external sources.

Missing Student Notification Policy

This policy contains the official notification procedures for the University concerning missing students who reside in off-campus housing, in accordance with the requirements of the Higher Education Opportunity Act of 2008 (HEOA). The purpose of this policy is to promote the safety and welfare of members of the University community through compliance with HEOA requirements. This policy is mandatory and must be adhered to by all University faculty, staff, and students.

1. In the event that a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she shall immediately notify Campus Safety at 602-888-5516 or the Associate Vice President of University Services and Student Life at 602-888-5507. Campus Safety will generate a missing person report and initiate an investigation. In addition, Campus Safety will report the missing person to appropriate staff on campus.

2. During the course of the investigation, staff will determine if the student has been missing more than 24 hours. In such event, Campus Safety will confer with the surrounding law enforcement agency and the student’s emergency contact no later than 24 hours after the student is determined to be missing for more than 24 hours. If the missing student is under the age of 18 and is not an emancipated individual, staff will notify the student’s parent or legal guardian immediately after they determine that the student has been missing for more than 24 hours.

3. In addition to registering emergency contacts, students residing in on-campus housing have the option to identify confidentially an individual to be contacted by the University in the event the student is determined to be missing for more than 24 hours. If a student has identified such an individual, the University will notify that person no later than 24 hours after the student is determined to be missing for more than 24 hours. Students who wish to identify a confidential contact can do so by completing the appropriate paperwork during check-in procedures.

4. This policy is effective from the date of issuance and will be made available to all members of the campus community. The policy is located at: [http://www.ben.edu/aboutus/upload/Notification-Policy-for-Missing-Students.pdf](http://www.ben.edu/aboutus/upload/Notification-Policy-for-Missing-Students.pdf)

Policy Statement Addressing Counselor Confidentiality

The University encourages its pastoral and professional counselors and appropriate health services staff to inform persons seeking their services of the procedures to report crimes on a voluntary, confidential basis for inclusion in the University’s annual disclosure of crime statistics. This process is employed at the discretion of the pastoral and professional counseling and health services staff, as they deem appropriate.

Counselors are defined as:

Pastoral Counselor – A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.
Professional Counselor – A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

All information with regards to counseling remains confidential, except in situations where there is a threat to life and safety. The Office of Student Life works closely with the Early Alert Team (“EAT”), Campus Safety, many University departments and outside professional agencies, to minimize any threat to one’s self and the entire internal and external campus community.

Security Awareness Programs

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

The ERRP is presented in an easily recognized flipchart type document. Each strip is the first page of a separate section of the ERRP and the strip identifies the subject of each section. The ERRP is displayed throughout every campus building, posted on the University website, and is made available in hard-copy to all community members. Highlighted in the ERRP are the following topics: BenAlert; Evacuation; Behavioral Assessment Reporting Guidelines, Fire, Bomb Threats, Workplace/Classroom Violence; Severe Weather; Utility Failure; Hazardous Material Accidents; First Aid; Automated External Defibrillator; Lightning and Dust Storm procedures.

The Benedictine Emergency Response and Recovery Plan for 2016-2017 can be located at: http://www.ben.edu/emergency/upload/Mesa_ERRT_16-17.pdf

Crime Statistics/Crime Log

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

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

Collection of Statistics

The Associate Vice President of University Services and Student Life directs and is responsible for the gathering of crime statistics annually from Campus Safety and Mesa Police Department crime and incident reports.

Campus Security Authorities

Kirsten Voak, Admissions Counselor
Alan Daniels, Director of Enrollment
Paul Oakes, Campus Safety
Steve Schafer, Associate Athletic Director
Liz Corrigan, Career Success Coordinator
Kevin Broeckling, Associate Vice President of University Services and Student Life

Crime Definitions

Clery Act Crimes Definitions

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

Negligent Manslaughter: the killing of another person through gross negligence.

Aggravated Assault: an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary for an injury to result when a gun, knife or other weapon is used in the commission of the crime.
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.

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.

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.

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.)

Sex Offense Forcible (F): any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent: forcible rape; forcible sodomy; sexual assault with an object; and forcible fondling.

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

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

Sex Offense Non Forcible (N): unlawful, non-forcible sexual intercourse: incest; statutory rape.

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

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

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

Drug Law Violation: violations of State and local laws related to the possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone(s); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

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

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

Hate Crimes Definitions

Hate Crime: is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender’s bias. For Clery purposes, hate crimes include any offense in the following two groups that is motivated by bias: Group A: murder and non-negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft and arson; Group B: larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property.

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

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

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

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

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

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

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

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

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

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

**Intimidation**: is 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**: 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.

**VAWA Act Crimes**

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

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

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

**Stalking**: engaging in a course of conduct directed at a specific person but is not limited to following, lying in wait, or harassment, when such conduct:
1. Would cause a reasonable person to feel fear for his or her physical safety or health or that of others, including fear of sexual conduct, unlawful restraint, bodily injury, or death, or would cause a reasonable person to suffer emotional distress; and
2. Serves no legitimate purpose.
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Drug Law Violations</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Disciplinary Referrals</th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Illegal Weapons Possession</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Drug Law Violations</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Liquor Law Violations</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

1: In accordance with the Violence Against Women Act (VAWA) Amendments to Clery and beginning in 2014, the Clery report must specify data related to the forcible sex offense crimes of rape and forcible fondling and non-forcible sex offense crimes of incest and statutory rape.

2: Beginning in 2014, all crimes reports to the police and determined to be “unfounded” by local law enforcement must be reported within the Clery report.

3: Opened the Mesa campus September 2013. Stats were not collected until the full year starting 2014.
### Hate Crimes

<table>
<thead>
<tr>
<th></th>
<th>On Campus Property</th>
<th>On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>Unfounded Reports by Police</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault/Battery</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>Robbery</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
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<td>-</td>
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<td>-</td>
<td>-</td>
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<td>0</td>
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</tr>
<tr>
<td>Arson</td>
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<tr>
<td>Motor Vehicle Theft</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
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<tr>
<td>Sex Offense Non-Forcible</td>
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<tr>
<td>Simple Assault</td>
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</tr>
<tr>
<td>Intimidation</td>
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<tr>
<td>Larceny-Theft</td>
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<td>0</td>
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</tr>
<tr>
<td>Destruction/Damage/ Vandalism of Property</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
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</tr>
</tbody>
</table>

### VAWA Act Crimes

<table>
<thead>
<tr>
<th></th>
<th>On Campus Property</th>
<th>On Campus Student Housing Facilities</th>
<th>Non-Campus Property</th>
<th>Public Property</th>
<th>Unfounded Reports by Police</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Violence₄</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence₄</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking₄</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Beginning in 2013, in accordance with VAWA Amendments, domestic violence, dating violence and stalking statistics must be reported within the Clery report. (Note that Sexual Assault (Offenses) is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes.)

A change was made to the statistics on October 3, 2016. The reason for the change was the locations were determined not to be reportable.
The Annual Fire Safety Report is required by (HEOA of 2008) for any Title IV institution that maintains an on campus student housing facility. Per HEOA, an institution that maintains an on-campus student housing facility must collect fire statistics, publish an Annual Fire Safety Report, and keep a fire log.

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

Benedictine University Police Department in Lisle collects fire statistics, composes the Annual Fire Safety Report for the Mesa campus. The Associate Vice President of University Services and Student Life maintains a log of fire statistics. The Annual Fire Safety Report is published annually by October 1st and contains three years of fire statistics in accordance with (HEOA). This is the 2016 Annual Fire Safety Report which contains the statistics for calendar years 2013-2015.

**Distribution and Notification of Annual Fire Safety Report**

**Annually by October 1**, an e-mail notification is sent to all current students, faculty, and staff providing the website [http://www.ben.edu/police/](http://www.ben.edu/police/) to access to this report. Upon request:

- A written paper copy of the report is also available for public view with the Associate Vice President of University Services and Student Life, located on the main floor of Gillette Hall (Room 121); or
- By calling the Associate Vice President of University Services and Student Life, at (602) 888-5507; or

**Newly enrolled students** receive written notification providing the website [http://www.ben.edu/police/](http://www.ben.edu/police/) to access this report.

- Notification will be provided to newly enrolled students in their Admitted Students Packet and their New Student Advising Handbook.
- A link to the report is also available at Office of Admissions webpage at [http://www.ben.edu/mesa/admissions/](http://www.ben.edu/mesa/admissions/) for students enrolled in the traditional undergraduate programs (both for freshmen and transfer), Mesa Graduate programs, Mesa Adult Accelerated Undergraduate Programs.

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

- May obtain a written paper copy of the Annual Fire Safety Report from the Associate Vice President of University Services and Student Life, Benedictine University, 225 E. Main Street, Mesa, AZ 85201; or
- By calling the Associate Vice President of University Services and Student Life, at (602) 888-5507; or
- By visiting Benedictine’s University’s web site at: [http://www.ben.edu/mesa/campus-resources/publicsafety.cfm](http://www.ben.edu/mesa/campus-resources/publicsafety.cfm)

**Prospective employees** are notified about this report via Benedictine University’s Human Resources jobs website at: [http://www.ben.edu/human-resources/](http://www.ben.edu/human-resources/) or [http://www.ben.edu/human-resources/employment-opportunities.cfm](http://www.ben.edu/human-resources/employment-opportunities.cfm)

**New employees** are provided a document containing a link to [http://www.ben.edu/police/](http://www.ben.edu/police/) in their new hire training materials during new hire orientation. Each new employee certifies that they have knowledge as to where the Annual Fire Safety Report is located.

**Prospective students and parents of students** can also read about and reference Clery Act information on the Office of Admissions webpage at [http://www.ben.edu/mesa/admissions/](http://www.ben.edu/mesa/admissions/); or the office of the Associate Vice President of University Services and Student Life, Gillette Hall (Room 121) [http://www.ben.edu/mesa/campus-resources/publicsafety.cfm](http://www.ben.edu/mesa/campus-resources/publicsafety.cfm).

**Current Employees** receive notification of the Annual Security Report and Annual Fire Safety Report weekly via email in the Benedictine University Campus Notebook.
Annual Security Report

Benedictine University - Mesa Campus has a separate Annual Security Report for year 2016, which may be viewed at: http://www.ben.edu/mesa/campus-resources/publicsafety.cfm.

Fire Log

- A fire log is maintained for public view with the Associate Vice President of University Services and Student Life, located on the main floor of Gillette Hall (Room 121); or
- A request can be made by calling the Associate Vice President of University Services and Student Life, at (602) 888-5507; or
- A written request can be sent to the Associate Vice President of University Services and Student Life, Benedictine University, 225 E. Main Street, Mesa, AZ 85201.

Residence Life - Safety Brochure

Benedictine University – Mesa Campus provides its students with a brochure titled Residence Fire - Safety Brochure detailing fire safety tips, which also are addressed in this Report.

On-campus Student Housing Fire Safety Systems

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

On and off-campus Student Housing Facility Addresses

<table>
<thead>
<tr>
<th>Facility</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phoenix Mesa Marriott Hotel*</td>
<td>200 N. Centennial Way</td>
</tr>
<tr>
<td>*Moving out of Marriott December 2016</td>
<td></td>
</tr>
<tr>
<td>Alhambra Hotel (coming 2017)</td>
<td>43 S. MacDonald Street</td>
</tr>
</tbody>
</table>

Number of Fire Drills Held During Calendar Year 2015

During calendar year 2015, one fire drill was conducted at the on-campus student housing facility.

Policy on Portable Electrical Appliances, Smoking and Open Flames

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

**Smoking** - Arizona law prohibits smoking in virtually all public places and workplaces, which includes educational institutions and their properties. The Mesa campus has moved beyond the 15 feet away from any building by having designated smoking locations and smoking is restricted to those areas, with the understanding that cigarette butts must be properly disposed of. If a resident is observed smoking outside the restricted areas a warning will be first issued. From that point the student will be charged $75 for each subsequent occurrence.

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

Procedure for Student Housing Evacuation in the Case of a Fire

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

- **R** emove anyone from immediate danger.
- **A** ctivate the fire alarm system by pulling the nearest fire alarm pull station, then call 911 and then the Campus Safety at 602-888-5516.
- **C** ontain the fire by closing doors.
- **E** vacuate the building.

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

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

- Evacuate IMMEDIATELY in a calm, orderly manner closing doors.
• Assist those with disabilities in exiting the building and ensure, to the extent possible, that other occupants know to evacuate.
• After evacuating the building, proceed to the evacuation assembly area for that particular building. Supervisors, faculty and resident assistants will take a head count at the evacuation area and notify the Mesa Fire Department if anyone is unaccounted for. Be prepared to move to another location if the evacuation assembly area is deemed to be too close to the building. Help keep roads, fire lanes, hydrants and walkways clear for emergency vehicles and crews.
• If you become trapped in a building during a fire, stay near the floor where the air will be less toxic. Shout for help at regular intervals to alert emergency rescue crews of your location. Remain calm and do not panic.

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

Remember PASS:

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

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

**EVACUATION**

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

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

If you hear the direction to “EVACUATE” over the public address (PA) system or classroom telephones, or an administrator announces the evacuation in person, or by any other means of communication, you are to follow the procedures provided by the evacuation announcement.

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

1. Do not enter any building being evacuated.

2. Get to the Evacuation Assembly Area for the building being evacuated (if you are near a building).
3. Listen for specific directions.
4. An authorized person will announce via campus PA system or bullhorn when the building is safe to reenter.

**Evacuation Assembly Areas for Campus Buildings**

- **Gregory Enrollment Center** – Parking lot behind bank or parking garage (Offices moved to Gillette Hall in 2016.)
- **Gillette Hall** – Southside parking lot or parking garage
- **Marriott Hotel** – The south side of the hotel

**Evacuation of the Mobility Restricted and Mobility Impaired**

**Mobility Restricted Individuals**

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

**Mobility Impaired Individuals**

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

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

Should it become necessary to evacuate the entire campus, the decision to implement these procedures rests with the Associate Vice President of University Services and Student Life. In situations requiring immediate action, the Mesa Police or Fire Department also can order a local area evacuation. When evaluating possible evacuation, consideration will be given to the following:

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

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

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

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

Fire safety education programs for all students in on-campus housing and all employees that have an association with on-campus housing are held at the beginning of each academic year and throughout the calendar year. Campus Safety evaluates the effectiveness of the fire evacuation drills, and makes recommendations for improvement to University employees including the Residence Life Staff. If it is determined that additional training of employees is needed, the training will be coordinated by Campus Safety.

The Mesa Fire Department is present during all evacuation drills. The Associate Vice President of University Services and Student Life, working with Campus Safety, conducts training sessions, which include fire extinguisher training, evacuation planning and execution, educational materials, informational displays/booths, new employee orientation, publishing and posting of the University’s Emergency Response and Recovery Plan annually, investigations, and referrals regarding fire safety issues. Training of Student Life Staff is conducted each semester for new members. Awareness and educational programming also may be provided by the Mesa Fire Department. If a fire occurs, students are instructed to leave hazardous areas via the evacuation routes and get to a predetermined location before calling 911 for help. They are to remain in that location so First Responders can determine whether all students have left the building. This information also is provided in the University’s Emergency Response and Recovery Plan, which is updated and published annually.

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

- Dial 9-1-1 Mesa Fire Department
- Activate fire pull-station
- Dial 602-888-5516, Campus Safety
- Associate Vice President of University Services and Student Life 602-888-5507

Future Improvements in Fire Safety

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

Definitions

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

**Fire** - Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.
Fire Log - Contains the date the fire was reported; the nature of the fire; the date and time of the fire; and the general location of the fire.

Public - Any university student, employee or, any person not associated with the institution.
<table>
<thead>
<tr>
<th>Residential Facilities</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Fires in Each Building</strong></td>
<td>Fire Number</td>
<td>Cause of Fire</td>
<td># of Injuries Requiring Treatment</td>
</tr>
<tr>
<td>Marriott Hotel*</td>
<td>-</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Alhambra Hotel** (coming 2017)</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Marriott Hotel will no longer be used as of December 2016.

**Moving to Alhambra Hotel in January 2017.