
Center for Excellence in Higher Education

California College San Diego – San Marcos Campus

Annual Campus Security Report

Published October 2018

Security Reporting for 2015, 2016 & 2017

Chapter 1

How to report criminal actions or other emergencies occurring on campus

Timely warning reports to students and staff

In the event a situation arises, either on or off campus, that, in the judgment of the Campus Director, constitutes an ongoing or continuing threat, a campus-wide “timely warning” will be issued via email.

Some situations may constitute an emergency, and require an immediate College-wide notification (for example, any situation that poses an immediate threat to the community). In such situations, the Campus Director may send a warning to all students and staff using the Call-Em-All phone broadcasting service. Used to notify staff and students immediately of any emergency conditions, this mass notification service allows a voice message to be sent to a group of people in the event of an emergency. Anyone with information warranting a timely warning should report the circumstances to the Campus Director, by phone (619.680.4434) or in person at the campus.

Policy for preparing the annual disclosure of crime statistics

The Annual Security Report is compiled by the compliance department of the Center for Excellence in Higher Education (the parent company of this campus) to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The full text of this report can be located on our web site at www.cc-sd.edu. This report is prepared in cooperation with the local law enforcement agencies surrounding each campus.

Campus crime, arrest and referral statistics include those reported to designated campus officials and local law enforcement agencies.

Each year, an email notification that provides this report is made to all enrolled students. Faculty and staff receive similar notification via email.

Titles of each person or organization to whom student and employees should report criminal offenses and sexual misconduct described in the law for purpose of making timely warning reports and the annual statistical disclosure.

To report a crime:

Contact the Campus Director at 619.680.4434 (non-emergencies); or dial 911 (emergencies only).

If you are the victim or witness of a crime and do not want to pursue action within the College structure or the criminal justice system, you may still want to consider making a confidential report. In most cases, the Campus Director can file a report on the details of the incident without revealing your identity. 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 such information, the College 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 the institution.

Notice of Student and Employee's Rights:

When a student or employee reports to the institution that the student or employee has been a victim of sexual misconduct (including but not limited to dating violence, domestic violence, sexual assault, and stalking), whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student or employee's rights and options.

Chapter 2

Security of Campus Facilities

Security of and access to campus facilities and security considerations used in the maintenance of the campus facilities

The Campus Director's office maintains the college and grounds with a focus on safety and security. They regularly inspect these facilities and promptly make appropriate repairs. Representatives from the College periodically inspect the entire campus to review lighting and environmental safety concerns. The College does not have residence halls or any kind of dormitory facilities.

The College is an "open campus with restrictions." College facilities are open during the day and evening hours when classes are in session. When buildings have been secured for the night, for holidays, etc., only employees and authorized students with proper I.D. are admitted.

Report a Hazard: Individuals are encouraged to report hazardous conditions or safety concerns to the Campus Director's office.

Chapter 3

Crime Prevention

The law enforcement authority of campus security personnel and the working relationship of campus security personnel with state and local law enforcement agencies

The College does not maintain a state certified police department. Local law enforcement agencies are contacted as needed. The College works closely with local municipal, county, state, and federal law enforcement agencies.

Policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies.

The College encourages accurate and prompt reporting of all crimes to the Campus Director's office or to local law enforcement authorities where the crime occurred.

CAMPUS EMERGENCIES: 911

NON-EMERGENCIES: Campus 619.680.4434

Procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics

The College does not employ pastoral or professional counselors. All reports will be investigated. The College does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to law enforcement agencies. When a potentially dangerous threat to the College community arises, timely reports or warnings will be issued through the Call-Em-All phone broadcasting service.

Chapter 4

Campus Law Enforcement/Security

Type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.

Educational Programs regarding Crime Prevention and Drug and Alcohol Abuse and Sexual Assault Prevention are presented to all students through a learning module in their first course. Employees receive this information through the Human Resources department. Additional Crime prevention information is included in this Campus Security Report, distributed to all students annually.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

When time is of the essence, information is released to the College community through the Call-Em-All phone broadcasting service.

Description of programs designed to inform students and employees about the prevention of crimes

Educational Programs regarding Crime Prevention and Drug and Alcohol Abuse and Sexual Assault Prevention are presented to all students through a learning module in their first course and to new staff and faculty through employee orientation.

Statement of policy concerning the monitoring and recording, through local police agencies, of criminal activity in which students engaged at non-campus locations of student organizations officially recognized by the institution.

The campus does not maintain any non-campus locations of student organizations.

Chapter 5

Alcohol and Drugs

Policy regarding the possession, use and sale of alcoholic beverages and enforcement of state underage drinking laws. Provide a statement of policy regarding the possession, use and sale of illegal drugs and enforcement of federal and state drug laws.

The College encourages and sustains an academic environment that promotes the health, safety, and welfare of all College members. Thus, it is the long-standing policy of the College that employees and students completely abstain, on campus, from the possession, use, or distribution of any alcohol or illegal drug and also abstain from the use, possession or distribution of any controlled legal substance without specific medical authorization. Personnel or students known to be possessing, using, or distributing illegal drugs or alcohol on campus are subject to College disciplinary action and, if appropriate, to legal sanctions pursuant to local, state, and federal law.

Drug-Free Workplace Act: The College has adopted a comprehensive Drug-Free School Policy and has made the commitment to maintain a workplace free from the unlawful manufacture, use, dispensing, possession or distribution of controlled substances, as defined by applicable law. The college absolutely prohibits the unlawful manufacture, use, dispensing, possession or distribution of controlled substances by any student or individual in the workplace. All students and personnel engaged in the performance of a federally-funded contract or award must comply with the terms of the Drug-Free Workplace Policy, the Honor Code, and the Drug-Free School Policy

as conditions of enrollment/employment. All individuals engaged in the performance of work under a federally-funded contract will receive a copy of this policy.

Drug or alcohol abuse education programs as required under Section 120(a) through (d) of HEA and the Drug-Free Schools and Communities Act (DFSCA).

Educational programs regarding Crime Prevention and Drug and Alcohol Abuse and Sexual Assault Prevention are presented to all students through a learning module in their first course. Employees receive this information through the Human Resources department. Additional information is included in this Campus Security Report distributed to all students and employees annually.

Statement that the institution will upon written request, disclose to the alleged victim of a crime of violence, or sexual misconduct, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense.

The College will, upon written request, disclose to the alleged victim of a crime of violence, or sexual misconduct, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

Policy regarding your institution's emergency response and evacuation procedures

Upon confirmation of a significant emergency or dangerous situation involving an imminent threat to the health or safety of the campus community the following communication resources and procedures will be activated:

- The Campus Director will confirm the magnitude and scope of an emergency, at which time activation of the College's mass notification system, the Call-Em-All phone broadcasting service, and/or evacuation procedures will be determined.
- Upon confirming that an event warrants immediate notification of the campus community, the Director will direct the activation of the Call-Em-All phone broadcasting service Without delay, unless mitigating factors warrant a delay, alert, information, and reassurance messages will be streamed to the campus community by the Call-Em-All phone broadcasting service.
- Evacuation and/or shelter-in-place directions will be given.
- Should the incident and/or threat impact the larger community, the police department will determine whether residents should be alerted.
- Testing the system:
 - On a semiannual basis, the mass notification using personal cell phones will be tested.
 - The test will be unannounced.
 - The test message is as follows: "This is a test of the College's emergency response alert system. In the event of a real emergency, this alert message

will tell you what the emergency is and what to do."

- A record will be made of each test, including a description, the date and time, and whether the test was announced or unannounced.
- The College will publicize its emergency notification procedures in conjunction with the testing of the alert system.
- Under the direction of the Campus Director's office, evacuation drills are conducted on an annual basis. A record is made of each drill including a description, the location, the date and time, and whether the test was announced or unannounced.

TIMELY WARNING NOTICE POLICY

Reporting and notification:

Anyone with information warranting a timely warning should immediately report to the timely warning notice committee. Shortly after the incident is reported, a decision will be made by the committee to issue a notification on a case-by-case basis. The timing of the notification shall be based on the seriousness of the crime in relation to possible risk of compromising law enforcement efforts and the continuing threat to the students, employees, and guests of the College.

Warnings:

Information included in the warnings may include, but are not limited to, the following information:

- Type of crime
- Location
- Date and time occurred
- Any suspect information

Procedure:

The following methods may be used to disseminate information to the campus community about crimes that represent a continuing threat to students and employees:

- Email—issued campus-wide
- Flyers—posted in visible areas, such as entry doorways.
- Text messaging—notifications distributed to students and staff who have voluntarily signed up for the service.

Chapter 6

Sexual Misconduct

Educational programs and campaigns to promote the awareness of sexual misconduct, including dating violence, domestic violence, stalking, and sexual assault crimes including rape, acquaintance rape, and other sex offenses.

Sexual misconduct prevention sessions are presented to all new students in their first required course. Additional information is included in this Campus Security Report distributed to all students annually.

Procedures that victims should follow if an incident of sexual misconduct has occurred including: Procedure concerning who should be contacted, the importance of preserving evidence for proof of a criminal offense and to whom the alleged offense should be reported.

If you are a victim of a sexual assault at this campus, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. Time is a critical factor for

evidence collection and preservation. An assault should be reported directly to a College manager.

Filing a report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Information on a student's option to notify appropriate law enforcement authorities including: On-campus and local police and a statement that institutional personnel will assist the student in notifying these authorities, if the student requests the assistance of these personnel

The College strongly advocates that a victim of sexual assault report the incident in a timely manner to the local police. The campus personnel will assist the victim in making contact with the local police. Time is a critical factor for evidence collection and preservation.

Notification to students and employees about counseling, health, victim advocacy, legal assistance, and other student services for victims of sexual misconduct.

The College will offer referrals to off-campus counseling, mental health or other services available for victims of sexual misconduct.

Notification to student that the institution will change a victim's academic and living situations after alleged sexual misconduct, and the options for those changes if those changes are requested by the victim and are reasonably available.

Available Accommodations:

The following accommodations are available to victims of sexual misconduct:

- alteration of academic schedule
- withdrawal from/retake course without penalty
- access to academic support (e.g. tutoring)

Additional Interim Measures the school may be able to provide for complainants while an investigation is pending include:

- no contact orders
- changing alleged perpetrator's course schedule

Procedures for campus disciplinary proceedings in cases of alleged sexual misconduct

Depending on the crime and circumstances, the school may not be able to honor the victim's request that their name not be disclosed to the alleged perpetrator, or that no investigatory or disciplinary action be taken.

College Personnel: A victim of sexual misconduct allegedly perpetrated by an employee may choose to report the alleged perpetrator to the Campus Director for the assessment of appropriate sanctions, which shall be determined and administered according to established employee grievance procedures. However, in the case of sexual misconduct, the Campus Director, in addition to the process established in its grievance procedures, must do the following:

- Provide the accuser with the information

identified in this policy as to whom should be contacted for assistance, and to whom the alleged offense should be reported - emphasizing the importance of preserving evidence as may be necessary for the proof of a criminal offense.

- Provide the accuser and the accused with the same opportunities to have others present during a campus disciplinary proceeding.
- Provide the accuser and the accused with information concerning the outcome of any campus disciplinary proceeding.
- Inform the accuser of options to notify proper law enforcement authorities, including local police, and the option to be assisted by campus authorities in notifying these authorities if the accuser so chooses.
- Provide notification to accuser of the information identified in this policy of existing mental health counseling or other church or community services in the community for victims of sexual misconduct.

Students: A victim of sexual misconduct by a student may choose to report the alleged perpetrator to the Campus Director's office.

The Accuser will be:

- treated with consideration and understanding;
- encouraged to report the incident to appropriate local law enforcement authorities, and to seek appropriate legal redress;
- informed of the option to be assisted by campus authorities in notifying law enforcement authorities;
- given a list of off-campus sexual misconduct victim services (medical, legal,

ecclesiastical, educational and mental health), and encouraged to utilize these resources;

- informed of reasonable options and assistance in changing academic arrangements;
- informed that he/she must identify the accused and provide sufficient details of the event in writing in order for the College to investigate and, if justified, sanction the accused;
- informed that a person of his/her choice may accompany them, for the purpose of providing support, to any resulting campus disciplinary proceeding;
- informed that he/she will be promptly informed as to the outcome of the disciplinary proceeding;
- informed that the College will act responsibly to respect his/her privacy ;
- informed that the College will initiate reasonable measures to assist in his/her safety.

The Accused will be:

- informed of the nature of the allegations and to participate in an investigative interview;
- treated with consideration;
- allowed to respond in writing as to the allegation;
- cautioned to have no contact with the accuser during this process;
- informed that he/she will be promptly informed as to the outcome of the disciplinary proceeding.

Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape, or other sexual misconduct.

Sanctions: A determination will be made as to an appropriate sanction based upon all information gathered during the investigation. The range of appropriate sanctions may vary according to the facts:

- If the administrative personnel determines that it is more probable than not that the sexual misconduct as alleged by the accuser did take place, appropriate College sanctions will be imposed.
- If the accuser or accused elect to appeal the decision and or sanction, the matter will then be heard by the Campus Director.
- If it is not feasible for the College to come to a decision with respect to the allegation and the accuser pursues legal redress through the criminal or civil courts, the determination of the College may be deferred pending the outcome of the legal process. Depending upon the court action, the college may impose an appropriate sanction retroactive to the date of the sexual misconduct.
- The College will act responsibly to protect the welfare and privacy of the accused in respect to the processes at the college.

Campus Coordination: Allegations of sexual misconduct should be promptly reported to the Campus Director's office. The Campus Director's office in turn will make referrals to appropriate campus departments. All departments will cooperate in the exchange of relevant information to facilitate the determination of suitable sanctions and to assist the victim.

Chapter 7

Obtaining registered sex offender information

Statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus or a computer network address.

In accordance with the federal Campus Sex Crimes Prevention Act (CSCPA), notice must be given of registered sex offenders to institutions of higher education if the offender is employed, carries on a vocation, or is a student at the institution.

Information regarding registered sex offenders residing within a specific geographic location can be accessed via:

California Registered Sex Offender search
www.meganslaw.ca.gov

Chapter 8

Annual Campus Crime Statistics

CRIME DEFINITIONS

The statistics below reflect offenses and arrests reported to campus authorities and are compiled in accordance with the definitions used in the Uniform Crime Reporting System of the Department of Justice, and the Federal Bureau of Investigation (FBI), and as modified by the Hate Crime Statistics Act. These statistics may or may not accurately reflect the actual crime rates on campus. The following definitions are used by the Uniform Crime Reporting System:

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

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

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Examples of forcible sex offenses include:

Rape: The penetration, not matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim This offense includes the rape of both males and females.

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

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 by putting the victim in fear.

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

Burglary: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts at these offenses.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle. For reporting purposes, this definition includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.

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

Hate Crimes: Any of the aforementioned offenses, and any other crime involving bodily injury, larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property that manifests evidence that the victim was intentionally selected because of the actual or perceived race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability of the victim.

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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

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;
- 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.

Stalking: Engaging in a course of conduct directed to 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

Illegal Weapons Possession: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification are: the manufacture, sale, or possession of deadly weapons; carrying deadly weapons—concealed or openly; the manufacture, sale, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

Drug Law Violations: The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance; and 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 public drunkenness. Included in this classification is: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession, using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of the above.

EXPLANATION OF CONSENT

An affirmative consent requires that consent was given by both parties to sexual activity. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. It shall not be a valid excuse to alleged lack of

affirmative consent that the accused believed that the complainant consented to the sexual activity under any of the following circumstances:

- Affirmative consent arose from the intoxication or recklessness of the accused.
- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition

Crime Statistics

San Marcos, California

Offense	Year	On-Campus	Public Property
Murder/Non-Negligent Manslaughter	2015	0	0
	2016	0	0
	2017	0	0
Manslaughter by Negligence**	2015	0	0
	2016	0	0
	2017	0	0
Rape	2015	N/A*	N/A*
	2016	0	0
	2017	0	0
Fondling	2015	N/A*	N/A*
	2016	0	0
	2017	0	0
Incest	2015	N/A*	N/A*
	2016	0	0
	2017	0	0
Statutory Rape	2015	N/A*	N/A*
	2016	0	0

	2017	0	0
Sex Offenses	2015	0	0
	2016	0	0
	2017	0	0
Robbery	2015	0	0
	2016	0	0
	2017	0	0
Aggravated Assault	2015	0	0
	2016	0	0
	2017	0	0
Burglary	2015	0	0
	2016	0	0
	2017	0	0
Motor Vehicle Theft	2015	0	0
	2016	0	0
	2017	0	0
Arson	2015	0	0
	2016	0	0
	2017	0	0
Hate Crimes	2015	0	0
	2016	0	0
	2017	0	0
Weapon Law Arrest	2015	0	0
	2016	0	0
	2017	0	0
Weapon Law Disciplinary Action	2015	0	0
	2016	0	0
	2017	0	0
Drug Law Arrest	2015	0	0
	2016	0	0
	2017	0	0
Drug Law Disciplinary Action	2015	0	0
	2016	0	0
	2017	0	0
Liquor Law Arrest	2015	0	0
	2016	0	0
	2017	0	0
Liquor Law Disciplinary Action	2015	0	0
	2016	0	0
	2017	0	0

VAWA Offenses: Domestic Violence	2015	0	0
	2016	0	0
	2017	0	0
VAWA Offenses: Dating Violence	2015	0	0
	2016	0	0
	2017	0	0
VAWA Offenses: Stalking	2015	0	0
	2016	0	0
	2017	0	0
Unfounded Crimes	2015	0	0
	2016	Total: 0	
	2017	Total: 0	

The campus does not have any non-campus facilities

There are no Public Statistics available for 2015. We cannot determine if the statistics we obtained from local and/or state law enforcement agencies are for our Clery geography.

*For Reporting Years 2015 and prior, Sex Offenses were reported under two separate categories: Forcible sex offenses, which included forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling; and Non-Forcible Sex Offenses, which included statutory rape, and incest. Beginning in 2016, sexual assault are reported under the categories of "Rape", "Fondling", "Incest", and "Statutory Rape".

** Prior to 2016, Manslaughter by Negligence was reported as "Negligent Manslaughter"

Appendix

Health Risks of Alcohol Consumption

Safety Tips

Sexual Misconduct Prevention Assistance

Other Crimes & Situations

Risks Associated with Substance Abuse

Emergency Response Plan

Health Risks of Alcohol Consumption

The consumption of alcohol may cause a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to

produce withdrawal symptoms--including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at a greater risk than other youngsters of becoming alcoholics.

For more information visit this link:

<http://alcoholism.about.com>

Safety Tips

Personal Safety Recommendations:

1. Campus staff is available to assist you in protecting yourself by providing safety and security information, such as posters and brochures. However, only you can protect yourself by being aware of your surroundings and taking appropriate steps in preventing crime from happening.
2. Do not prop open locked interior building doors at the campus. These doors are locked for your protection and the protection of others.

Protect Your Property

1. Personal property (purses, briefcases, calculators, computers, etc.) should never be left unattended. Take such items with you if you are leaving the office, classroom, or any other unsecured location.
2. Do not leave valuables in plain view. Always take your valuables with you when you leave the campus premises.

Protect Your Automobile

1. Always lock your car doors and never leave your keys in the vehicle.
2. Try to park your car in a well-lit area.
3. Avoid leaving property where it is visible.
4. If you arrive at or leave the campus late at night, you should use extra caution when walking to your vehicle. It is preferable to walk to the parking lot with others if at all possible.

Help the College Protect You

1. Watch for suspicious persons in and around College buildings and in parking lots. Do not pursue them. Call the campus management immediately. Problems related to people in the building after hours should be reported to the campus management.
2. If you see any suspicious activity or people on or near campus, call the campus management or the local police department (911). Do not assume that what you observe is an innocent activity or that it has already been reported.
3. Do not assume the person is a visitor or College staff member who you have not seen before.
4. Suspicious people may be loitering about at unusual hours and locations, running, especially if something of value is being carried. If exhibiting unusual mental or physical symptoms, persons could be under the influence of drugs or otherwise needing medical or psychiatric assistance. Carrying property that may be suspicious depending on the circumstances, going room to room trying door handles. Violations of this rule should be reported to the campus management or the local police immediately.
5. Report all thefts and property loss immediately to the campus management or the local police.

Policies and Procedures for Safe Access to Buildings

1. Keys are issued to authorized faculty, staff only.
2. Building evacuation is mandatory for all fire alarms.

Sexual Misconduct Prevention Assistance

The College's policies and procedures require all college members to respect the personal rights of others and to obey the law. Any violation of another individual's right to be free from sexual misconduct constitutes a serious violation of the policy which may result in termination of employment, suspension, or dismissal from the College. All of the following sex offenses are also serious crimes and punishable by imprisonment:

Sex Offenses: Offenses against another person forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity. These offenses include:

- **Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
- **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 consent of the victim. This offense includes the rape of both males and females.
- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Frequently, victims and their attackers know each other. Be aware that acquaintance rape is a serious crime. Rape of any kind is a crime of violence and is never the victim's fault. The lack of verbal or physical resistance because of force, or threat of force, or intimidation, does not represent consent.

- **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.

Other Non-Contact Sexual Misconduct: the College strives to prevent other non-contact sexual misconduct including exhibitionism, voyeurism, stalking, and obscene or harassing phone calls, text messages, e-mail, etc. The College enforces all applicable state and federal laws concerning sexual misconduct.

Sexual Harassment In The Workplace Or In Academics: For information concerning the reporting of sexual harassment in the workplace or in academics, see the Employee Manual or Student Catalog.

Sexual Misconduct Education: Student Services provide information and programs to educate individuals about ways and means to avoid victimization and to inform victims of their rights and responsibilities. These programs also educate potential perpetrators of the consequences of their actions.

If You Are a Victim of Sexual Assault: Incidents of on-campus assault should be reported to the Campus Director. Off-campus incidents should also be reported to appropriate local law

enforcement officials. If the victim desires, campus personnel will assist them in notifying the appropriate law enforcement authorities. Prompt reporting facilitates the victim receiving medical assistance, counseling, other support services and allows for the collection and preservation of crucial evidence. If you are assaulted, it is recommended that you:

- Escape and go to a safe place as soon as possible.
- Preserve all physical evidence. Do not bathe, douche, brush teeth, wash hands or change clothing.
- Notify the police as soon as possible.
- Ask the police to assist you in getting medical attention.
- Find someone you trust to be with you.
- Use the campus and community resources listed in this publication to aid you in your recovery.

What a Victim of Sexual Assault Can Expect From the College: The college will fully comply with *The Student Right-To-Know and Campus Security Act of 1990* which specifies that campus authorities must:

- Treat victims with respect.
- Help victims understand their rights and legal options, and fully cooperate with them in exercising those rights which include:
 - having sexual assaults investigated by civil and criminal authorities;
 - being free from pressure to not report sexual assault crimes or report them as lesser offenses;
 - having the same rights as the accused of representation and having the opportunity to have others present during a campus disciplinary proceeding;
 - cooperation in obtaining medical evidence

- being informed of any federal or state rights to test sexual assault suspects for communicable diseases;
- having access to campus mental health and victim support services;

What a Victim of Sexual Assault Can Expect From Campus Personnel: The College's primary objective is to provide victims of sexual assault with immediate professional and compassionate attention, and information and assistance to make interaction with the criminal justice system easier. All sexual assault cases are aggressively and professionally investigated. Immediately upon the College receiving a sexual assault complaint, a police officer will respond to the victim's location and will:

- Attend to any medical emergency needs of the victim.
- Call in additional investigative resources as necessary.
- Obtain medical and counseling services for the victim.
- Instruct forensic medical personnel to collect and preserve evidence found on the victim.
- Inform the victim of other available campus and community resources.
- Secure the crime scene and collect evidence.
- Identify possible witnesses and suspects.
- If appropriate, help locate a "Safe House" for the victim for the first 24 hours following the assault.
- Complete a comprehensive police report to the local law enforcement agency.

Other Sex Offenses: Sex offenses are not limited to rape and sexual assault. Other behaviors may be violations of college policy or criminal law. Exhibitionists, voyeurs (peeping toms), and persons

who make obscene or harassing phone calls, text messages, e-mail, etc. are in violation of the law. Although a physical attack may not have been carried out, don't take chances. Promptly report all incidents to the police.

- **Exhibitionism:** The act or practice of exposing one's genitalia to another for the purpose of obtaining sexual gratification or stimulation or to shock or be offensive to another.
- **Voyeurism:** The act or practice of obtaining sexual gratification or stimulation by visual means--an example would be a window peeper.
- **What to Do:**
 - Stay calm and exhibit no reaction.
 - Note the time and location of the occurrence.
 - Note physical characteristics of the offender.
 - Note direction of travel.
 - Get a description of the vehicle (make, model, color, and license plate number).
 - Get the names and phone numbers of other witnesses.
 - Lock all doors and windows.
 - Always contact College administrative personnel or the local police where the crime occurred.
- **Harassing and Obscene Phone Calls, Text Messages, E-mail, etc.:** Harassing and obscene electronic communications are generally intended to shock or intimidate the victim or to sexually gratify the perpetrator. Use these forms of communication on your terms--not on the terms of a perpetrator.
- **What to Do:**
 - Do not give out your name or address.
 - Do not give out any type of contact information.
 - Note the phone number displayed on your caller ID.

- Save the text or e-mail message.
- State "Do not call this number again," and quietly hang up once a caller makes obscene remarks or does not respond to your "hello."
- Keep a call log noting the date, time, content, voice characteristics, background noises, etc.
- Be wary of callers conducting surveys.
- Never give personal information (e.g. credit card or social security numbers, etc.).
- Always contact campus personnel and the local police where the crime occurred.

Other Crimes & Situations

Active Shooter: To survive an active shooter incident one must develop a **survival mindset** and a **course of action**. A survival mindset is a protective shield comprised of three components:

- **Awareness**
- **Preparation**
- **Rehearsal**

A course of action may involve any or all of the following:

- **Figure out** the situation.
- **Get out** to a safer area if you can.
- **Call out** to the police.
- **Hide out** if you are unable to get out.
- **Keep out** the shooter by blocking doorways, etc.
- **Spread out** (do not huddle together) and quietly develop a plan of action.
- **Take out** the shooter. Assume the shooter's intentions are lethal and be prepared to do whatever it takes (survival mindset) to neutralize the threat.

Assault: To avoid circumstances that may make you vulnerable to assault:

- Never jog alone at night.
- Avoid dense shrubbery where an assailant could hide.
- Know the locations of emergency telephones.
- Stick to well-lighted paths and walkways at night.
- Carry a cell phone and whistle to summon help.
- Let friends or family know where you are going and when you will return.
- Stay in groups.
- Keep windows and doors locked.

Pornography and Indecent Material:

Involvement with pornographic, erotic, obscene, indecent or other offensive materials, expressions or conduct which, in the sole discretion and judgment of the College, is a serious offense. Such offenses may result in College sanctions including, in appropriate cases, termination from College employment, immediate suspension or dismissal from the college as well as prosecution pursuant to state and federal law. The College believes that an educational environment which is consistent with the principles of respecting individual dignity will assist in discouraging the advent of sexual misconduct on campus and within the College community.

Theft: As with crimes against persons, the best defense against theft is vigilance. The following suggestions may assist you in protecting your personal property:

- In a public setting, never leave personal belongings unattended even for a minute.
- Do not keep large amounts of money on your person. .
- Don't lend your keys, credit cards, or college ID card to anyone.
- Don't attach ID to your keys.
- Engrave ID numbers on personal property (*Do not use your Social Security number*).
- Keep records of your property including description, make, model, and serial number.
- Always lock your car and remove valuables or place them in the trunk of your car.

Social Media and Cyber Bullying: A safe and civil environment is necessary for students to be successful in their educational pursuits. Cyber-bullying is the willful and repeated use of cell phones, computers, and other electronic

communication devices to harass, threaten, or intimidate others. Cyber bullying also includes, but is not limited to, fighting language, intimidation, stalking, and intrusive/lewd behaviors or communication. Such behaviors are strictly prohibited by the School's Student Conduct policy.

Risks Associated with Substance Abuse

Substance abuse may result in a wide spectrum of extremely serious health and behavioral problems. Substance abuse results in both short- and long-term effects upon the body and mind. There are specific health risks related to impairment and addiction. Alcohol and drugs are toxic to the body's systems. In addition to the problem of toxicity, contaminate poisonings often occur with illegal drug use. HIV infection associated with intravenous use is a prevalent hazard.

Acute health problems may include heart attack, stroke, and sudden death, which, in the case of some drugs, such as cocaine, can occur after first-time use. Long-lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, destruction of brain cells, permanent memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

Federal Penalties for Possession of Illegal Drugs

21 U.S.C. 844(a)

1st Conviction: May be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both.

After 1 prior drug conviction: Shall be sentenced to a term of imprisonment of not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500.

After 2 or more prior drug convictions: Shall be sentenced to a term of imprisonment of not less than 90 days but not more than 3 years, and shall be fined a minimum of \$5,000.

Special sentencing provisions for possession of crack cocaine: Shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of \$1,000 if:

(a) 1st conviction and the amount of crack possessed exceeds 5 grams; or

(b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or

(c) 3rd or subsequent conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used (or intended to be used) to possess or to facilitate possession of a controlled substance, if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack).

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used (or intended to be used) to transport or conceal a controlled substance.

21 U.S.C. 844a, 28 C.F.R. § 76.3(a)

Civil fine of up to \$11,000.

21 U.S.C. 862(b)

The court may deny federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive, possess, or purchase a firearm.

21 U.S.C. 862

Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual federal agencies.

For More Information about health risks, visit this link:

<http://easyread.drugabuse.gov/index.php>

Drug abuse hotline 1.800.622.4357

Emergency Response Plan

The College recognizes that having a comprehensive safety and security plan in place allows students, faculty, and staff to respond more quickly and effectively to incidents that may occur. This plan reflects the College's commitment to building upon our vision, mission, and beliefs for fostering student achievement and a supportive learning environment. With this in mind, we have written the following plan:

Fire Plan or Plan for Emergencies Requiring an Evacuation of the Building

- Drills are conducted at least once per year and involve all occupants—everyone should leave the building when the fire alarm sounds.
- Emphasis is placed on a safe, orderly evacuation rather than speed.
- Occupants should close (BUT NOT LOCK) doors as they leave their classroom/office and faculty should direct students to the appropriate exit.
- All building occupants should congregate in the parking lot at least 200 feet from the building.
- Floor proctors should check to make sure that everyone has evacuated the building and conduct a “head count” at the congregation area to assure that everyone has left the building.
- Re-entry of the building is contingent upon permission by a representative of the school administration or the Fire Department.
- Involve and train all staff members about the Fire Plan or Plan for Emergencies Requiring an Evacuation of the Building.

Bomb Threats

- The person receiving the bomb threat call should engage the caller in a conversation to get as much information as possible:
 - Ask what time the bomb is set to go off.
 - Ask questions regarding the specific location, building, room, closet, locker, hallway, etc.
 - Ask about the appearance of the bomb package.
 - Listen for background noise, e.g., jukebox, radio, other people, traffic sounds, etc.
 - Note whether the caller was calm or hysterical.
 - Note whether the caller's voice was young or old.
 - Notify the director or the administrator in charge.
- The director or the administrator in charge will call the police and declare an emergency and may initiate the Evacuation of the Building Procedure.
- School personnel are to remain outside of the building while police conduct the bomb search.
- Any student or employee who believes a box or other type of container to be suspicious should not touch the item and should immediately report it to the Campus Director or the administrator in charge.
- The area where the suspect device is located will be cleared by at least 200 feet.
- Employees are to keep away from the suspect device and allow the police to deal with it.
- Involve and train all staff members about the Bomb Threat Plan.

Tornado Safety

- Evacuate classrooms to an adjacent hallway, if possible. If not possible, move students away from doors and windows and into the auditorium.
- Initiate the duck, cover, and hold procedure after evacuating the classroom.
- Students will be trained in the duck, cover and hold procedure during orientation as follows:
 - If indoors:
 - DUCK – drop to the floor.
 - COVER – in a bent, crouched-over position, bury the face in the crook of the elbow, and place the other hand over the back of the neck.
 - HOLD – stay in the cover position
 - If outdoors:
 - Get away from buildings. Stay clear of walls, power poles, trees, loose wires, and metal fences.
 - Lie flat on the ground and bury the face in the crook of the elbow while placing the other hand over the back of the neck.
 - Practice the “duck, cover, and hold” drill under tables and desks no less than once per quarter.
 - Involve and train all staff members about the Tornado Safety Plan.

Winter Storm

- The administration should monitor winter weather on a continual basis. In the event of threatening weather, the administration should monitor the internet, and/or commercial radio or television for local weather updates and predictions.

- Students will learn during orientation under what conditions the school would close for inclement weather and where they can become informed of a closure.

Flooding

- **School Building:** In the event of the flooding of a school building, the Evacuation Procedure will be followed and an alternative site for conducting the school operation will be established as soon as practicable by the administration.
- **Highways and Roads:** In the event of flooding of highways and roads in the area of the school, the administration will determine whether it is safe for school to be open. The administration will inform students and staff through the protocol used for a winter storm.

Earthquakes

- Practice “duck, cover, and hold” earthquake drills under tables and desks no less than once a quarter.
- Identify and assign individual responsibilities for staff following an earthquake (including accounting for and evacuation of students, injury control, and damage assessment)
- Involve and train all staff members about the earthquake safety plan, including location and procedures for turning off utilities and gas.

Protection of Students and Staff from Acts of Others

Assaults: The person observing an assault should follow the following procedures:

- Report the incident to the director or administrator in charge in the most expeditious manner (messenger, cell phone, etc.)

- Defuse the situation and seek to protect others, but avoid risk of physical injury to anyone.
- Deal with immediate medical emergencies by offering first aid or summoning police as appropriate.
- Do not leave assailants or victims by themselves.
- Determine if it is appropriate to maintain custody of participants.
- Take the names of all parties, including bystanders or witnesses.
- Report all assaults to the police.
- Involve and train all staff members about the protection of students and staff from acts of others.

- Observe the person's size, weight, clothing, age, and location to relay to the emergency operator.
- **DO NOT GET INTO AN ARGUMENT OR ATTEMPT TO CHALLENGE THE TRESPASSER.**
- Involve and train all staff members about the appropriate procedure for protecting students and staff from the possible threat of a trespasser.

Medical Emergencies

- If a medical emergency occurs, send a messenger to the director's office or to the administrator in charge.
- Do not leave the injured or sick person until the administrator in charge arrives.
- The administrator in charge will determine if medical emergency personnel need to be summoned.
- No staff member is to distribute any medication.
- Involve and train all staff members about the appropriate procedure to follow in the event of a medical emergency.

Safety and Emergency Equipment and Supplies

- **Fire Extinguishers:** All emergency equipment is to be kept in functioning order and checked on an annual basis.
- **First Aid Supplies:** The Campus Director's office will order and maintain an up-to-date inventory of the first aid supplies and kits. Notice of the location of such first aid kits will be posted in each classroom and office.

Trespassers – A trespasser is any person found on school premises who will not register as a visitor. All visitors should register at the reception desk in the lobby of the building (listing their name and the time they entered the building.)

- Greet the trespasser in a polite and non-threatening manner.
- Identify yourself as a school official.
- Inquire as to the purpose of his/her presence. If the person has a legitimate reason for being on campus, have them report to and register at the reception desk in the lobby.
- Inform the trespasser of the visiting policy.
- If the trespasser gives no indication of voluntarily reporting to the office, notify law enforcement by calling 911.