

# ANNUAL SECURITY REPORT 2017

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**Cogswell**

Polytechnical College

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## **A MESSAGE FROM THE DEAN OF STUDENTS**

Welcome!

The Cogswell Polytechnical College Office of Student Life and members of the College administration take the issue of campus security seriously. We are committed to providing a safe environment for students, faculty, staff, and visitors. Part of that commitment involves providing information about campus security and our obligation to preventing and responding to crime on campus.

We hope you find this report valuable. Please take the time to review it carefully, and in particular, the crime prevention tips. Personal safety is the responsibility of the overall Cogswell community and we need your assistance to ensure that Cogswell College remains a safe place for students to learn, professors to teach, and employees to work.

If you have questions or suggestions about campus security and safety at Cogswell College, please contact the Office of Student Life at (408) 498-5137.

Sincerely,

Brittany Bogle  
Dean of Student

## SAFE CAMPUS POLICY

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“*Clery Act*”) requires Cogswell Polytechnical College to disclose to the public specific crime-related information on an annual basis. Information for the completion of this report is provided by college offices such as Student Life, Campus Security Authorities, and from information provided by local law enforcement agencies surrounding the campus. Each of these offices are contacted annually to provide updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased, or controlled by the college. This report also includes institutional policy statements addressing campus security and safety. Additionally, the college further complies with the Clery Act by issuing timely warnings of certain crimes that may constitute a serious or ongoing threat to the campus community.

The college maintains a daily crime log that records all crime reported to the campus. This log is available to the public upon request.

In compliance with the Clery Act, the college must report campus crime statistics, campus offenses, and security measures to all students and employees by October 1 of each year. Prospective students and employees shall receive a notice of its availability and a brief summary of its contents. The school will publish the report electronically, but the school will give students, employees, and potential students or employees a paper copy upon request and individually inform them of the availability of the report in electronic format. The school sends official annual notifications with a link to the new report to all currently enrolled students via their email address that is on file with the College and to all faculty and staff via their official College email address. Contact the Office of Student Life or the Compliance Department for clarification, additional information, or for a paper copy.

## REPORTING OF CRIMES AND/OR EMERGENCIES

The safety and security of students, visitors, faculty, and staff (collectively “college community”) is a top priority of Cogswell Polytechnical College. It requires the cooperation and support of the college community, therefore all members of the college community are responsible for reporting, as soon as possible, all crimes occurring on campus or on public property adjacent to the campus to a Campus Security Authority (CSA) and/or local law enforcement officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire college community that all incidents are reported immediately so that the institution has the opportunity to investigate the situation and determine if follow-up actions are required, including to determine if there is a need to issue a timely warning or emergency notification alert.

Designated CSAs include the Dean of Students, VP of Information Technology and Campus Services, Director of Human Resources, and the Chief Compliance Officer and can be reached as outlined below:

Department	Room Number	Phone Number
Student Life	108	(408) 498-5137
IT & Campus Services	187	(408) 498-5151
Human Resources	188	(408) 498-5148
Compliance	191	(408) 498-5125

To report a crime (non-emergencies), contact the Dean of Students at (408) 498-5137 or dial x137 from any campus phone or in person by going to room 108. To report a crime (emergencies), call 911 or the San Jose Police Department at (408) 277-8911. Campus phones are available in case of emergencies during business hours. After contacting law enforcement officials, please notify one of the CSAs listed above.

All reports will be investigated. Campus personnel are responsible for completing incident and/or accident reports and for responding to emergencies. They are also responsible for enforcing other regulations such as parking, the use of controlled substances, weapons, and underage drinking.

Incident reports are maintained on file by their nature, date, time, general location, and disposition of the complaint. The Dean of Students and/or the Director of Human Resources maintain a record of the incident reports for a maximum of three years. Additionally, all incidents are recorded on a Daily Crime Log. The college shall make the Crime Logs available to the public within two business days of receiving a written request unless disclosure of

such information would:

- Be prohibited by law;
- Jeopardize the confidentiality of the victim;
- Jeopardize an on-going criminal investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection; or
- Result in the destruction of evidence.

In response to a report of criminal activity or suspected criminal activity, CSAs will contact the appropriate local authorities, as necessary. Cogswell employees do not have the authority to make arrests, however we advocate a close working relationship with the San Jose Police Department. In the event of a criminal investigation, the college will cooperate with law enforcement agencies as required.

School personnel of chartered campus organizations must report criminal incidents committed by students while participating in school-sponsored activities both on and off campus and properties. These reports must be submitted in writing to the Dean of Students. Students who violate the Student Conduct Code or who commit crimes of misdemeanor or felonious nature, as defined by the Criminal Code of California, while participating in school-sponsored activities will be subject to a hearing before administrative personnel or a duly appointed committee. The Dean of Students will report violations of local, state, and/or federal laws to the appropriate law enforcement officials, as required.

### **AUTHORITY OF SECURITY PERSONNEL AND RELATIONSHIP WITH LAW ENFORCEMENT AGENCIES**

Cogswell does not have a campus police department, however we may employ security officers at times. We also rely on the college's staff members to implement safety and security procedures. All incidents of a criminal nature will be investigated by college administration and, in appropriate cases, reported to appropriate law enforcement agencies as required. It is important to know that a formal police report or investigation is not needed in order for a crime to be included in the crime statistics provided in this report.

In the event that we employ security officers, neither they nor the CSAs have arrest powers. Security officers and CSAs have authority to enforce campus security policies and will work in partnership and consult with the San Jose Police Department. Security officers, if hired, will be primarily responsible for patrolling the college's parking lot to ensure the safety and security of students and staff. They will provide a visible presence for crime deterrence. Additionally, all of Cogswell Polytechnical College's owned and/or controlled property is within the jurisdiction of the San Jose Police Department. The college does not have a Memorandum of Understanding formalized with local law enforcement, however the college will work with local law enforcement when needed to address incident of crime or sexual violence. Additionally, the college maintains a compliant relationship with the San Jose Police Department in that they maintain enforcement and arrest authority for all crimes occurring on our property. In the event of a criminal investigation, investigation authority rests with the San Jose Police Department.

### **VOLUNTARY CONFIDENTIAL REPORTING**

Cogswell Polytechnical College encourages accurate and prompt reporting of all crimes to the San Jose Police Department at (408) 277-8911 when the victim of a crime elects to, or is unable to, make such a report. Due to police reports being public records under the state law, the San Jose Police Department cannot hold reports of crimes in confidence.

If you are a victim of a crime and do not want to pursue action within Cogswell or the criminal justice system, you have the right to decline notifying law enforcement authorities. You may, however still want to consider making a confidential report. Depending on the circumstances of the crime you are reporting, you might be able to file a report while maintaining confidentiality. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With this information, Cogswell can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for Cogswell regardless if the victim is pursuing action with the college or the criminal justice system. In limited circumstances,

Cogswell may be required to pursue further action. In those instances, we will inform those involved. Confidential reports can be made to the Chief Compliance Officer.

### **PROFESSIONAL COUNSELORS**

Pastoral and professional mental health counselors who are appropriately credentialed and hired by Cogswell to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. Cogswell does not employ pastoral counselors. Cogswell maintains a contract with a local mental health practice for the purpose of providing professional counseling services to currently enrolled students. Students wishing to make a confidential report may request a referral for counseling services via the counseling website or by contacting the Dean of Students.

Cogswell provides employees with access to three confidential counseling sessions through the Employee Assistance Program. Cogswell does not have procedures for professional counselors for students or those through the Employee Assistance Program to inform individuals of any procedures to report crimes on a voluntary and confidential bases. As a matter of policy, Cogswell will provide a list of off-site resources where confidential counseling can take place.

### **CAMPUS FACILITIES ACCESS AND SECURITY**

The college's administrative offices will be open to staff, students, prospective students and their families, guests and invitees during business hours (Monday through Friday, 9:00 am to 6:00 pm). Students and staff gain access to the facilities via assigned access badge. All visitors must sign in and be accompanied by their host on campus. During non-business hours, access to the campus is restricted to students, faculty and staff only. With approval, guests must be escorted at all times by their inviting staff or faculty member.

Students may access the administrative offices after 6:00 pm to make payments, purchase equipment, or to speak with the Financial Aid department until 7:30 pm. An Academic Advisor is also available for students Monday through Thursday until 7:00 pm. Student classrooms will be open to staff and students during class hours (Monday through Friday, 7:30 am to 10:15 pm and Saturday 8:00 am to 1:00 pm). Emergencies may necessitate changes or alterations to any posted schedule.

Students are permitted on the premises outside of normal business hours and during the weekends when participating in school-related activities or school-sponsored events. Cogswell does not recognize and therefore does not track criminal activity related to any off-campus student organizations. Such monitoring or recording of criminal activity by students is the responsibility of local police agencies.

### **MAINTENANCE OF FACILITIES WITH SECURITY CONSIDERATIONS**

The Facilities Department maintains the school's buildings and grounds with concern for safety and security. This department inspects campus facilities regularly and promptly makes repairs. Students and employees must notify the Facilities Department to report any hazard. The Facilities Department routinely inspects school facilities to review lighting and environmental safety. The interior and exterior lighting systems on campus are constructed and maintained in such a manner as to provide a well-illuminated facility to help deter criminal activity. Locks and security devices are kept in working order.

Access to campus facilities is limited to those persons who have authority to use them. All students, faculty and staff with proper college ID are permitted to be in the building from 6 am until 1 am, the following evening, on weekdays and from 8 am until 9 pm on weekends. Campus building is locked and security systems are activated automatically after hours. Cogswell contracted the security company, Sonitrol, to monitor the building after hours.

### **CAMPUS SAFETY MEASURES AND PROGRAMS**

Cogswell Polytechnical College encourages students and staff to assume responsibility for their own personal safety and security by taking common sense precautions. Precautions might include walking to your car at night with a fellow student or asking a Facilities Department employee to walk you out. Another is keeping your car locked and parked in a well-lit area with valuables placed out of sight.

The college provides information to students and staff about security procedures and practices and crime prevention strategies through a variety of programs including, but not limited to:

- General information is distributed to new students during New Student and New Hire Orientations.
- The college partners with the San Jose Police Department to develop and implement community outreach presentations relating to crime awareness and services.
- All supervisors are required to participate in annual training on sexual harassment.
- Drills to practice emergency evacuation procedures are conducted semi-annually. Drills may be announced or unannounced.
- The college has developed an Injury and Illness Prevention Program that educates employees for maintaining a safe workplace environment.

Cogswell Polytechnical College will conduct semi-annual safety programs, including primary prevention programs, designed to inform students and employees about campus security procedures and practices, bystander intervention, crime prevention, and to encourage students and employees to be responsible for their security and the security of others.

### **CRIME PREVENTION TIPS**

Cogswell Polytechnical College recognizes the importance of security for all students and staff while on campus property. Although students and staff may not be able to prevent someone from committing a crime, there are various preventative measures a person can take. Following these safety tips can help reduce the chance of becoming a victim of crime:

- Avoid dark, secluded places when alone.
- Walk with others, making sure to stay in well-lit areas.
- Lock car doors while on campus and keep valuables locked in the automobile trunks and/or out of sight.
- Tell someone where you are going and when you can be expected to return.
- Vary your route and schedule if you exercise outdoors on a regular basis.
- Do not overload yourself with books or other items. Keep your hands free.
- Carry a purse close to your body, preferably in front. If it has a shoulder strap, be prepared to let it go if snatched.
- When confronted by thieves, give them what they want. Do not pursue the thieves. Get a detailed description and call the police immediately.
- Never leave laptop computers, textbooks, cellular telephones, book bags, purses, or other valuables unattended in classrooms, the library, common study areas, or outdoor spaces.
- Head to an area with other people present if a stranger approaches you and you feel concerned or uncomfortable.

### **TIMELY WARNINGS**

In the event that a situation arises either on campus, on public property adjacent to the campus, or on non-campus property that constitutes a serious or continuing threat to personal safety, a campus wide timely warning will be issued. The warning will be issued based on the judgement of the CEO or designee. The warning will be issued to the entire campus community through: a memo to students, faculty, and staff; posters; college-wide email distribution; the college website ([www.cogswell.edu](http://www.cogswell.edu)); social media; and/or text alert system. Timely warnings will provide the time, location, and type of crime committed; as well as what students and staff should do to protect themselves, all pertinent details as long as they do not compromise law enforcement efforts, and how to contact the school and law enforcement with additional information.

Anyone with information warranting a timely warning should immediately report the circumstances to the Dean of Students. An assessment will be conducted to determine the appropriateness of a timely warning following the report of any Clery Act crime. Generally, timely warnings will be issued for the following crimes: arson; aggravated assault; criminal homicide; robbery; burglary; sex assaults; and hate crimes. The alert will be disseminated as soon as pertinent information is available. All measures will be taken to ensure protection of the identity of the complainant.

As each situation presents a different set and level of safety and security concerns, the college may conclude upon

review that a timely warning is not warranted because the crime did not pose a serious or continuing threat to personal safety, or that it may compromise law enforcement efforts. In those instances, the CEO or designee will document the decision and the supporting rationale on the Timely Warning Notification Form.

## **EMERGENCY ALERTS**

All members of the campus community are expected, upon learning of an emergency from any source, to immediately communicate all information to the CEO or designee and local authorities, if applicable. The CEO or designee will work with local law enforcement and other public safety agencies as appropriate to confirm the situation.

Emergency alerts and notifications are issued without delay upon confirmation that there has been a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students or staff. These threats consist of a range of hazards, including but not limited to natural disasters, violent crimes, or environmental dangers. Cogswell employs RAVE Alert as its emergency notification system and may also utilize one of the following methods: mobile phones, landlines, email, text messaging, and/or social media. RAVE Alert provides the college with an easy and proven method of communicating with the affected and/or entire campus community before, during, and after such emergencies. The alerts will include the nature, type, urgency, and severity of the incident, as well as any other such factors that are deemed appropriate by the CEO or designee. The alerts will conclude with an overview and resolution of the crisis disposition. Additional useful information relating to the incident may be subsequently transmitted as well.

In the event that a campus emergency may impact the neighboring community, Cogswell will partner with local public agencies to alert the broader community. The college may use a variety of methods to inform the surrounding community of an emergency on campus. This includes: circulating posters, flyers, or letters; emailing local businesses; posting notifications on our website; posting notifications on social media; and/or through phone calls. Additionally, the college may provide notifications to family members and other emergency contacts of campus community members utilizing the same methods of communication.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The college maintains a Safety and Security Plan (SSP) to respond to the needs of the campus community and the broader community, during and after the occurrence of a critical situation. The SSP is intended to communicate the policies and procedures for employees and students to follow in an emergency situation. It also serves as a guide for campus personnel, visitors, students, and community members to address a wide range of potential crisis situations. The plan's procedures are designed to be flexible in order to accommodate situations of various types and magnitudes.

The hard copy of the plan and test records are located in the Campus Services department and is under the responsibility of the Vice President of Information Technology and Campus Services. The plan will indicate the date on which the last plan review and update was performed. Cogswell has also established an Emergencies Procedures Guide containing safety rules and evacuation procedures to be observed by students and staff.

Cogswell Polytechnical College has designated procedures to follow in case of most emergencies that could happen on campus. All students, staff, and visitors are expected to follow established procedures to the best of their abilities. The Campus Security Committee reviews the written Emergency Procedures Guide and regularly tests emergency preparedness by conducting response drills and evacuation procedures at least semi-annually. Tests include both announced and unannounced drills and exercises. Cogswell documents the execution and results of each exercise and includes the date, time, description of drill or exercise, and status (announced or unannounced) as well as any partnerships in testing with local authorities (if applicable). After action reviews are conducted to evaluate emergency procedures and capabilities.

When an emergency or disaster arises, the CEO, or his/her designee, will activate those parts of the Safety and Security Plan and Procedures, which are specific to that incident. College personnel and appropriate resources will be utilized to provide priority protection for: health and safety of students, employees and visitors; shelter and recovery/preservation of property; and restoration of the instructional programs.

The following definitions are provided as guidelines to assist administrators in determining the appropriate action:

- **MINOR EMERGENCY**: An incident, potential or actual, which will not seriously affect the overall functional



capability of the College.

- **MAJOR EMERGENCY:** An event, potential or actual, which affects an entire building or buildings and which will disrupt the overall operations of the College. Outside emergency services will be required as well as major efforts from all service organizations within the College. Major considerations and decisions will usually be required from administrative officials or designated employees during times of a crisis.
- **DISASTER:** A natural or human-caused, wide-spread event or occurrence which seriously impairs or halts College operations. In some cases, casualties and property damage may be incurred. The coordinated effort of all designated personnel and available College resources is required to effectively control the situation. Outside emergency services will be necessary.

Success is dependent on a realistic approach to the problems likely to be encountered and on the personnel available during an emergency or disaster and is therefore, based on the following assumptions:

- The succession of events in an emergency is not predictable; therefore, support and operational plans may be modified to meet the requirements of the situation.
- Disasters may affect residents in the geographical location of the campus; therefore, city, county and federal emergency services may not be reasonably available.
- A major emergency or disaster is likely to be declared if information indicates that such a condition is developing or is probable.

While the structure of this plan remains the same, its implementation may vary depending on available resources and staff until the proper officials can be notified.

Each classroom contains a posted *Emergency Procedures Guide* that provides a quick list of actions to be taken by all students and employees with regard to emergency or disaster incidents that could occur that would affect our campus community. The guide includes evacuation instructions in case of emergency. It has been formatted into a flipchart prototype that is easy to read and understand. The guide can also be found on our website at: <https://cogswell.edu/safe>.

In the event of fire, personal injury, or criminal action, someone witnessing the incident should notify the nearest instructor or staff member immediately. That person should also notify the supervisor in charge of disaster management (or their designee) during an emergency in the following order:

1. Chief Executive Officer
2. Chief Financial Officer
3. Chief Academic Officer
4. Vice President of Information Technology and Campus Services
5. Director of Human Resources
6. Dean of Students

If the situation is a dire emergency, an employee should call 911 before contacting any school personnel.

If a serious or life threatening emergency caused by natural disaster or human hands occurs, a supervisor in charge of disaster management, or their designee, will be responsible for issuing timely notifications of all threats that represent an serious and continuous threat to the campus community. These notifications will be made immediately and without delay unless doing so would compromise efforts to assist a victim or contain, respond or otherwise mitigate the emergency. The safety of the campus will dictate the content and methods of notification.

When a crime or emergency is reported to a supervisor in charge of disaster management, or their designee, they will go directly to the scene and assess the situation. 911 will be contacted immediately if the situation warrants it and if necessary, the process to begin notifying the campus will begin. During instances of severe weather or natural disasters, staff will monitor weather information from the local TV/Radio stations and will listen for the civil defense sirens.

Emergency information will be communicated to the campus via the RAVE Emergency Alert system. If time warrants, the campus voicemail will be changed to a recorded message notifying any students, staff, or family members who are not on the campus at the time of an emergency about the situation. Information about when the campus will reopen will also be recorded on the message.

If a situation should gain media attention, all inquiries will be referred to the Chief Executive Officer or the President of the college.

## EVACUATION INSTRUCTIONS

In the event of a fire or notification of a fire by building alarm, it is important to follow these guidelines:

1. **WALK**, do not run.
2. Assist any persons that have special needs.
3. Do not waste time gathering your belongings.
4. Determine which route your zone area corresponds to as identified in the Emergency Procedures Guide.
5. Quickly make your way to the nearest exit.
6. Go directly to the Evacuation Assembly Area.
7. Do not return to the campus until told to do so.

*For the quickest way out of the building, refer to the maps on the walls located throughout the building.*

### Evacuation Assembly Area



## WEAPONS POLICY

Cogswell Polytechnical College is committed to providing all employees, students, volunteers, visitors, vendors, and contractors a safe and secure workplace and academic setting by expressly prohibiting the possession of a firearm, weapon, or explosive compound or material on any campus property or within the designated school safety zone, which is defined as being in, on, or within 1,000 feet of the campus or other designated worksites. This policy extends to any school-sanctioned function.

Unless otherwise provided by law, it is unlawful for individuals to carry, possess, or have under their control any firearm, weapon, or unlawful explosive compound while within a school safety zone, a school building, on school property, at a school-sanctioned function, or on a bus or other transportation furnished by the school. Such buildings include any public-owned, public-leased, or public-operated building that houses any educational function.

The following are applicable exemptions to the weapons restrictions:

- Participants in organized sport shooting events or firearm training courses.
- Persons participating in military training programs conducted by the armed forces of the United States or the Texas Department of Defense.
- Persons participating in law enforcement training conducted by a certified police academy.
- Peace officers, law enforcement officers, prosecuting attorneys, campus police or security officers, and

medical examiners employed by the state when acting in the performance of their official duties or enroute to or from their official duties.

- A weapon that is in a locked compartment of a motor vehicle or a locked firearms rack which is on a motor vehicle when that vehicle is being used by an adult over 21 who is not a student attending the school in order to bring or pick up a student at the school.
- Teachers and other school personnel who are otherwise authorized to possess or carry weapons provided the weapon is in a locked compartment of a motor vehicle or in a located container or a locked firearms rack which is on a motor vehicle.

Unless otherwise provided by state law, it is an express violation of school policy for any individuals to use, possess, manufacture, distribute, maintain, transport, or receive any of the following on any school campus, on school property, at a school-sanctioned function, or on a bus or other transportation furnished by the school:

- Any firearm whether operable or inoperable as defined by state law, or any facsimile thereof including, but not limited to, paintball guns, BB guns, potato guns, air soft guns, or any device that propels a projectile of any kind.
- A dangerous weapon, machine gun, sawed-off shotgun or rifle, shotgun, or silencer as defined by law.
- A weapon whether operable or inoperable as defined by state law, or any facsimile thereof including, but not limited to, any knife with a blade that is two or more inches in length (e.g., switchblade, ballistic knife, straight-edge razor or razor blade, any bludgeon-type instrument (e.g., blackjack, bat, or club), any flailing instrument (e.g., nun chuck or fighting chain), stun gun or Taser, or weapon designed to be thrown (e.g., throwing star or oriental dart).
- Any bacteriological weapon, biological weapon, destructive device, detonator, explosive, incendiary, over-pressure device, or poison gas as defined by state law.
- Any explosive compound or material as defined by state law.
- Any hoax device, replica of a destructive device or configuration or explosive materials with the appearance of a destructive device including, but not limited to, fake bombs and packages containing substances with the appearance of chemical explosives or toxic materials.

Any employee or student who violates the provisions of this weapons policy shall be subject to disciplinary action up to and including termination. From a legal perspective, any person who violates this restriction shall be guilty of a felony and upon conviction shall be punished by a fine and/or imprisonment. Vendors or contractors who violate the provisions of this policy shall be subject to the termination of their business relationship with the school.

### **ALCOHOL AND DRUG-FREE CAMPUS POLICY**

In accordance with the Drug Free Schools and Communities Act Amendments of 1989, Cogswell Polytechnical College implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. School standards of conduct clearly prohibit the unlawful possession, use, or distribution of alcohol, controlled substances, or other illegal or dangerous drugs by students and staff members on campus or as part of any official sponsored off-campus activities.

School policies prohibit the possession, consumption, or sale of alcoholic beverages and illicit drugs on the campus, in school facilities, or at most school-related functions. School policies also prohibit students under the influence of alcohol or drugs from appearing on the campus or at student-related functions and activities. The State of California sets 21 as the minimum age to purchase or possess any alcoholic beverages. The Drug and Alcohol Abuse Prevention Program annual notification provides information to current students and employees on drug and alcohol policies and procedures and included standards of conduct, disciplinary sanctions, applicable legal sanctions, health risks associated with drugs and alcohol, and available drug and alcohol treatment services. This information is also provided to students prior to enrollment, during new student orientation, and to employees prior to hire.

As noted in both the Employee Handbook and the Student Code of Conduct, the school will impose sanctions up to and including dismissal and referral for prosecution for the violation of these standards. Additionally, students

may be disciplined for off-campus activities including the illegal use of alcohol or drugs. The college will report to local and/or state law enforcement, as applicable by federal and state drug laws, any student or staff member who is found in possession of, using, or selling illegal drugs on campus; as well as anyone who is found to have broken the state laws regarding underage drinking.

State and federal law prohibits the possession, manufacture, or distribution of various controlled substances. Penalties for these offenses vary depending upon the severity of the convictions, but may include imprisonment of up to 40 years with large fines. Penalties double when the offenses occur within 1,000 feet of a postsecondary educational institution.

Except for cases in which the institution previously imposed sanctions for the term or other similar period for which students were enrolled as of the date of conviction, students shall forfeit any right to any academic credit otherwise earned or earnable for that term or other similar period. The educational institution shall subsequently revoke any such academic credit granted prior to the completion of administrative actions necessary to implement such suspensions.

Much has been written in recent years about the health benefits of moderate alcohol use. Unfortunately that information has also been viewed by some as permission to continue their ongoing abuse of alcohol. Likewise, while there are valid medical reasons to take legally prescribed drugs, it is not uncommon for an individual to lose control over their use of those medications and in some instance advance to such risk-taking behavior as seeking illegal drugs as a substitute. Cogswell Polytechnical College assists students and staff with drug- or alcohol-related problems by referring them to appropriate community resources designed to address these problems.

Once an addiction begins, it can carry a host of additional issues, including loss of self-control, judgment, motivation, memory, and the ability to learn. People who choose to abuse alcohol and/or drugs run the risk of incurring serious health problems such as high blood pressure, increased risk of cancer, heart disease, hepatitis, cirrhosis, alcoholism, drug addiction, brain damage, and in extreme cases sudden death. Additionally, individuals with substance abuse problems pose a serious risk to themselves and to others when they elect to drive under the influence. Any student who suspects that they or a friend might have a problem with alcohol or drug use should contact the Student Services Department for assistance.

The Student Services Department recognizes the importance of education and awareness concerning alcohol and other controlled substances. In an effort to better inform our students regarding the appropriate use of, risks associated with, and potential outcomes of alcohol use, the college provides programming and information available to all students. Notices will be posted on bulletin boards around campus, electronic message boards, and the school website announcing these events. For more information about upcoming programs and available information and resources, please contact the Dean of Students.

The Controlled Substance and Alcohol policies are applicable to students residing in college sponsored or non-sponsored housing. Should the college become aware of an infraction that takes place off campus, in non-college sponsored housing, or while attending a college sponsored off-site event (including but not limited to conferences and conventions), the student will be subject to the regulations set forth by the Judicial Procedures and Disciplinary Actions guidelines.

### **COGSWELL'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

In an effort to maintaining a campus culture of safety, Cogswell Polytechnical College will address issues of domestic violence, dating violence, sexual assault, stalking, or other forms of sexual misconduct by working with community partners to create an environment that is intolerant of abuse and is responsive to the needs of the victims and/or survivors. Cogswell prohibits discrimination on the basis of sex or gender, as well as crimes of sexual violence and sexual misconduct in accordance with the Violence Against Women's Act (VAWA), Title IX, Student Conduct Code, and California state law. Offenders may be subject to appropriate campus adjudication processes, disciplinary action, and/or criminal proceedings.

Cogswell Polytechnical College strives to cultivate an educational environment free of unwelcome harassment of any kind. Harassment is a violation of trust and a form of intimidation or exploitation which undermines the atmosphere of respect that is essential to the maintenance of a healthy work and academic environment. Harassment by students, staff, or faculty directly violates the mission and policies set forth by Cogswell College

and is henceforth prohibited. Harassment of any student by an employee of Cogswell will not be tolerated. Violation of this policy will result in disciplinary action. This policy applies to all members of the Cogswell College community including students, faculty, staff, administrators and any other persons conducting business with the College whether they are on or off campus. Harassment of College guests is also prohibited.

Cogswell College recognizes the importance of openness of discussion within its educational programs and seeks to maintain an atmosphere of mutual tolerance within the educational environment. To that end, this harassment policy is not meant to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, when, in the judgement of a reasonable person, they arise appropriately and with respect for others.

Additional student related concerns of sexual assault, sexual misconduct, dating violence or domestic violence (collectively “relationship violence”) and stalking whether the alleged perpetrator (respondent) is student, faculty, staff, visitor, or other third party are serious criminal acts and are prohibited by students and employees. Definitions intended to provide a clear understanding of these acts can be found in the Code of Conduct contained within the Student Handbook.

The college utilizes procedures that provide prompt, fair, and impartial investigation and resolution in cases involving domestic violence, dating violence, sexual assault, and stalking. Sexual violence is a form of sexual harassment, and services are available to students, faculty, and staff who experience sexual violence, domestic violence, dating violence, and instances of stalking. In these situations, Cogswell Polytechnical College is committed to providing crisis intervention measures for students, faculty, and staff, as well as appropriate administrative response for the complainant and respondent; referring individuals to criminal authorities; and educating and promoting discussion on interpersonal abuse and violence issues. The school’s process does not preclude adjudication under state law. Cogswell Polytechnical College prohibits retaliation by its officers, employees, students, or agents against a person who exercises his or her rights or responsibilities under any provision of federal or state law, including Title IX and the Campus SAVE Act, or this policy.

#### **DEFINITIONS APPLICABLE TO FEDERAL LAW PURSUANT TO THE VIOLENCE AGAINST WOMEN ACT**

- **Domestic Violence** – A felony or misdemeanor crime of violence committed – by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition: dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse; and dating violence does not include acts covered under the definition of domestic violence.
- **Sexual Assault** – Any form of unwanted or involuntary touching or penetration of intimate body parts by a person of the same or opposite sex. This includes an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s UCR program.
- **Consent** – Affirmative, conscious, and voluntary agreement to engage in sexual activity. Neither the lack of protest or resistance nor silence constitutes consent. Consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity. A person who is incapacitated cannot consent. Past consent does not imply future consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. Coercion, force, or threat of either invalidates consent.
- **Stalking** – Engaging in a course of conduct directed at a specific person that would cause a reasonable person to; fear for the person’s safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition: Course of conduct means two or more acts, including, but not limited to,

acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; reasonable person means a reasonable person under similar circumstances and with similar identities to the victim; and substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## **TRAINING, INTERVENTION AND PREVENTION EFFORTS**

Cogswell College offers educational programs during New Student Orientation, Employee Orientation, and throughout the duration of the academic year. These programs promote awareness of sexual assault, risk reduction strategies, and safe bystander intervention strategies. Programs include, but are not limited to, sex positivity workshops, consent workshops, informational campaigns and participation in national and international sexual assault awareness programs. To ensure the effectiveness of these training and prevention efforts Cogswell College conducts bi-annual campus climate surveys.

Cogswell Polytechnical College attempts to foster a safe learning and working environment for all members of the campus community. To accomplish this, Cogswell Polytechnical College considers the educational programming that addresses all aspects of domestic violence, dating violence, sexual assault, and stalking (safety precautions and prevention, crisis management, reporting, medical and counseling services, Cogswell Polytechnical College discipline systems, academic schedules, the campus response to sexual violence, domestic violence, dating violence, and instances of stalking, and physical surroundings throughout the campus community).

Cogswell Polytechnical College develops educational programs concerning domestic violence, dating violence, sexual assault, and stalking. Involved students, faculty, staff, and community members provide information and promote discussion on interpersonal abuse and violence issues. The school supports the educational programs by providing input and personnel to accomplish this task. For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, contact the Student Services Department.

The School continually reviews and modifies its physical surroundings to enhance security and safety, such as campus lighting, locking procedures, signage, etc.

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

If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK. Confront and report people who seclude, hit on, try to make out with, or have sex with people who are incapacitated. Speak up when someone discusses plans to take advantage of another person. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking. Refer people to on- or off-campus resources listed in this document for support or assistance.

Cogswell encourages campus community members to learn how to intervene in ways that are appropriate to the situation and fit each individual's comfort level. Possessing knowledge and understanding risk factors and warning signs helps provide confidence when encountering a situation that isn't right. Even if the outcome does not change, bystander intervention helps reinforce the role everyone plays in preventing dating violence, domestic violence, sexual assault, and stalking. The College educates all students during New Student Orientation on the three D's of bystander intervention: Distract, Delegate, Direct. This method of bystander intervention educates students on the importance of identifying early warning signs and intervening as a method of prevention and provides methods a student can employ to successfully intervene in a safe manner. Students watch a video situation and are asked to identify times when each method can be utilized and are provided the opportunity to practice each mode of intervention.

## RISK REDUCTION TIPS

Sexual violence, dating violence, and stalking is never the victim's fault. The tips outlined below are offered in the hope that recognizing patterns can help men and women to reduce the risk of victimization and assault.

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose**. Even if you don't know where you are going, act like you do.
- **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.).
- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, get a new one.
- **Don't accept drinks from people you don't know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa**. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.)**. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation, here are some things that you can try:

- **Remember that being in this situation is not your fault**. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- **Be true to yourself**. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- **Have a code word with your friends or family** so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- **Lie**. If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route**. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- **If you and/or the other person have been drinking**, you can say that you would rather wait until you both have your full judgment before doing anything.

## REPORTING DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING

It is important for all students, faculty, and staff members to know where to turn for help and what to do if they or someone they know becomes the victim of domestic violence, dating violence, stalking, and sexual assault. Whether the assailants are strangers, acquaintances, close friends, or dates, everyone needs to know how to get necessary treatment, counseling, and other services. Domestic violence, dating violence, stalking, and sexual assault are criminal offenses subject to prosecution under the law. These acts are also violations of the Student Conduct Code. Therefore, Cogswell encourages victims of these crimes to talk to someone about what happened in order to get the support they need and so that the college can respond appropriately.

Victims have the right to pursue criminal and/or campus disciplinary proceedings and seek restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court; or have “no-contact” orders issued by the college. Victims also have the right to decline to report to or notify law enforcement. Those who choose to participate in legal action for offenses that occur on campus can contact the Student Services Department in Room 108, or call 911. If the crime occurred off campus, victims should contact the local police. Reporting of crimes is voluntary and may be reported in a confidential basis directly to the Chief Compliance Officer. The college will provide victims with assistance in reporting the assault to proper law enforcement authorities if requested and will comply with restraining orders and protection from abuse orders obtained through law enforcement. If an order is violated, victims should reach out to local law enforcement for assistance.

If the offense is committed by a student, victims are encouraged, but not required to file a complaint with the Title IX Student Coordinator as soon as possible after the incident takes place. If the offense is committed by an employee, victims are encouraged, but not required to file a complaint with the Title IX Employee Coordinator as soon as possible after the incident takes place. The Title IX Coordinators have discretion to accept or issue a complaint and issue disciplinary action against a student or employee regardless of when the complaint is submitted if the conduct poses a possible threat to the college community or to individual members of the college community. A complaint may be prepared in writing or in person. The Title IX Coordinators are responsible for overseeing the report and investigation process. All reports of sexual harassment or violence to a Responsible Employee will be reported to a Title IX Coordinator for inquiry.

Designated Title IX Coordinators are as outlined below:

Name	Title IX Position	Room #	Phone Number
Brittany Bogle, Dean of Students	Title IX Student Coordinator	108	(408) 498-5137
Sara Morales, Director of Human Resources	Title IX Employee Coordinator	188	(408) 498-5148
Reba Smith, Chief Compliance Officer	Confidential Reporting Agent	191	(408) 498-5125

Students and employees may seek assistance from one of the Title IX Coordinators or a confidential resource for requesting reasonable protective measures, including, but not limited to, changes to academic, living, transportation, and working situations, or restrictions on contact between parties and participation or attendance at college events or facilities. These accommodations are afforded to victims, when reasonably available, regardless of the victim’s decision to report the crime to local law enforcement.

Title IX Coordinators are not confidential resources, therefore any information provided may require that the college follow up with an investigation. Although complete confidentiality cannot be guaranteed, the college strives to treat all parties with equal care, respect, and dignity and will to the best of their ability preserve the privacy of all parties involved. All reported acts of dating violence, domestic violence, stalking, and sexual assault will be included in the Daily Crime Log. Entries into the Daily Crime Log do not contain personally identifiable information and preserve the identity of the individuals involved. Retaliation for filing a complaint is strictly prohibited by Title IX and the college. Any accommodation or protective measure provided to the victim will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Cogswell Polytechnical College respects the privacy of students, employees, and third parties and shares reports of sexual misconduct on a limited, “need-to-know” basis. If a complainant requests that a complaint is handled on a confidential basis, the college will honor that request where possible. The Title IX Coordinator reviews requests for confidentiality and determines whether such requests can be honored in light of factors such as the safety of



the campus and the number of complaints against a respondent. The college will promptly notify the complainant of its determination regarding a request for confidentiality.

Cogswell will provide written notification to victims, students and employees, which will include an explanation of their rights, outside resources, information on preserving evidence, how to request protective measures for academic, living, transportation, and working situations, and how to request orders of protection. In addition, the notification has information about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims both within the college and in the community whether the offense occurred on campus or not. The written notification of resources and options will be disseminated to all students and employees who make a report, regardless of whether or not the incident occurred on or off campus.

No individual will suffer any reprisals or retaliation for good-faith filing, pursuing or reporting any incidents of harassment, for making any complaints of harassment or for participating in any investigation of incidents of harassment. Retaliation includes threats, intimidation, reprisals and/or adverse actions related to education or employment. No member of the college community will suffer any reprisals for seeking advice concerning a perceived unlawful harassment matter.

Cogswell Polytechnical College encourages the reporting of sexual violence and recognizes that some students may be reluctant to make such reports as a result of their personal consumption of drugs or alcohol at the time of the incident. Cogswell has adapted an amnesty policy for all reports of harassment and discrimination. When circumstances are occurring concurrently with other policy violations, the individual reporting the concern or incident, or the individual whom is the target of the harassment or discrimination is exempt from conduct repercussions for the secondary violation.

*In California, complainants and witnesses are protected from sanctions for violations of student conduct policies that occurred around the time of the reported incidents, unless the college finds the violations egregious.*

## **ONGOING CARE AND CONFIDENTIAL RESOURCES**

Students may seek assistance at any time from the Student Services Department at no charge. Referrals may be made upon request for relatives, partners, and friends of either the complainant or respondent to various support agencies. Benefited staff and faculty may seek assistance at any time from any medical facility or the Employee Assistance Program (EAP).

Cogswell Polytechnical College does not offer on-campus medical services. Individuals who wish to speak with someone in confidence about any experience of sexual misconduct may contact the contracted, personal mental health counselors on campus, or one of the following off-campus resources:

- National Sexual Assault Hotline: (800) 656 – HOPE
- Rape, Abuse, and Incest National Network: [www.rainn.org](http://www.rainn.org)
- Silicon Valley YWCA: (800) 572 – 2782 [www.ywca-sv.org](http://www.ywca-sv.org)
- Domestic Violence Services: (800) 799-7233 [www.domesticviolenceservices.com](http://www.domesticviolenceservices.com)
- National Sexual Violence Resource Center: [www.nsvrc.org](http://www.nsvrc.org)
- San Jose Police Department Victim Assistance Resources: [www.sjpd.org/bfo/community/victsassistance](http://www.sjpd.org/bfo/community/victsassistance)

Victims are encouraged to secure a place of safety, obtain necessary medical treatment, report the incident in a timely manner and provide an opportunity for timely collection of evidence. The preservation of evidence is crucial in sexual misconduct cases. Regardless of whether the individual chooses to report the incident, Cogswell encourages survivors of any form of violence to seek medical attention as soon as possible, even if they feel no injury was sustained. Medical assistance providers can treat injuries, test for and treat sexually transmitted diseases, test for pregnancy, and provide emergency contraception (if requested). In addition, hospitals can also test for the presence of alcohol or drugs and perform a rape evidence collection procedure or coordinate these services with another provider if needed.

Preserving evidence can be crucial in helping to prosecute assailants and/or obtaining a protective order. In cases of rape or sexual assault, physical evidence must be collected in a timely manner by a certified medical facility. Prior to a medical exam, victims of rape or assault should not bathe, change clothes, douche, use the toilet (if possible),

smoke, or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours, so that the evidence may be preserved.

Victims of stalking should save evidence such as, letters, notes, emails, phone calls, videos, photos, texts, social media postings (Facebook, Twitter, etc.), computer and phone screenshots, voicemails and any other form of evidence that would be helpful. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult.

## **INVESTIGATION AND DISCIPLINARY PROCEDURES**

Cogswell community members wishing to make a disciplinary complaint may do so by contacting the Dean of Students, Director of Human Resources, or Chief Compliance Officer. Upon receipt of a report of an alleged incident of sexual misconduct, the Title IX Coordinator or designee will immediately review all reports of sexual misconduct and will determine the appropriate response. If there are jurisdictional considerations that preclude Title IX consideration, the complainant will be notified of such limitations. If the complaint is dismissed at this stage, the complainant will receive written notice of the outcome and has the opportunity to appeal the determination using the appeal procedure below.

Upon receipt of a report, a Title IX Coordinator will, if appropriate, commence an investigation of the allegation(s). The Title IX Coordinator will issue simultaneous written notification to the complainant and respondent, notifying them of the start of the investigation, providing a description of the incident being investigated, and outlining any interim protective measures that are in place. The Title IX Coordinator will then assign a trained Title IX Investigator to the case. All Title IX Investigators receive annual training regarding Title IX regulations, campus policies and procedures, trauma informed investigations, dating violence, domestic violence, stalking, sexual assault, and consent. Investigative and disciplinary procedures are determined based on the relationship of the respondent to the College.

The complainant and respondent will have an equal opportunity to provide witnesses and evidence throughout the process; the Title IX Coordinator will assist the parties in locating and identifying witnesses, as appropriate. The complainant and respondent have an equal opportunity to have present an advocate of their choosing. An advocate is an individual who may be present during all investigative and disciplinary proceedings, but may not participate in the proceedings on their behalf or on the behalf of the complainant or respondent. The investigation will implement procedures for considering allegations that drugs or alcohol were used during the alleged incident.

If the respondent is a staff member, investigative and disciplinary proceedings will follow those outlined in the Employee Handbook. If the respondent is a faculty member, investigative and disciplinary proceedings will follow those outlined in both the Employee and Faculty Handbooks. Lastly, if the respondent is a student at Cogswell, investigative and disciplinary procedures will follow the process outlined in the Student Handbook. The investigation may include contacting the complainant, respondent, and witnesses to obtain additional information about the allegation(s).

Following the conclusion of the investigation the Title IX Investigator will prepare a written report outlining the facts collected during the investigation. The Title IX Investigator will indicate in the written report if the evidence collected throughout the investigation qualifies the incident as a violation of a policy in the Code of Conduct or if there is insufficient evidence to support a violation of the Code of Conduct. If the Title IX Investigator determined that there is sufficient evidence to support a violation of the Code of Conduct, the case is referred to the Dean of Students for adjudication through the student conduct process. If there is insufficient evidence to support a violation of a policy in the Code of Conduct, the complainant and respondent will be notified simultaneously in writing of the outcome and conclusion of the investigation. Both parties have the right to appeal this decision by following the student appeal procedure outlined below.

Cases referred to the student conduct process will follow student disciplinary procedures outlined in the Student Handbook. The respondent will be notified by email at least three days prior to the Due Process Hearing of the date and time of the Due Process Hearing, and will be notified by email at least two days prior to the Conduct Hearing of the date and time of the Conduct Hearing.

During the Due Process Hearing the hearing officer will review with the respondent the facts collected during the

investigation, potential policies violated and respondent rights throughout the conduct process. The respondent may provide any additional information that they believe is pertinent to the case, including witnesses. Following the review of the facts collected, policies involved, and rights, the respondent is provided the opportunity to accept responsibility for the policy violation, or not accept responsibility for the policy violation.

If the respondent accepts responsibility the hearing officer will assign sanctions and notify the respondent within five business days of the outcome of the hearing. The hearing decision, including sanctions, will be provided in writing, simultaneously to the complainant and respondent. Both individuals are permitted to appeal the decision following the appeal guidelines outlined below.

If the respondent does not accept responsibility they are provided the opportunity to choose between an administrative hearing (by one individual) and a panel hearing (by three individuals from the Campus Judicial Committee). In cases of dating violence, domestic violence, stalking, and sexual assault, and in other cases where the safety of the community was placed at risk, the respondent is provided the opportunity to choose the method of the Conduct Hearing. At the Conduct Hearing and the hearing officer(s) determine if the facts presented represent a preponderance of evidence. A determination of responsibility is then decided by the hearing officer(s). The hearing decision, including sanctions, will be provided simultaneously in writing to the complainant and respondent. Both individuals are permitted to appeal the decision following the appeal guidelines outlined below.

Sanctions for violations of the domestic violence, dating violence, stalking, and sexual assault policies include official warning, educational sanctions including counseling, contributed service, restitution, fines, loss of privileges, disciplinary probation, removal from housing, interim suspension, suspension, and expulsion.

Interim protective measures are available to individuals who report alleged sexual misconduct, as appropriate. Protective measures may include no contact directives, changes to academic situations for students, leaves for employees, housing transfer for students who are participating in student housing, if available, changes in working situations, transportation or other actions. Cogswell is obligated to provide reasonable changes to a victim's academic situation upon request regardless of whether the victim chooses to report the crime to local law enforcement. Protective measures will be administered in a manner that reduces the burden on the complainant while preserving the fundamental fairness of the process. Requests for protective measures should be made to the Title IX Coordinator using the contact information provided above.

The burden of proof necessary to find an individual responsible for a policy violation is a preponderance of evidence. As defined by Cogswell College, a preponderance of evidence is met when the hearing officer(s) is presented with just enough evidence to make it more likely than not that a policy violation occurred. To further elaborate on this definition, the hearing officer(s) need to be more sure than not that the respondent is responsible for the alleged policy violation.

All investigative procedures and adjudication will be conducted within 60 calendar days from the date the concern was reported. In the event that additional time is needed to finalize the investigations or any portion of the adjudication process, additional time may be granted in the presence of extenuating circumstances. The Title IX Coordinator will notify the parties of any delays and the reasons for the delays.

Cogswell does not use mediation in cases where sexual assault has been alleged, even on a voluntary basis. Persons found to be in violation of the College's Harassment Policy are subject to disciplinary actions up to and including dismissal from the College or termination of employment. Sanctions for students include sexual assault or other related training, no contact directives, bans from specific areas of campus, professionalism infractions, removal from a course, requirement to change sessions, suspension, or termination from school. If a student is terminated from school, the notification will outline any requirements that must be met for reinstatement as well as the minimum timeframe required for requesting reinstatement. For employees, sanctions may include a final warning with sexual assault training or termination. As for third parties, the college will implement available sanctions, such as bans from campus, as appropriate. Cogswell will abide by and support any sanctions imposed by law enforcement; and we will also provide remedies to the complainant and campus community, as appropriate, such as educational programming, policy review and revision, and counseling.

## APPEALS

Should the respondent or complainant deem the findings of the investigation and the decision made by the hearing officer(s) inaccurate, he or she has the right to an appeal within five (5) business days of the receipt of the decision on the basis of the following:

- The disciplinary action appears to be grossly disproportionate to the conduct infraction.
- There is evidence of procedural error that could change the outcome of the investigation.
- New relevant information is available that was not available at the time of the hearing.
- The decision is not supported by substantial information.

Appeal Request Forms must be submitted to the Chief Compliance Officer at: Cogswell Polytechnical College, 191 Baypointe Parkway, San Jose, CA 95134, (408)498-5125, [compliance@cogswell.edu](mailto:compliance@cogswell.edu). Appeals must be filed within 5 calendar days of the date that written notice of the outcome was provided. Appeal requests after this timeframe may be eligible for a discretionary waiver. The Chief Compliance Officer will review the appeal promptly, but generally within 30 calendar days and provide the respondent and complainant with simultaneous written notice of any changes to the result and notice when the determination is final.

As required under the Clery Act, results of disciplinary proceedings for crimes of violence and sex offenses will be provided to the victim or next of kin, in the event that the victim died as a result of the crime upon written request. This is not a violation of Family Educational Rights and Privacy Act (FERPA).

## NOTICE OF NON-DISCRIMINATION

Cogswell Polytechnical College is dedicated to maintaining safe learning and working environments for students, employees, and third parties. Cogswell prohibits discrimination and harassment on the basis of race, color, national origin, sex, religion, disability, age, veteran status, sexual orientation, gender identity or expression, genetic information, and any other legally protected status in the provision of its courses, programs, services or activities.

Members of the Cogswell community should immediately, when safely able to do so, report concerns about – or incidents of – harassment or discrimination. Cogswell College encourages the timely reporting of all incidents and concerns of harassment. Any individual who believes that he or she has been the subject of harassment or discrimination should report the incident to one of the following college designees: Title IX Student Coordinator, Title IX Employee Coordinator, or the Title IX Confidential Reporting Agent.

Questions or comments about discrimination or harassment can be directed to:

Title IX Student Coordinator	Title IX Employee Coordinator	Title IX Confidential Reporting Agent
191 Baypointe Parkway	191 Baypointe Parkway	191 Baypointe Parkway
San Jose, CA 95134	San Jose, CA 95134	San Jose, CA 95134
(408)498-5137	(408)498-5148	(408)498-5125
<a href="mailto:bbogle@cogswell.edu">bbogle@cogswell.edu</a>	<a href="mailto:smorales@cogswell.edu">smorales@cogswell.edu</a>	<a href="mailto:compliance@cogswell.edu">compliance@cogswell.edu</a>

Cogswell College has adapted an amnesty policy for all reports of harassment and discrimination. When circumstances surrounding an incident of harassment or discrimination are occurring concurrently with other policy violations, the individual reporting the concern or incident, or the individual whom is the target of the harassment or discrimination is exempt from conduct repercussions for the secondary violation.

In instances of sexual misconduct the victim will be informed of his or her right to notify law enforcement agencies. In the event that the victim chooses to notify these authorities, the student will receive support and guidance in doing so by college personnel. The college will provide interim protective measures, including but not limited to, changing academic or living assignments, and enacting no contact orders when reasonably able. Interim protective measures are a method by which we ensure the safety and well-being of the individuals involved and prevent the recurrence of any future prohibited behavior. Interim protective measures are in effect throughout the duration of the investigative and adjudication process. Interim protective measures will be in place whether the victim decides to initiate an investigation or not.

Inquiries concerning Title IX also may be made to the Office for Civil Rights at:

Department of Education, Office for Civil Rights  
Lyndon Baines Johnson Department of Education Bldg.  
400 Maryland Ave., SW  
Washington, DC 20202-1100  
Phone: (800)421-3481 / TDD: (877)521-2172  
Fax: (202)453-6012  
Email: OCR@ed.gov

Office for Civil Rights, San Francisco Office  
U.S. Department of Education  
Old Federal Building  
50 United Nations Plaza  
Room 239  
San Francisco, CA 94102-4912

### **SEX OFFENDER REGISTRY**

The Campus Sex Crimes Prevention Act (Section 1601 of Public Law 106-386) is a federal law enacted in 2000 that provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The Violent Crime Control and Law Enforcement Act of

1994 requires states to enact statutes or regulations that require those who are sexually violent predators or who are convicted of sexually violent offenses to register with appropriate state law enforcement agencies for ten years after release from prison.

Sex offender information is compiled by the Department of Corrections (DOC). Cogswell Polytechnical College does not have a Campus Police Department, and the college is not officially notified by the state regarding any registered sex offenders. However, since 2004 the public has been able to view information on sex offenders required to register with local law enforcement under California's Megan's Law. California's Megan's law provides the public with certain information on the whereabouts of sex offenders so that members of our local communities may protect themselves and their children. The law is not intended to punish the registrant and specifically prohibits using the information to harass or commit any crime against the registrant. Members of the public may access sexual offender information under California's Megan's Law maintained by California's Department of Justice at: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

### **PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS**

The Annual Security and Fire Safety Report is compiled by the Campus Security Committee in compliance with the *Jeanne Clery Disclosure of Campus Security and Policy and Crime Statistics Act*. The report provides statistics for the previous three years concerning reported crimes that occurred on the campus's Clery geography. Information for the report is gathered by the Dean of Students in cooperation with local law enforcement. In order to ensure campus safety and security and to provide the most accurate statistics, Cogswell encourages victims of, and witnesses to, the crimes and violations listed in the annual crime statistics to report them to a CSA promptly for the purposes of making timely warning reports and the annual statistical disclosure. CSA contact information is noted in earlier in the report.

The report and statistics are updated by October 1st of each year. Current students and staff members will be notified of any updates or changes to the report or statistics via email distribution. Paper copies of this report can be obtained from the Student Services and/or Compliance Departments.

Current students and employees receive an annual notification via email that includes the link/URL to the appropriate page on the website, an explanation of the content of the report, and instructions on how to request a paper copy of the report (that includes the campus statistics) should they wish to obtain one. Additionally, prospective students receive a link to the report that includes the crime statistics during the enrollment process; and new employees receive this information during the onboarding process.

The statistics for campus incidents are compiled from the Campus Security Authority, who maintains records on disciplinary referrals and actions reported. The Compliance Office and Campus Security Authority determine which category a given incident fits for purposes of preparing this report and whether the incident occurred on campus or not. All documents related to compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act* will be retained for a period of three (3) years after publication of the report (which includes 3 years of data). This retention includes all documents relating to preparation of the annual security report and crime statistics, including, but not limited to, all records and reports or reportable crimes, letters to and from law enforcement, and all copies of timely warnings or emergency notifications. The Dean of Students,

and Director of Human Resources in partnership with the Chief Compliance Officer, are responsible for retention of the required documents. CSAs should forward all documentation related to Clery Act compliance to either the Dean of Students or Director of Human Resources as appropriate.

In preparation for disclosing annual crime statistics, the Chief Compliance Officer compiles data from various sources. These sources include incident reports of Clery Act crimes (as defined below) reported to a CSA as well as all local law enforcement agencies with jurisdiction over the campus's Clery geographic area. Cogswell requests information from the local law enforcement agencies regarding any Clery crimes occurring on campus, on non-campus property, or in the public property contiguous to our campus.

## CRIME STATISTICS DEFINITIONS OF TERMS

Institutions must classify and count reported incidents based on the definitions specified by the Clery Act listed below:

- **Murder and Non-negligent Manslaughter:** The willful killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **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 putting the victim in fear.
- **Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an Aggravated Assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.
- **Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned. It also includes forcible entry, unlawful entry – no force, and attempted forcible entry.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle, including all cases where automobiles, motorcycles, etc. are taken by persons not having lawful access even though the vehicles are later abandoned (e.g. joyriding).
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Hate Crimes:** The number of each type of crime that falls into the above list; as well as larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property that are determined to be hate crimes. Hate crimes are crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin, disability, or gender identity.
  - **Simple Assault:** The unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

- **Larceny-Theft:** The unlawful act of taking, carrying, leading, or riding away of property from the possession or constructive possession of another
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without consent of the owner or the person having custody or control of it.
- **Domestic Violence:** A felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the complainant; a person with whom the complainant shares a child in common; a person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner; a person similarly situated to a spouse of the complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or any other person against an adult or youth complainant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition: course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Weapon Law Violations:** The violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- **Drug Abuse Violations:** Violations of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- **Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
- **On-Campus Property:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in the first part of this definition, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).
- **Non-campus Building or Property:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled

by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

- **Public Property:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.
- **Unfounded:** If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is "unfounded" and not included in crime statistics. Only sworn or commissioned law enforcement personnel can deem a crime "unfounded".

## CALIFORNIA PENAL CODE

- 261.** (a) **Rape** is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
  - (2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
  - (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
  - (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
    - (A) Was unconscious or asleep.
    - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
    - (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
  - (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
  - (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
  - (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.



- (b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
- (c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

**261.5 (a) Unlawful sexual intercourse** is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

- (b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- (c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- (d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

**261.6.** In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “**consent**” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

**261.7.** In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

**262.** (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

- (1) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
- (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.
- (3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:
  - (A) Was unconscious or asleep.
  - (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

- (4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- (b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
- (c) As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

**263.** The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

**269.** (a) Any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child:

- (1) Rape, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.
- (2) Rape or sexual penetration, in concert, in violation of Section 264.1.
- (3) Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286.
- (4) Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 288a.
- (5) Sexual penetration, in violation of subdivision (a) of Section 289.
- (b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life.
- (c) The court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

**242 Battery:** A battery is any willful and unlawful use of force or violence upon the person of another.

**243 Battery: Domestic & Dating Violence:** (e)(1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship

**243.4 Sexual Battery:** *The California Penal Code does not specifically define the term "Sexual Assault" but instead defines "Sexual Battery."*

- (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
- (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

- (c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
- (d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.
- (e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.

#### **646.9 Stalking**

- (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.
- (b) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- (c) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- (d) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

**CRIME STATISTICS**

OFFENSE	YEAR	ON-CAMPUS	ON-CAMPUS HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Murder / Non-Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Rape	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Fondling	2016	0	0	2*	0	2
	2015	0	0	0	0	0
	2014	5*	0	0	0	5
Incest	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Statutory Rape	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	1*	0	1
Robbery	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Aggravated Assault	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Burglary	2016	0	0	1*	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Arson	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2015	0	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS	ON-CAMPUS HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY	TOTAL
Domestic Violence	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Dating Violence	2016	0	0	0	1	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Stalking	2016	1	0	1*	0	2
	2015	1	0	0	0	1
	2014	0	0	0	0	0
<b>Arrests and Disciplinary Actions</b>						
Weapons carrying, possessing etc.	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Drug Abuse Violations	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Liquor Law Violations	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
<b>Disciplinary Actions</b>						
Weapons carrying, possessing etc.	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
Drug Abuse Violations	2016	0	0	0	0	0
	2015	1	0	0	0	1
	2014	0	0	0	0	0
Liquor Law Violations	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

**CRIME STATISTICS – HATE CRIMES**

2016 – There were no hate crimes reported in 2016

2015 – There were no hate crimes reported in 2015

2014 – There were no hate crimes reported in 2014

**CRIME STATISTICS – UNFOUNDED CRIMES**

2016 – There were no unfounded crimes reported in 2016

2015 – There were no unfounded crimes reported in 2015

2014 – There were no unfounded crimes reported in 2014

**\* Changes were made to the 2017 Annual Security Report on 7/31/18.**

- The college’s housing was not considered on-campus until 2017.
- 1 incident of statutory rape was miscategorized as fondling in 2014 and was reported as on-campus; but should have been reported in noncampus property.
- 2 incidents of fondling were reported in 2016 as on-campus housing; but should have been reported in noncampus property.
- 1 incident of burglary was reported in 2016 as on-campus housing; but should have been reported in noncampus property.
- 1 incident of stalking was reported in 2016 as on-campus housing; but should have been reported in noncampus property.