



**Santa Barbara and Ventura**

**Colleges of Law**

**2021 Annual Security Report**

[For incidents occurring between January 1, 2020 – December 31, 2020]

**Published October 1, 2021**

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## **Crime Awareness and Campus Security Information Report**

This report is provided to meet the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1988 and has been prepared by The Santa Barbara and Ventura Colleges of Law (“COL” or “The Colleges of Law”) using statistical and other information supplied by the Santa Barbara and Ventura Police Departments and Campus Security Authorities (“CSAs”).

### **I. GEOGRAPHY AND MAINTENANCE OF CAMPUS BUILDING AND GROUNDS**

The Santa Barbara and Ventura Colleges of Law (“COL” or “The Colleges of Law”) is a private, nonprofit postsecondary institution offering graduate-level education programs in the study of law. COL has two campuses, one in Santa Barbara at 20 E. Victoria, Santa Barbara, CA 93101 and one in Ventura at 4475 Market Street, Ventura, CA 93003. As of Fall 2020, the Santa Barbara campus had enrollment of 78 students, and the Ventura Campus had enrollment of 112 students. As of mid-March, classes were held virtually for the remainder of the 2020 year due to the COVID-19 pandemic. Additionally, all staff and faculty were working remotely. Outside of the pandemic, classes are held in the evening. Therefore, it is required that our facilities be open at night. Although the facilities can be locked after business hours, it is imperative that staff, faculty, and students cooperate to keep closed facilities locked, protect the security of campus keys, access codes and report immediately the loss or theft of keys. Students, faculty and staff should exercise common-sense safety precautions at all time while on campus.

We attempt to maintain our facilities in a manner that minimizes hazardous conditions. Regular walkthroughs are conducted by the campus staff. Malfunctioning lights or other unsafe physical conditions should be reported to administrative staff for correction. In addition, COL invites reports of physical hazards (e.g., broken furniture, spills, plumbing problems, electrical problems, etc.) to our Business Manager, Alexis Burdick at 805-765-9307 or [colfacilities@collegesoflaw.edu](mailto:colfacilities@collegesoflaw.edu).

## II. LIST OF CAMPUS SECURITY AUTHORITIES

While students are encouraged to report crimes to the police, they are also urged to report any incidents to a Campus Security Authority (“CSA”) listed below for proper incident tracking. The current designated CSAs and their titles are:

- Student Services Coordinator (Ventura Campus (“VTA”)) – Jennifer Mackie, 805-765-9301; [jmackie@collegesoflaw.edu](mailto:jmackie@collegesoflaw.edu)
- Student Services Coordinator (Santa Barbara Campus (“SB”)) – Ruby Baer, 805-979-9353; [rbaer@collegesoflaw.edu](mailto:rbaer@collegesoflaw.edu)
- Assistant Registrar & Program Manager for Onsite and Special Programs – Christian Winnewisser, 805-979-9862; [cwinnewisser@collegesoflaw.edu](mailto:cwinnewisser@collegesoflaw.edu)
- Registrar – Barbara Doyle (VTA), 805-765-9302; [bdoyle@collegesoflaw.edu](mailto:bdoyle@collegesoflaw.edu)
- Business Manager – Alexis Burdick, 805-765-9307; [alexisburdick@collegesoflaw.edu](mailto:alexisburdick@collegesoflaw.edu)

This list is maintained at <https://www.collegesoflaw.edu/emergency-information/>. The Business Manager will track all reported crime statistics and will use the incident report form, located at <https://www.collegesoflaw.edu/emergency-information/>, along with information provided by local law enforcement in compiling the statistics. The incident report form may be filled out by students, faculty, staff, or a designated CSA. Hard copies are also available at the reception desks at both campuses and can be turned in to CSAs for proper handling and tracking.

## III. Emergency Response and Evacuation Procedures

In cases of emergency, an Emergency Operations Plan (“EOP”) has been designed to provide faculty and staff with information in identifying the protocol if and when an “event” occurs that may jeopardize the health or safety of those on campus and/or prevents COL from continuing its normal daily operations. The EOP is available on COL’s Emergency Information webpage at <https://www.collegesoflaw.edu/emergency-information/>.

In the event of a campus emergency (e.g., medical emergency, fire, evacuation, and/or any event where 911 is called), the EOP Administrator/Business Manager, Alexis Burdick, should be notified by calling:

- Santa Barbara Campus: (805) 979-9860;
  - After Hours: (805) 207-3674 or (805) 207-3129 (Securitas Patrol)
- Ventura Campus: (805) 765-9300;
  - After Hours: (805) 207-3131 (Securitas Patrol)

The EOP Administrator has initial responsibility for contacting the Emergency Response Team (“ERT”) Leadership Team to initiate emergency protocols, which include situation assessment and activating appropriate response plans, e.g., campus evacuation, campus closure, and other situational actions.

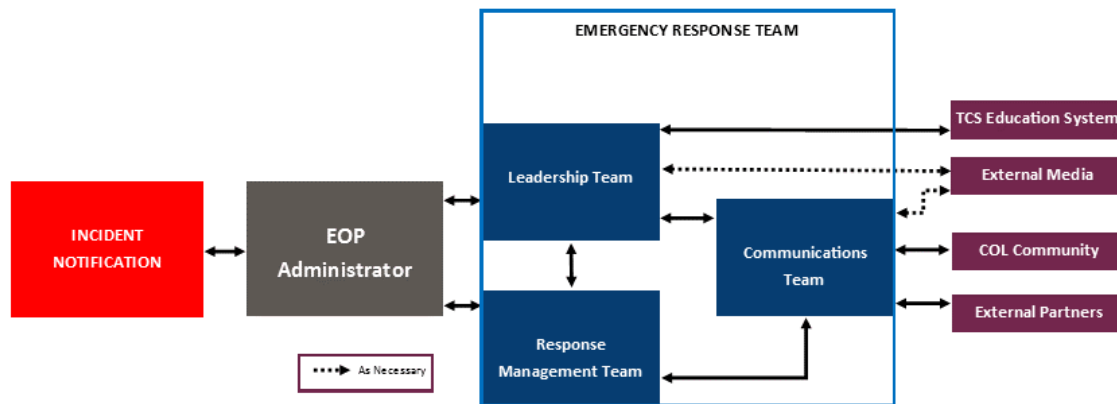
Until the ERT Leadership Team lead can be contacted, or the EOP Administrator is relieved by higher authority or local authorities, the EOP Administrator will direct all available COL resources to provide priority protection for life, safety, and preservation of property.

It is the policy of COL to involve local authorities when it is determined that a particular campus emergency exceeds the capabilities of the institution’s personnel. COL will seek the assistance of the municipal police department, fire department and other local agencies on an as needed basis. COL will then coordinate with such local agencies and comply with their directives. In addition, COL has requested cooperation from both Ventura and Santa Barbara Police Departments to inform the Business Manager at COL of any crimes that may warrant an emergency response.

**A. Notification**

No single system can be 100 percent effective, therefore COL uses multiple independent communication channels to make sure that information is dispersed quickly to students, faculty, staff, and other members of the COL Community in the event of an emergency (see Figure 1).

Figure 1: Emergency Response Protocol



Contact information for the COL Community is updated on an ongoing basis using the student information system and/or human resources systems. Additionally, an annual request goes out to students to be sure any updates to contact information have been recorded.

COL will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. The ERT Communications Team will determine information to be released and to which constituencies (faculty, staff, students or other community members), while taking into account the safety of the community. The Team will initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The following methods are used for notification:

- **Rave Alert:** The Rave system enables COL officials to contact registered members of the Colleges of Law via text message, voicemail and/or e-mail to apprise them of emergency situations or other ongoing risks to public safety in our COL Community. The Rave system can

be accessed by visiting <https://www.getrave.com/login/tcsedsystem>.

- **Emergency Information on COL Website:** In the event of a major emergency, information about the status of COL is posted online at <https://www.collegesoflaw.edu/emergency-information/>.
- **Email Notifications:** The Colleges of Law maintains a list of email addresses for all students, faculty, and staff that can be segmented to distribute timely information about crimes as well as emergencies and other situations posing a risk to campus safety. Members of the COL Community are encouraged to check their COL email account for safety and security information.
- **Departmental Phone Tree:** COL Administration maintains a stakeholder communication roster and a phone tree to expedite emergency communications.

### **B. Evacuation Procedures**

In the event an evacuation is initiated, signals will sound and instructions to evacuate will come from the ERT Response Management Team and/or fire officials.

Follow the procedures below:

1. The designated Area Captain (Business Manager in Ventura, Assistant Registrar in Santa Barbara) is to alert the other members of the ERT Response Management Team to assume their duties and begin the evacuation.
2. The ERT Response Management Team is to walk the campus making sure that everyone is aware of the order to evacuate and directs all employees and visitors to proceed quickly to the emergency exit for a safe exit.
3. Searchers are to search all rooms including restrooms. After a room has been searched, close the door and place a post-it at the bottom of the door to indicate to the fire department that the room has already been searched.
4. The Area Captain is the last one to leave the ground level. Before leaving, check offices and other rooms that were not inspected (if doors are open and do not have post-it notes). Make sure all doors are closed because this helps to contain fire and smoke.
5. Once an evacuation has begun, do not re-enter the evacuated area until it has been declared safe by the Fire Department officials.
6. The Area Captain should take a head count (using a current list of employees) and confirm that their evacuated personnel are present and accounted for at the designated evacuation area. If someone is not accounted for, immediately notify the fire department so that they may send help.

### **C. Reviewing, Testing, and Updating the Plan**

COL Administration reviews the EOP annually and will revise the Plan if necessary to incorporate changes to guidance, standards, or laws concerning emergency responsiveness, changes in institutional

officers, and changes in hazards or threat profile. Following any emergency event, the EOP will be reviewed and any revisions made that would improve responsiveness to future events. All changes shall be made with the advice and counsel of local authorities. The Emergency Response Team tests the plan on an annual basis and provides a written summary of results and suggested changes to the plan, if any. A campus-wide evacuation drill was scheduled for March 2020; however, this was cancelled due to the COVID-19 pandemic and mandatory stay-at-home orders. This drill will be rescheduled once COVID-19 stay-at-home restrictions are lifted. COL publicizes its emergency response and evacuation procedures (Emergency Operation Plan) on its website, which is available to students and employees at: [https://www.collegesoflaw.edu/wp-content/uploads/2017/08/COL\\_emergency\\_operations\\_plan\\_092116\\_PUBLIC.pdf](https://www.collegesoflaw.edu/wp-content/uploads/2017/08/COL_emergency_operations_plan_092116_PUBLIC.pdf)

#### **IV. TIMELY WARNING PROCEDURES**

In addition to the yearly statistics provided in this document and on our website, the Business Manager will make periodic reports, or Crime Alerts, to the COL Community of recent crimes that may affect the quality of life in the greater campus area. The timely warning policy is included in the Emergency Operations Plan. These reports are distributed via email, campus flyers, the website <https://www.collegesoflaw.edu/emergency-information/>, and/or the student Gateway (an online portal). These communications are intended to raise awareness regarding criminal activity so the community can increase or implement safety strategies. For crimes considered a threat to other students or employees, victim names will be withheld from timely warnings.

Decisions to disseminate a Crime Alert will be decided on a case-by-case basis by the Emergency Response Team in light of all the facts surrounding the crime and the continuing danger to the COL Community and whether there is any risk that law enforcement efforts would be compromised. Crime Alerts will contain a brief description of the incident; the date, time, and location of the incident; and precautions to take. The amount and type of information presented in the warning will vary depending on the circumstances of the crime. Significant criminal incidents that might elicit a timely warning include, but are not limited to, crimes of violence or patterns of property crimes. Anyone with information warranting a timely warning should report the circumstances to the Business Manager at [colsafety@collegesoflaw.edu](mailto:colsafety@collegesoflaw.edu) or one of the designated COL CSAs. In addition, COL has requested cooperation from both Ventura and Santa Barbara Police Departments to inform the Business Manager at COL of any crimes that may warrant timely warnings. However, COL does not currently have any written agreements, such as written memoranda of understanding, with any Police Department for the investigation of alleged criminal offenses.

#### **V. REPORTING INCIDENTS & CRIMES**

Members of the COL Community have the responsibility to report crime, whether as a victim or a witness. COL encourages accurate and prompt reporting of crimes when the victim elects to or is unable to make such a report. If a crime occurs on or around campus, report it immediately to the Business Manager at 805-765-9307 or [colsafety@collegesoflaw.edu](mailto:colsafety@collegesoflaw.edu), or one of the designated COL CSAs, whose names and contact information are listed on page 4 of this report. Incident forms are available from the front desk reception area or on our [Emergency Information](#) page. The Business Manager will respond to the report in accordance with the Emergency Operations Plan.

Crimes in progress and crimes that have just occurred should be reported directly to the police by dialing 911. Whenever possible, the actual victim or witness of the crime should call directly. Firsthand information is always more accurate and complete. When calling to report a crime or incident, please be ready to give information such as: a brief description of what occurred, where the incident occurred,

did the suspect(s) have a weapon, where and when was the suspect(s) last seen, what did the suspects(s) look like (gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos, scars), and any other relevant information. In addition to the importance of reporting, timely information assists us in developing warnings for the campus.

#### **A. Confidential Reporting Procedures**

If you are the victim of a crime and do not want to pursue action within the institutional system or the criminal justice system, you may still want to consider making a confidential report to the school. With your permission, a designee of COL can file a report on the details of the incident without revealing your identity. In such circumstances, crime victims are encouraged to consider making a confidential report to one of the designated Campus Security Authorities. At a minimum, crime victims will receive valuable counseling and referral information.

Confidential reports are important because they provide valuable information that will enhance the safety of the community-at-large and they will, at least, provide a more accurate portrait of actual campus crime. 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 school 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 COL Community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the school.

Anonymous crime reporting is NOT for emergencies. If you need to report an emergency, call 911.

#### **B. Non-Emergency Contacts:**

- Santa Barbara Campus: (805) 979-9860;
  - After Hours: (805) 207-3674 or (805) 207-3129 (Securitas Patrol)
- Ventura Campus: (805) 765-9300;
  - After Hours: (805) 207-3131 (Securitas Patrol)

#### **C. Emergency Contacts:**

- Santa Barbara Fire Department: (805) 965-5254
- Santa Barbara Police Department: (805) 897-2300
- Ventura Fire Department: (805) 339-4300
- Ventura Police Department: (805) 339-4400

## **VI. POLICY ON CAMPUS LAW ENFORCEMENT**

Crime prevention is a high priority of campus administrators at COL. To achieve this goal, COL works in conjunction with surrounding law enforcement agencies. Additionally, COL contracts Securitas security company which provides security and assistance in the Santa Barbara and Ventura campuses' buildings and surrounding areas three evenings a week. The security personnel do not have the authority to arrest individuals, unless such personnel possess a valid certification as a law enforcement officer, peace officer, or are authorized to act in such capacity by way of official authority granted by a court of



state regulatory agency. Neither campus has an institutional campus police department or campus security department.

COL Community members are strongly encouraged to immediately report criminal activity and suspicious person(s) to police. Incidents that may or may not be crimes also may be reported to Campus Security Authorities, which are listed above in Section II, including those with responsibility for controlling access to buildings or facilities and officials having significant responsibility for students or campus activities. Additionally, building security will cooperate with local law enforcement.

COL does not currently have any agreements with Santa Barbara or Ventura Police Department.

## **VII. DRUG AND ALCOHOL REGULATIONS AND POLICIES**

In compliance with the Drug Free Schools and Communities Act (DFSCA) of 1986 as amended in 1989, COL explicitly prohibits the unlawful possession, use, or distribution of illicit drugs by students or employees on School premises or as part of any of its activities. In addition, the School prohibits the misuse of legal drugs including alcohol.

Federal penalties and sanctions for illegal possession of a controlled substance are as set forth below. This list has been included for reference purposes only. The most current information can be found on the website of the [U.S. Drug Enforcement Administration](https://www.dea.gov/).

- a. First conviction: up to one-year imprisonment or a fine of at least \$1,000
- b. After one prior drug conviction: at least 15 days in prison, not to exceed two years, and a fine of at least \$2,500 but not more than \$250,000, or both
- c. After two or more prior drug convictions: at least 90 days in prison, not to exceed three years, and a fine of at least \$5,000
- d. Special sentencing provisions for possession of crack cocaine: mandatory sentencing of at least five years in prison, not to exceed 20 years, and a fine of up to \$250,000, or both, if the first conviction and amount of crack possessed exceeds five grams, the second crack conviction and the amount of crack possessed exceeds three grams, third or subsequent crack conviction and the amount of crack possessed exceeds one gram
- e. Forfeiture of personal property used to possess or to facilitate possession of a controlled substance, if that offense is punishable by more than a one-year imprisonment
- f. Forfeiture of vehicles, boats, aircraft, and any other conveyance used to transport or conceal a controlled substance
- g. Civil penalty of up to \$10,000
- h. Denial of federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to one year for first offense or up to five years for second and subsequent offenses
- i. Ineligibility to receive or purchase a firearm
- j. Revocation of certain federal licenses and benefits, (for example, pilot licenses, public housing tenancy, etc.) as vested within the authorities of individual federal agencies
- k. Any person convicted of drug trafficking occurring within 1,000 feet of an academic institution is subject to prison terms and fines twice as high as listed above with a mandatory prison sentence of one year for each offense.

Beverage alcohol may be served to and consumed by persons of legal drinking age on School premises or internships sites only in conjunction with a specifically authorized function of the School administration. Individuals consuming alcohol should do so in a responsible manner.

Individuals younger than 21 years old may not purchase, accept as a gift, or possess alcoholic beverages on any street or highway or other public place. Consumption by minors is expressly prohibited. Licensees to sell alcoholic beverages are prohibited from selling, giving, or delivering alcoholic beverages to anyone under 21 years of age. It is unlawful for anyone of legal age to purchase or obtain alcoholic beverages and then sell, give, or deliver them to a minor.

As a condition of matriculation to COL, students agree to abide by the terms of these regulations and policies and agree to notify COL of any criminal drug statute conviction for a violation occurring on campus no later than five (5) business days after such conviction. COL will take appropriate action (consistent with local, state, and federal law) against a student who violates the standards of conduct contained herein, pursuant to the Student Code of Ethics and Conduct, up to and including dismissal from the institution and referral for prosecution.

The Drug-Free Environment Policy is included in the Academic Catalog. It is also distributed annually to all students and employees pursuant to Public Law 101-226 (The Drug-Free Schools and Communities Act Amendment of 1989). COL will regularly review the terms of this policy to:

1. Determine its effectiveness;
2. Implement changes, as needed, and
3. Ensure that sanctions are consistently reinforced.

#### **VIII. DISCLOSURE OF DISCIPLINARY PROCEEDING RESULTS**

COL will disclose the results of any disciplinary proceeding against a student who is the alleged perpetrator of a crime of violence (as defined by Section 16 of Title 18 of the United States Code, 18 U.S.C. §16), or a non-forcible sex offense to the alleged victim. If the alleged victim is deceased as a result of the crime or offense, the next of kin of the victim shall be treated as the victim for purposes of notification.

#### **IX. SEXUAL MISCONDUCT POLICY**

##### **A. General**

COL is committed to creating and maintaining a safe learning and working environment that is free of unlawful discrimination, harassment, exploitation, or intimidation for all members of the COL Community. As such, COL prohibits sexual misconduct in all forms, including but not limited to sexual harassment, sexual violence, sexual assault, dating violence, domestic violence and stalking. COL will respond promptly and effectively to reports of sexual misconduct, and will take appropriate action to prevent, to correct, and when necessary, to discipline behavior in violation of this Policy. COL also bars retaliation against any employee, student, or applicant who files a good faith report of sexual misconduct or otherwise participates in an investigation relating to the same.

The Sexual Misconduct Policy, which is available [here](#), applies to all COL employees, students, and other COL Community Members, regardless of gender/gender identity and sexual orientation, for sexual misconduct occurring on COL's campuses or in connection with its educational programs, activities and services, or that puts COL Community Members at risk of serious harm or otherwise creates a hostile learning and/or working environment.

COL students, faculty and staff who, after a thorough review of the facts, are found, based on a preponderance of the evidence, to have violated this policy will be subject to discipline, up to and including dismissal or termination of employment or dismissal from COL.

## **B. Procedures for Students**

### **Making a Report to Law Enforcement**

COL encourages Community Members who have experienced sexual misconduct to immediately report the incident to the local police department or another area law enforcement agency. Reporting of sexual assault, domestic violence, dating violence, and stalking to the police does not commit the Reporting Party to further legal action. However, the earlier an incident is reported, the easier it will be for the police to investigate if the Reporting Party decides to proceed with criminal charges. Early reporting makes it more likely that the police will be able to gather needed evidence before it is lost or destroyed, and that the Reporting Party will receive timely notice of potentially helpful victim/witness services.

### **Making a Report to COL**

Reporting Parties are also encouraged to report incident(s) of sexual misconduct to COL's Title IX Coordinator, who is:

Wansong Harley, Title IX Coordinator  
The Santa Barbara and Ventura Colleges of Law  
20 E. Victoria Street, Santa Barbara, California 93101  
4475 Market Street, Ventura, California 93003  
805-765-9720  
wharley@collegesoflaw.edu

Reporting Parties are not required to report to area law enforcement to receive assistance from or pursue any options within COL. The Title IX Coordinator will provide Reporting Parties with information about available support services and resources, and also assist the Report Party in notifying law enforcement, including the local police, if the Reporting Party elects to do so.

### **Reporting and Confidentially Disclosing Sexual Misconduct**

COL encourages victims of sexual misconduct to promptly talk to somebody about what happened, so they can get the support they need, and so COL can respond appropriately. COL encourages victims to talk to someone identified in one or more of these groups.

A Reporting Party should be aware that reporting an incident to COL does not necessarily mean that COL will report to law enforcement. If a Reporting Party desires that notice be given to law enforcement, the Reporting Party should file a report with a law enforcement agency and COL can assist the Reporting Party in doing so.

Certain COL officials have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes under the Clery Act. All personally identifiable information is kept confidential, but statistical information must be passed along to Campus Security Authorities regarding the type of incident and its general location (on or off-campus, in the surrounding area, but no addresses are given) for publication in the Annual Security Report. This report helps to provide the

community with a clear picture of the extent and nature of campus crime, thereby ensuring greater community safety.

### **C. Notification of Rights and Options and Preservation of Evidence**

Survivors of sexual misconduct have the following rights and options:

- Go to court, and to file a domestic abuse complaint requesting a restraining order and/or an order directing the Responding Party to leave the survivor's household, building, school, college, or workplace;
- Seek a criminal complaint for threats, assault and battery, or other related offenses;
- Seek medical treatment (the police will arrange transportation to the nearest hospital or otherwise assist in obtaining medical treatment, if requested);
- Request the police remain at the scene until safety is otherwise ensured;
- Request that a police officer arrange transportation or by take the victim to a safe place, such as a shelter or a family or friend's residence; and
- Obtain a copy of the police incident report at no cost from the police department.

#### **Preservation of Evidence: Procedures Survivors Should Follow**

If an incident of sexual assault, domestic assault, dating violence, or stalking occurs, it is important to preserve evidence so that successful criminal prosecution remains an option.

The survivor of a sexual assault should not wash, shower or bathe, douche, brush teeth, comb hair, or change clothes prior to a medical exam or treatment. If a survivor has removed the clothing he or she was wearing during the assault prior to seeking medical treatment, that clothing should be placed in a brown paper, not plastic, bag and brought to the hospital when treatment is sought. If the survivor is still wearing the clothes that he or she was wearing during an assault, he or she should bring a change of clothes with him or her to the hospital so that the clothes containing possible evidence can be preserved and examined for evidence of the crime.

Evidence of violence, such as bruising or other visible injuries, following an incident of sexual assault, or domestic or dating violence, should be documented by taking a photograph. Evidence of stalking, including any communications such as written notes, email, voice mail, or other electronic communications sent by the stalker, should be saved and not altered in any way.

The Title IX Coordinator will provide victims of sexual misconduct with written information about available support services and resources, and also assist the Reporting Party in notifying law enforcement, including the local police, if the Reporting Party elects to do so. The Reporting Party has the right to decline to notify law enforcement. If requested by the Reporting Party and reasonably available, interim protections may include changes to academic, living, dining, transportation and/or work situations. When a student or employee reports to COL that the student or employee has been a survivor of sexual assault, dating violence, stalking or domestic violence, whether the offense occurred on or off campus, COL will provide the student or employee a written explanation of the student's or employee's rights and options to:

1. Notify appropriate law enforcement authorities, including on-campus and local police.
2. Receive assistance from school personnel in reporting a crime to law enforcement authorities, if the student requests such assistance.
3. Decline to notify such authorities and/or decline to report to COL

4. Request interim protective measures and accommodations, such as a change in their academic, living, dining, transportation or working situations, if those changes are requested and are reasonably available, regardless of whether or not the victim chooses to file a police report. (More information is provided below on interim protective measures)
5. Request assistance from campus authorities in obtaining and enforcing a restraining order or "no contact" directive and, if such measures are reasonably available, an order of protection or no contact order in state court.
6. A clear description of the school's disciplinary process including the range of possible sanctions.
7. Information and assistance 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 institution and in the community.
8. Seek confidential advocacy and support from a professional counselor, pastoral counselor or confidential advisor.

## Options for Resolution

### 1. Informal Resolution

COL recognizes that in certain circumstances, informal resolution of a report of sexual misconduct may be beneficial to the Reporting Party, the Responding Party, other involved persons (the Reporting Party, Witnesses), and/or the COL Community at large. Whether a report of sexual misconduct is appropriate for informal resolution is within the discretion of the Title IX Coordinator, except that reports of sexual assault are never appropriate for informal resolution.

In circumstances where informal resolution is appropriate, and with the consent of both the Reporting Party and the Responding Party, COL may utilize informal methods to resolve a report of sexual misconduct. To pursue informal resolution, the Title IX Coordinator must obtain the consent of both the Reporting Party and the Responding Party, which may be withdrawn at any time during the investigation and/or sanctions process.

### 2. Decision to Formally Investigate

When the Title IX Coordinator determines that informal resolution is not appropriate or formal resolution is requested by either the Reporting Party or Responding Party, COL will launch an investigation.

Where a Reporting Party requests confidentiality or asks that COL not pursue investigation into a report of sexual misconduct, the Title IX Coordinator will determine whether the Reporting Party's request can be honored. In making such a determination, the Title IX Coordinator will consider the following:

- The seriousness of the sexual misconduct as reported;
- The Reporting Party's age;
- Whether there have been other reports about the same Responding Party;
- The Responding Party's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.1.

While COL will always seek to obtain the consent of the Reporting Party prior to pursuing a formal investigation, the final decision on whether to investigate a report of sexual misconduct lies with the Title IX Coordinator.

COL's complaint resolution procedures are explained in detail in Section V of the Policy on Sexual Misconduct. Upon receiving a report of sexual misconduct, COL will respond by providing the Reporting Party with supportive resources and interim interventions (where appropriate) and conducting a prompt, fair, and impartial investigation by a trained official from the initial investigation to the final result. The response and investigation procedures are designed to provide a supportive process for those who report sexual misconduct as well as fairness and due process for the individual being accused. In summary, the procedures include the following upon the receipt of a report of sexual misconduct:

1. An investigation will be conducted by personnel who have received annual training as required by Title IX, Clery and VAWA and who will interview the Reporting Party, identify and locate any witnesses, interview the Responding Party and contact and cooperate with law enforcement, if applicable. The investigator will make a decision based on the preponderance of the evidence standard. Informal resolution may be used in some circumstances. The investigator will take steps to protect the privacy of the Reporting Party and the Responding Party throughout the review process. Both parties have the right to provide information and witnesses to the investigator. Absent delay to allow police to gather evidence or by agreement of the parties, COL will make every reasonable effort to investigation and reach a resolution on all reports of sexual misconduct within sixty (60) calendar days of the Title IX Coordinator's receipt of a report;
2. The Title IX Coordinator will review any requested interim protection measures and accommodations and determine whether any are appropriate;
3. During any meetings or proceedings, the Reporting Party and the Responding Party are entitled to have an advisor present as long as it does not result in undue delay. The advisor is a support person who is present to provide support to the Reporting Party or Responding Party during any meetings or proceedings. COL will not limit the choice of advisor or an advisor's presence for either party in any meeting or institutional disciplinary proceeding. An advisor may not communicate with an investigator on behalf of the Reporting Party or Responding Party. If the advisor is an attorney, the attorney is required to act in a supportive role and may not serve as the student's advocate or formally represent the student;
4. The Reporting Party and the Responding Party will receive updates on the status of the investigation upon request;
5. Prior to concluding an investigation, both Reporting Party and Responding Party will be given an opportunity to review their own statement and submit any inaccuracies or further evidence to the Title IX Coordinator within five (5) calendar days;
6. Upon a finding that a student has engaged in sexual misconduct in violation of the policy the Reporting Party and Responding Party will be given 5 calendar days to submit a statement of impact to the Title IX Coordinator;
7. A Sanctions Panel will be convened to review the investigative findings and recommended sanctions and will meet within 5 calendar days of receiving the Title IX Coordinator's findings;
8. The Reporting Party and the Responding Party will receive simultaneous, written findings, including information about how to appeal. The Reporting Party and the Responding Party have the right to appeal in certain circumstances; and

For employees of COL, upon finding that a COL employee has engaged in sexual misconduct in violation of the policy, the Reporting Party and Responding Party will be given five (5) calendar days to submit a statement of impact to the Title IX Coordinator. The Title IX Coordinator will submit the investigative findings and the party's Statements of Impact to the Vice President of Human Resources. The Vice President of Human Resources shall determine what, if any, sanctions will be issued against the employee. Simultaneously, the Title IX Coordinator will determine what, if any, additional sanctions (other than those specifically related to the employee-Responding Party) are appropriate to remedy the violation and maintain or enhance safety from sexual misconduct in COL's learning and working environment.

#### **D. Interim Protective measures**

During an investigation, interim protections for both parties may be put in place, regardless of whether the Reporting Party chooses to report the incident to local law enforcement. If requested by the Reporting Party and reasonably available, interim protections may include changes to academic and/or working situations. COL may implement protective measures following the report of domestic violence, dating violence, sexual assault and/or stalking, which may include some or all of the following actions: no contact orders, changes to class schedules or modification to academic requirements. Such interventions may be kept in place until the conclusion of the Title IX investigation, sanctioning, and appeal processes and shall be kept confidential, to the extent possible. In addition, COL will provide assistance, if requested, about obtaining and enforcing campus no contact orders, and will honor an order of protection or no contact order entered by a state civil or criminal court.

#### **E. Sanctions**

1. Sanctions against students may include, but are not limited to, the following:

- Formal written warning;
- Professional Improvement Plan;
- No contact order pertaining to certain COL Community Members or physical locations;
- Removal from specific courses or institutional activities;
- Suspension; and/or
- Dismissal.

In addition, further protections for the Reporting Party may be available.

2. Sanctions Against Employees and Non-student COL Community Members

In consultation with the Title IX Coordinator, appropriate management personnel shall determine what, if any, sanctions will be issued against the employee or non-student COL Community Member. Simultaneously, the Title IX Coordinator will determine what, if any, additional measures (other than those specifically related to the employee or non-student COL Community Member-Responding Party) are appropriate to remedy the violation and maintain or enhance safety from sexual misconduct in COL's learning and working environment.

Sanctions against employees may include, but are not limited to, the following:

- Formal written warning;
- Professional Improvement Plan;
- Dismissal.

When disciplinary proceedings result from an investigation into sexual misconduct, COL will simultaneously inform both the Reporting Party and the Responding Party, in writing of:

- The outcome of the disciplinary proceeding;
- COL's procedures for appeal;
- Any changes in the outcome of disciplinary proceedings that occur; and
- When the outcome of disciplinary proceedings becomes final.

#### **F. Awareness/ Prevention and Ongoing Prevention Programs**

COL contracts with an outside vendor, Workplace Answers, that provides online courses to educate students, faculty and staff members about sexual assault, domestic and dating violence, and stalking, as well as how the Colleges prohibits such offenses and employee responsibilities to respond.

Students are given a brief overview of the school's sexual misconduct policy, as well as information about campus security and evacuation procedures, during Orientation. Thereafter, during their first term of enrollment, students receive training on sexual misconduct through the online program.

Faculty and staff receive their training on Sexual Misconduct through an online program upon hire and annually thereafter. In addition, COL has plans to offer crime-prevention training at each campus and posts timely warnings when appropriate.

#### **G. Bystander Intervention**

##### **Safe and Positive Options**

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. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found. 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.

1. 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 okay.
2. Confront people who seclude, hit on, try to kiss, or have sex with people who are incapacitated.
3. Speak up when someone discusses plans to take sexual advantage of another person.
4. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
5. Refer people to on or off campus resources listed in this document or on the website for support in health, counseling, or with legal assistance.

#### **H. Risk Reduction Tips**

With no intent to victim blame and recognizing that only perpetrators are responsible for misconduct, the following are some strategies to reduce one's risk of sexual assault or harassment.

1. 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.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.



3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cab money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. 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.
10. 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.).
11. 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.
12. 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.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is too intoxicated for the amount of alcohol they have consumed, or is acting out of character, get them to a safe place immediately.
14. 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).
15. If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  1. 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.
  2. 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.
  3. 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.

4. 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.
16. 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?
17. If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **X. POLICY ON REGISTERED SEX OFFENDER INFORMATION**

The State of California requires sex offenders to register with the police in the jurisdiction in which they reside. The State makes this information available to law enforcement agencies. This information is available to the public at the local police department. Information regarding registered sex offenders is available at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov).

## **XI. COUNSELING, TREATMENT, OR REHABILITATION PROGRAMS**

Students may contact ComPsych, a third-party provider, for confidential counseling about behavioral and emotional health, family, or other personal matters (24 hours a day, seven days a week) via a toll-free phone line (866-519-7419) – or through the website at [www.guidanceresources.com](http://www.guidanceresources.com). To register online, click on “first-time user”, use the web ID “COLLEGESOFLOW”, and choose your own username. A master's level clinician will perform an issues assessment and the student will be directed to appropriate resources for further assistance. ComPsych also provides referrals to free or low-cost legal and financial services. These communications will not be shared with staff or faculty at COL except as required by law.

## **XII. ANNUAL DISCLOSURE OF CRIME STATISTICS**

### **Collection of Statistics for Annual Security Report**

The Business Manager is primarily responsible for gathering crime statistics related to the campus security report, identifying reportable crimes, and reporting/publishing statistics to the Department of Education, to the FBI, and to the public on behalf of the Colleges of Law. The Annual Security Report is published and distributed on or before October 1, and is also published on the COL website: <https://www.collegesoflaw.edu/emergency-information/>.<sup>1</sup>

The Ventura and Santa Barbara Police Departments, the law enforcement agencies with jurisdiction over the area in which our campuses are located, have been asked to provide crime statistics for campus buildings, non-campus property and adjacent public property. Additionally, COL also surveys CSAs including those with responsibility for controlling access to buildings or facilities and who have significant responsibility for students or campus activities. Finally, the company that monitors the campuses forwards any incident information to the Business Manager. All information gathered is then

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<sup>1</sup> NOTE: There are no crime statistics for on-campus housing because COL does not have any on-campus housing.

reviewed by key COL officials and statistics are reported in different formats and categories depending upon legal requirements.

COL reports arrests for liquor law, drug and weapons violations occurring on campus or on public property adjacent to campus. A disciplinary referral will be reported if it is not otherwise reported as an arrest or crime.

Some COL students participated in study abroad trips to South Africa in December of 2018 and Berlin, Germany and Tokyo, Japan in August and December 2019, respectively. For those trips, COL rented hotel rooms for students. The hotel rooms and related spaces are deemed “non-campus property” for purposes of the Clery Act. For those trips, COL requested data for Clery Act crimes; hate crimes; and arrests for liquor law violations, drug law violations and weapons offenses that may have taken place during the relevant time periods of the student experiences. COL either did not receive a response from law enforcement or received a response that no Clery Act crimes; hate crimes; or arrests for liquor law violations, drug law violations and weapons offenses occurred during the relevant time period. COL students did not participate in any study abroad trips in 2020.

| <b>THE SANTA BARBARA (“SB”) AND VENTURA (“VTA”) COLLEGES OF LAW – CAMPUS CRIME STATISTICS</b> |             |                        |            |              |                            |            |              |                        |            |              |
|---|-------------|------------------------|------------|--------------|----------------------------|------------|--------------|------------------------|------------|--------------|
|   |             | <i>Campus Property</i> |            |              | <i>Non-Campus Property</i> |            |              | <i>Public Property</i> |            |              |
| <i>Campus</i>   | <i>Year</i> | <i>SB</i>              | <i>VTA</i> | <i>Total</i> | <i>SB</i>                  | <i>VTA</i> | <i>Total</i> | <i>SB</i>              | <i>VTA</i> | <i>Total</i> |
| <b>OFFENSES</b>   |             |                        |            |              |                            |            |              |                        |            |              |
| Murder/Non-negligent Manslaughter   | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Manslaughter by Negligence  | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Rape  | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Fondling  | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Incest  | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Statutory Rape  | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Robbery   | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Aggravated Assault  | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2019        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
|   | 2020        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |
| Burglary  | 2018        | 0                      | 0          | 0            | 0                          | 0          | 0            | 0                      | 0          | 0            |

|                                      |      |   |   |   |   |   |   |   |   |   |
|--------------------------------------|------|---|---|---|---|---|---|---|---|---|
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft                  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson                                | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>HATE CRIMES</b>                   |      |   |   |   |   |   |   |   |   |   |
| Murder/Non-negligent<br>Manslaughter | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Manslaughter by Negligence           | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Rape                                 | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Fondling                             | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Incest                               | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Statutory Rape                       | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Robbery                              | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Aggravated Assault                   | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Burglary                             | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Motor Vehicle Theft                  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Arson                                | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Larceny-Theft                        | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Simple Assault                       | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

|  |      |   |   |   |   |   |   |   |   |   |
|--|------|---|---|---|---|---|---|---|---|---|
|  | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Intimidation   | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Destruction/Damage/Vandalism<br>of Property          | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>VAWA OFFENSES</b>                                 |      |   |   |   |   |   |   |   |   |   |
| Domestic Violence                                    | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Dating Violence                                      | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Stalking   | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION</b> |      |   |   |   |   |   |   |   |   |   |
| Weapons: Carrying, Possessing,<br>Etc.               | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Drug Abuse Violations                                | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Liquor Law Violations                                | 2020 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2018 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|  | 2019 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

## DEFINITIONS

*The enclosed lists of definitions are taken from the Clery Act regulation, the uniform crime reporting system of the Department of Justice, Federal Bureau of Investigation, the Hate Crime Statistics Act, and California Education Code.*

**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.)

**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.

**Assault** – An unlawful 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.

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

**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.

### **Campus**

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

### **Campus Security Authority**

- A campus police department or a campus security department of an institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing<sup>2</sup>, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor as defined below, the official is not considered a Campus Security Authority when acting as a pastoral or professional counselor.

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<sup>2</sup> NOTE: COL does not have any on-campus housing.

**Consent** – is 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.

In California, “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. Cal. Ed. Code § 67386(a)(1).

It shall not be a valid excuse to alleged lack of affirmative consent that the Responding Party believed that the Reporting Party consented to the sexual activity under either of the following circumstances:

- a) The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.
- b) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

Cal. Ed. Code § 67386(a)(2). It shall not be a valid excuse that the Respondent believed that the Reporting Party affirmatively consented to the sexual activity if the Responding Party knew or reasonably should have known that the Reporting Party was unable to consent to the sexual activity under any of the following circumstances:

- a) The Reporting Party was asleep or unconscious.
- b) The Reporting Party 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.
- c) The Reporting Party was unable to communicate due to a mental or physical condition.

Cal. Ed. Code § 67386(a)(4)

**Crime of Violence** - The term “crime of violence” means—

- (a) an offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (b) any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

**Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of the relationship shall be determined based on a consideration of the following factors – the length of the relationship, the type of relationship, and the frequency of interaction between persons in the relationship.

Note that California law does not include a separate definition for “dating violence”.

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

**Disabled** – Of or relating to persons who have physical or mental impairments/challenges, whether temporary or permanent, due to conditions that are congenital or acquired by heredity, accident, injury, advanced age, or illness.

**Domestic Violence** – includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, 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.

Under California law, "domestic violence" means the infliction or threat of physical harm against past or present adult or adolescent intimate partners, including physical, sexual and psychological abuse against the person, that is a part of a pattern of assaultive, coercive, and controlling behavior directed at achieving compliance from or control over the person.

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

**Hate Crime** – A crime reported to local police agencies or to a Campus Security Authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability

**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.

**Larceny-theft** – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

**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.

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

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

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



**Non-campus Building or Property**

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes; is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**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.

**Racial Bias** – A pre-formed negative opinion or attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features; etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks, whites.

**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.

**Sexual Assault** – offenses classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, which includes forcible rape, forcible sodomy, sexual assault with an object, forcible fondling, incest and statutory rape. Under California law, the term "sexual assault" is not defined. Rather, it includes many separate sex offenses, including sexual battery.

**Sexual Misconduct** – includes, but is not limited to, sexual harassment and sexual violence, including forcible and non-forcible sex offenses, sexual assault, domestic violence, dating violence, or stalking, as defined below.

**Simple Assault**

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

**Stalking** – occurs when an individual engages in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress. For the purpose 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. For the purpose of this definition, *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim. For the purpose of this definition, *substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Pursuant to California law, stalking occurs when 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.

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

**Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program**

**Sex Offenses**

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

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

**Sex Offenses – Forcible**

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- Forcible Rape – The carnal knowledge of a 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 temporary or permanent mental or physical incapacity (or because of his/her youth).
- Forcible Sodomy – Oral or any sexual intercourse with another person forcibly and/or against that person's will; or not forcibly 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.
- Sexual Assault with an Object – The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly 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.
- Forcible Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against the person's will; or not forcibly 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.

**Sex Offenses, Non-forcible** – Unlawful, non-forcible sexual intercourse.

- Incest – Non-forcible – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape – Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**CONTACT US**

We welcome the submission of any questions regarding safety and other issues to [colsafety@collegesoflaw.edu](mailto:colsafety@collegesoflaw.edu) or [colfacilities@collegesoflaw.edu](mailto:colfacilities@collegesoflaw.edu).