

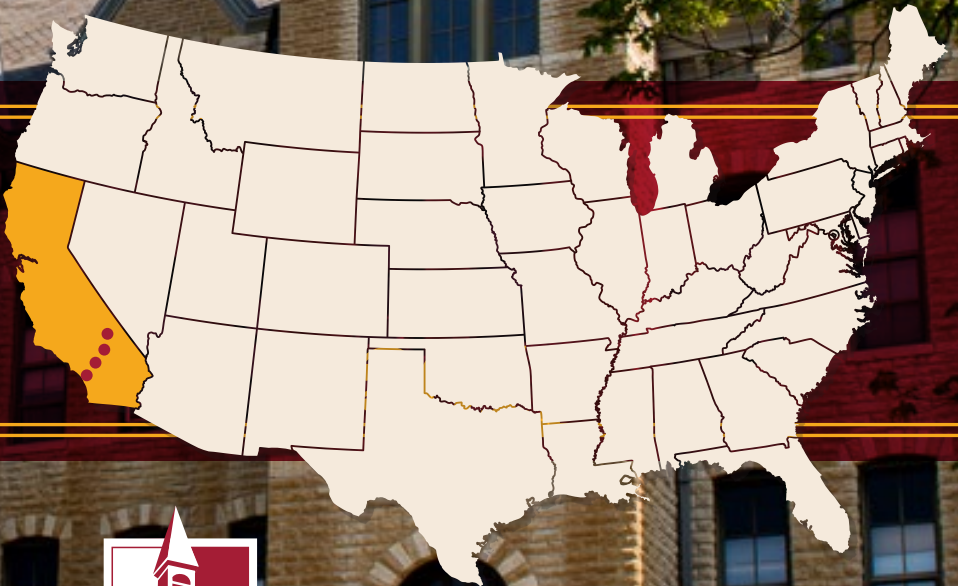
PARK UNIVERSITY

# CLERY ANNUAL SECURITY REPORT

2018

## CALIFORNIA

- Barstow CC
- Camp Pendleton MCB
- Fort Irwin
- Victor Valley College



PARK  
UNIVERSITY SM

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**SPECIAL MESSAGE FROM PARK UNIVERSITY DIRECTOR OF CAMPUS SAFETY**

Park University believes in, and promotes, a campus where student safety is our primary concern. I hope if you have any questions, you will feel free to reach out to me directly.

Each year, in compliance with the Jeanne Clery Disclosure of Campus Safety Policy and Campus Crime Statistics Act, Park University publishes the Park University Security and Fire Safety Report. This document, posted online at [park.edu](http://park.edu) and distributed via hard copy upon request, provides local crime statistics, details the University's regulations and procedures for emergency response, and lists on- and off-campus resources for safety assistance. Although all colleges and universities participating in federal financial aid programs are required to share this data with the public, we provide it with intention beyond simply obeying the rules and hope that doing so demonstrates Park's commitment to the well-being of students, faculty and staff members, business tenants and visitors.

The annual production of the Report is just one element of our larger, sustained strategy around security and safety. In 2017, we have taken measures to promote a safe and desirable college experience for all students, faculty and staff by implementing contingency plans for incidents such as active shooter and bomb threat through cooperative training with local police, fire and ambulance services.

The Park University Department of Campus Safety is proud to help foster a safe University environment that is conducive to collaboration, development and growth for all who live, learn and work on Park's campuses. Thank you for your interest in our processes and outcomes.

Park University believes in, and promotes, a campus where student safety is our primary concern. I hope if you have any questions, you will feel free to reach out to me directly.

Sincerely,

/s/ Will London  
Director of Campus Safety, Park University  
[will.london@park.edu](mailto:will.london@park.edu)

Founded in 1875 in Parkville, Mo., a suburb of Kansas City, Park University is a comprehensive, independent institution that is a national leader in higher education. In 2000, Park achieved university status and currently serves 16,293 students at 42 campuses in 22 states and online, including campuses in Parkville, Independence and Kansas City, Mo.; Lenexa, Kan., Austin and El Paso, Texas; Barstow and Victorville, Calif.; Gilbert, Ariz.; and at 33 military installations across the country.

Serving an ethnically diverse student population and non-traditional adult learners has, for many years, been central to Park's educational mission. Even in its first year, Park University enrolled women students as well as men, something that was unusual at the time; and two of the original 17 students were Native Americans. Park was also an early integrator when it welcomed African-American students to live in Park's residence halls in the 1950s.

Park continues to increase access to higher education by offering the quality undergraduate and graduate degrees students desire at locations, times and delivery formats that best serve their needs. The University has been ranked among the top private colleges/universities in the country for adult learners (Washington Monthly) as well as for annual return on investment (PayScale College ROI Report), and it is consistently ranked among the top least expensive private schools in the country.

Providing such access has developed considerable diversity among the student population, with 447 international students from 89 countries, and a 55 percent student representation from racial, ethnic and cultural groups typically underrepresented in colleges and universities. In addition, extracurricular activities and championship-caliber athletic programs (NAIA) complement Park's outstanding scholastic programs.

Park University offers numerous degree programs online, and it maintains a long-standing relationship with the U.S. military for which it has been recognized as one of the largest providers of online undergraduate education to military learners worldwide. Since 2009, Park has received international recognition each year by various military-related publications as a top military friendly college/university. In addition, Park is among the top-ranked "Best for Vets" private college/university in the country as determined by Military Times magazine

**Mission Statement**

*Park University transforms lives through accessible, student-centered, quality higher education.*

**Vision Statement**

*Park University will meet learners' needs for a lifetime.*

**Core Values**

*We expect accountability for our actions at all levels, to each other and to Park University.*

*We treat all with civility and respect while being open and honest in our communication.*

*We seek excellence in all we do, with passionate learning as our highest priority.*

*We celebrate global citizenship through our connected learning and working environment, liberal arts education and community stewardship.*

*We embrace inclusivity that fosters diversity, teamwork and collaboration.*

*We act with integrity through honesty, efficiency and reliability.*

**[www.park.edu](http://www.park.edu)**



## Park University

### **Introduction**

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, as amended. It provides students and employees of Park University (“University”) with information on: the University’s security arrangements, policies and procedures; programs that provide education on such things as drug and alcohol abuse, awareness of various kinds of sex offenses, and the prevention of crime generally; and procedures the University will take to notify the campus community in the event of an emergency. Its purpose is to provide students and employees with information that will help them make informed decisions relating to their own safety and the safety of others.

### **Policy for Preparing the Annual Report**

This report is prepared by the Compliance Coordinator and the Director of Campus Safety in cooperation with local law enforcement authorities and includes information provided by them as well as by the University’s campus security authorities and various other elements of the University. Each year an e-mail notification is made to all enrolled students and employees that provides the website link to access this report. Prospective students and employees are also notified of the report’s availability. Hard copies of the report may also be obtained at no cost by contacting the Campus Safety Department at (816) 584-6444 or [campussafety@park.edu](mailto:campussafety@park.edu).

The University is committed to taking the actions necessary to provide a safe and secure working/learning environment for all students and staff. As a member of the campus community, you can feel safe and comfortable knowing that security procedures are in place that represent best practices in the field, and are constantly tested and re-evaluated for their effectiveness.

### **General Safety and Security Policies**

#### **Policies Concerning the Law Enforcement Authority of Campus Security Personnel**

The Campus Safety Department (“department”) is responsible for campus safety at the Parkville, Missouri campus. The department provides the security, crime prevention, and premise access functions on the University’s main campus 24 hours a day, seven days a week. The department’s jurisdiction covers all of the University’s property and the neighborhoods surrounding the main campus, including several acres of wooded area. They have the authority to ask persons for identification and determine whether individuals have lawful business on the institution’s property. They also have the authority to issue parking citations. Criminal arrests are made by the local police department because Campus Safety Officers do not themselves have arrest authority as they are not commissioned law enforcement officers. The Campus Safety Officers will, however, assist law enforcement as needed.

The University has agreements persons and companies to provide security at other campus centers not on military installations. Please contact your Campus Center Director (information available in the Undergraduate Catalog pp. 48-50) for more information. Campus Centers on military installations are secured by the application branch of the military responsible for the base.

The department’s jurisdiction covers all of the institution’s property and the neighborhoods surrounding the main campus. This includes several acres of wooded areas.

While the University does not have any written agreements with local law enforcement agencies, it does maintain a close working relationship with local law enforcement and military base security.

#### **Other Officials to Whom Crimes May Be Reported (Campus Security Authorities)**

The University also has designated other officials to serve as campus security authorities. Reports of criminal activity can be made to these officials. They in turn will ensure that the crimes are reported for collection as part of the University's annual report of crime statistics. The additional campus security authorities to whom the University would prefer that crimes be reported are as follows:

1. William L. London, Director of Campus Safety at 816-584-6226 or [william.london@park.edu](mailto:william.london@park.edu)
2. Laure Christensen, Chief of Staff at 816-584-6810 or [laure.christensen@park.edu](mailto:laure.christensen@park.edu)
3. Jayme Uden, Associate Vice President and Dean of Students at 816-584-6595 or [jayme.uden@park.edu](mailto:jayme.uden@park.edu)

### **Policies on Reporting a Crime or Emergency**

The University encourages accurate and prompt reporting of all criminal actions, accidents, injuries, or other emergencies occurring on campus, on other property owned by the University, or on nearby public property to the appropriate administrator and appropriate police agencies. Campus Safety has a working relationship with Parkville, Missouri Police Department and other departments where Park campus centers are located. They are aware they need to contact Campus Safety in the event a crime is reported directly to them.

A report is encouraged even when the victim of a crime elects not to make a report or is unable to do so. Such reports should be made as follows:

1. At the main campus, a Campus Safety dispatcher is available anytime classes are in session. The number to contact is (816) 665-1463. When no one is in the office, the phone calls automatically roll to a cell phone carried by an on-duty officer on campus. If no contact can be made with the on-duty officer, people may call the Lead Campus Safety Officer at (816) 914-2806.
2. Situations that pose imminent danger or while a crime is in progress should be reported to local law enforcement by calling 911 from any campus phone or cell phone. Keep in mind that the individual making the call from a cell phone will need to provide the address where the emergency has occurred.
3. Students, staff, and visitors should report criminal actions, accidents, injuries, or other emergency incidents to one of the campus security authorities identified above. Once reported, the individual making the report will be encouraged to also report it to appropriate police agencies. If requested, a member of University staff will assist a student in making the report to the police.
4. Anonymous incident reports can also be made by completing the University's online concern form located <https://my.park.edu/ICS/Student/ConcernComplaint/>.

### **Confidential Reporting**

The University will protect the confidentiality of victims. Only those with a need to know the identity for purposes of investigating the crime, assisting the victim, or disciplining the perpetrator will know the victim's identity.

Pursuant to the University's Sexual Harassment and Sexual Misconduct (Title IX) Policy an alleged victim of conduct that falls under that policy (e.g., sexual assault) can confidentially speak with a campus counselor, who will not report the information to the University without the victim's permission. However, if a "responsible employee" of the institution (e.g., directors, deans, vice presidents, or other administrators with supervisory responsibilities, campus security, and human resources) is informed of such conduct, they must provide the information, including the names of the parties if known, to the Title IX Coordinator for review. A victim of other types of crimes who does not want to pursue action within the University disciplinary system or the criminal justice system is nevertheless encouraged to make a confidential report to a campus security authority. With the victim's permission, a report of the details of the incident can be filed without revealing the victim's identity. Such a confidential report complies with the victim's wishes, but still helps the University take appropriate steps to ensure the future safety of the victim and others. With such information,

the University can keep an accurate record of the number of incidents involving students, determine where a pattern of crime may be developing and alert the community as to any potential danger. These confidential reports are counted and disclosed in the annual crime statistics for the University.

The University encourages its professional counselors, if and when they deem it appropriate, to inform the persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual report of crime statistics. The University does not have pastoral counselors.

### **Timely Warning**

In the event of criminal activity occurring either on campus, at a campus center, or off campus, the Campus Safety Department, the President's Office, and/or Campus Center Operations and the Campus Center Directors decide what constitutes a serious or continuing threat to members of the campus community, a campus-wide "timely warning" will be issued.

Examples include a sudden increase of motor vehicle thefts or sexual assaults in the area that merit a warning to the community.

This warning will be communicated to students and employees via the University's mass notification software, E2 Campus. Students and employees may opt in to receive messages sent by the University to provide timely warnings and traffic flow or weather-related issues. Instructions to sign-up for this notification system may be found at [www.Park.edu/mypark](http://www.Park.edu/mypark).

Warning updates will be provided as appropriate. Anyone with information warranting a timely warning should immediately report the circumstances to:

1. Campus Safety, 816-584-6444
2. The Campus Center Director (found in the undergraduate catalog) responsible for your campus.
3. Roger Dusing, Chief Human Resources Officer, 816-584-6386

The University has communicated with local law enforcement in Parkville, Missouri asking them to notify the University if it receives reports or information warranting a timely warning.

### **Security of and Access to Campus Facilities**

For all campus centers, all academic buildings are secured during the evenings and weekends. Access to the buildings is only allowed for faculty/staff members and students who are accompanied by faculty/staff members.

Students and employees are asked to be alert and to not circumvent practices and procedures that are meant to preserve their safety and that of others:

- Do not prop doors open or allow strangers into campus buildings that have been secured.
- Do not lend keys or access cards to non-students and do not leave them unattended.
- Do not give access codes to anyone who does not belong to the campus community.

Keys to the offices and classrooms on campus will be issued to employees only as needed and after receiving the proper authorization from a Director or higher. Each department supervisor is responsible for assuring their area is secured and locked.

Employees must adhere to policies regarding unauthorized access to school facilities, theft of, or damage to, school property, or other criminal activity. In particular, rendering inoperable or abusing any fire prevention or detection equipment is prohibited. Violation of these policies may lead to disciplinary action, up to and including termination and filing charges with local law enforcement authorities.

Employee identification cards may be used to verify the identity of persons suspected to be in campus facilities without permission. Campus Centers on military bases must have authorized access. There are also security cameras at the Barstow Campus Center and Victor Valley Campus Center is adjacent to the local law enforcement building.

### **Security Considerations in the Maintenance of Facilities**

Security also is a consideration in maintaining campus facilities.

Maintenance personnel regularly check to ensure pathways are well lighted and that egress lighting is working in hallways and stairwells.

The EHS Manager also annually checks emergency equipment such as AED's and fire extinguishers. For all campus centers, the building-owners are responsible for the maintenance and inspection(s) of emergency equipment.

### **Educational Programs Related to Security Awareness and Prevention of Criminal Activity**

The University seeks to enhance the security of its campus centers and the members of the campus community by periodically presenting educational programs to inform students and employees about campus security procedures and practices, to encourage students and employees to be responsible for their own security and the security of others and to inform them about the prevention of crimes. A description of those programs and their frequency of presentation follows:

1. Crime prevention programs are presented each semester by the Campus Activities Board and Student Services. In addition, pamphlets and videos on crime prevention are available at the Student Center and for employees at the Human Resources Office, and periodically e-mail blasts are sent out to students and employees with crime prevention and other safety tips.
2. The University also provides information at the beginning of each academic term for students and employees regarding the University's security procedures and practices. This information is in the form of posters and other displays, articles in the University newspaper, and e-mail blasts. Among other things, it advises students and employees of the importance of reporting criminal activity, to whom crimes should be reported, being responsible for their own safety and the safety of others and practices regarding timely warnings and emergency notifications.

### **Monitoring Off Campus Locations of Recognized Student Organizations**

The University does not have any recognized student organizations with off campus locations, therefore criminal conduct occurring at such locations is not monitored or recorded.

### **Disclosure of the Outcome of a Crime of Violence or Non-Forcible Sex Offense**

Upon written request, the University will disclose to the alleged victim of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by this University against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of the paragraph.

The previous paragraph does not apply to victims of dating violence, domestic violence, sexual assault, or stalking because under the Violence Against Women Act both the accused and accuser in these cases are given the results without the need to make a written request.



## **Drug and Alcohol Policies**

Park University recognizes that misuse of alcohol and other drugs and the unlawful possession, use or distribution of drugs and alcohol pose major health problems, are potential safety and security problems, can adversely affect academic and job performance, and can generally inhibit the educational development of students.

Park University is a member institution of The Network of Colleges and Universities (“Network”) committed to the elimination of drug and alcohol abuse. Park University is committed to the standards outlined by The Network and to compliance with the Federal Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act Amendments of 1989, and other federal, state, and local laws.

As a result of this commitment, Park University has established regulations forbidding the unlawful manufacture, dispensing, distribution, possession, display, use, or consumption of illegal or illicit drugs and alcohol on University owned or controlled property or as part of any University programs or activities.

This policy applies to University employees, faculty, students and student organizations. Faculty and staff are collectively referred to as “Employees” throughout this policy.

To report manufacture, dispensing, distribution, possession, display, use, or consumption of drugs or alcohol on campus, dial Campus Safety at extension 6444 (816-584-6444 from any outside phone). Or report anonymously here: <https://my.park.edu/ICS/Student/ConcernComplaint/>.

Alternatively, as part of Campus Safety’s “See Something Say Something” campaign, individuals may also report such incidents anonymously by texting SAFETY and a brief description of what is happening to 50911.

### **Drug Free University**

Park prohibits the unlawful manufacture, dispersal, distribution, possession, display, use, or consumption of controlled substances on Park owned or controlled property, as any part of its programs or activities, and while doing work on behalf of Park.

1. This policy does not prohibit use of legally obtained drugs, including prescription drugs and over-the-counter drugs, provided those drugs are used in accordance with the prescription by the prescription-holder or with over-the-counter directions. Such use by a Park employee must not impair the employee’s ability to perform the essential functions of his or her job effectively and safely.
2. Students and employees must report to Park any conviction or guilty plea under a criminal drug statute for violations occurring on or off University premises. Students and employees must submit a conviction report to the Dean/Associate Dean of Students, and employees to Human Resources within five (5) days after the conviction or guilty plea.
3. Federal regulations require students convicted for a drug offense that occurred during a period of enrollment while they were receiving Title IV Federal Student (Financial) Aid to lose financial aid eligibility. Federal Student Aid includes grants, loans, and work assistance otherwise provided to eligible college students under Title IV of the Higher Education Act. The period of non-eligibility begins on the date of the conviction and remains in effect until the student has met certain rehabilitation requirements.
  - a. The prohibition on federal aid applies to any student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance as defined by Section 102(6) of the Controlled Substances Act (21 U.S.C. § 802(6)). Laws regulating distilled spirits, wine, and malt beverages are not included within the definition of “controlled substance.”

- b. Other financial aid programs, including certain state programs, may also limit eligibility for students convicted of a drug offense.

## Alcohol Use

1. Except as provided and permitted under this Policy at University-Sponsored Events, the manufacture, dispensing, distribution, possession, display, use, or consumption of alcoholic beverages is forbidden on Park-owned or controlled property, as any part of any University-sponsored programs or activities, and while doing work on behalf of the University.
2. To the extent permitted under this Policy at University-Sponsored Events, any possession, use, consumption, or distribution of alcoholic beverages must not negatively affect either the individual or the community and must be in compliance with the law.

## Drugs, Alcohol, and Violations of University Policy and Law

1. Drug/alcohol use does not excuse misconduct

The use of illegal drugs, abuse of other drugs, or consumption of alcoholic beverages (even if consumption is permissible under this Policy at University-Sponsored Events) is not an excuse for misconduct of any kind—including violations Park’s policies and civil or criminal law. For example, alcohol and drug use do not excuse violence, property damage, or disruptions caused by excessive noise related to drug or alcohol use.

- ## 2. Interplay between policy and law

If and to the extent the Drug-Free Workplace, Campus and Community regulations conflict with or contradict this policy, the Drug-Free Workplace, Campus and Community regulations control.

## Disciplinary Actions

- ## 1. Amnesty

Park's primary concern is with student health and safety. For that reason, Park encourages students to seek treatment or assistance for themselves or others, regardless of their drug or alcohol use. If medical assistance is sought, the Office of Student Life/Office of Residence Life will not pursue punitive sanctions based on drug or alcohol use against the intoxicated student who reported or who was assisted. Students may be required to complete other steps, such as substance abuse assessment, rehabilitation, and other corrective actions.

Student voluntary self-disclosure is also recommended. If a student has been using alcohol or drugs and chooses to come forward for assistance on their own – they will not be subject to the sanctions for the use of drugs or alcohol that would have been imposed if found out by other means. This protection will only be in place if the student complies with other required steps, such as assessment, rehabilitation, and further corrective actions.

This policy does not preclude punitive sanctions due to any violations of other University policies, such as causing or threatening physical harm, sexual misconduct, damage to property, hazing, and possession with intent to distribute drugs.

- ## 2. Internal Sanctions

Students who violate Park's AOD policy are subject to the following disciplinary sanctions as more fully set forth in the Park University Student Conduct Code: warning, fines and restitution, task compliance/community service, disciplinary probation, suspension from residence halls, temporary or permanent suspension, or dismissal from Park.

- a. Sanctions for student clubs could include warning, community service, fines/restitution, or suspension/removal of Club Certification. Full information is available in the Student Organizations Manual, available at:

<http://www.park.edu/clubs-and-organizations/index.html>.

- b. Employees who violate this policy are subject to sanctions up to and including termination.
- c. Required counseling/rehabilitation. In conjunction with or in lieu of any of the disciplinary sanctions listed above, students or employees may be required to complete an appropriate counseling or rehabilitation program.
- d. Referral for criminal prosecution. In conjunction with or in lieu of the imposition of any of the disciplinary sanctions set forth above, students or employees may also be referred to appropriate local, state, or federal law enforcement agencies for prosecution.
- e. Discretion of the University in administering disciplinary action. Park's response to AOD policy violations may depend on the circumstances of the individual case and the judgment of appropriate officials. In ANY case where disciplinary sanction is deemed necessary, including cases where the disciplined individual is receiving a sanction for the first time, Park reserves the right to impose the most severe sanction available (including suspension, dismissal and/or referral for prosecution).

### 3. Legal Sanctions

In addition to Park's disciplinary action policies, individuals who engage in the unlawful manufacture, dispensing, distribution, possession, display, use, or consumption of controlled substances or alcohol are subject to legal sanctions.

- a. Federal law. Federal law provides strict penalties for violation of federal drug laws. For a first conviction of illegal possession of a controlled substance, a person may be imprisoned for up to one year and/or fined at least \$1,000 but not more than \$100,000; after two or more prior convictions the penalty increases to at least 90 days in jail but not more than three years and/or a fine of at least \$5,000 but not more than \$250,000. Federal trafficking penalties for controlled substances (such as marijuana, heroin, cocaine, PCP and LSD) range from less than five years in prison and/or a fine of less than \$250,000 to life imprisonment and/or a fine of up to \$8 million (for an individual). Other penalties may apply, such as forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance, denial of certain federal benefits, and revocation of certain federal licenses. Certain federal laws may apply to unlawful manufacture, possession, and trafficking of alcohol as well. Penalties range from fines to prison terms.
- b. State and local law. State and local law also provide penalties relating to the unlawful manufacture, sale, use or possession of controlled (and/or imitation of) controlled substances and alcohol. In addition, states and municipalities have laws relating to underage drinking, driving while intoxicated or under the influence of alcohol and/or illicit drugs. Sanctions for violations may range from local citation to state law felonies. Penalties may range from small fines to prison terms, depending on the violation and the individual's past criminal history.

### 4. Procedures

- a. Student Conduct Code procedures. All disciplinary hearings or proceedings due students charged with violations of this regulation shall be conducted in accordance with or as provided by the Student Conduct Code.

- b. Further procedures for student organizations are outlined in the Ethical Standards for Conduct and Responsibility section of the Student Organizations Manual available online at: <http://www.park.edu/clubs-and-organizations/index.html>.
- c. Procedures for employees are outlined in the Employee Handbook available within Park's internal webpage, MyPark.

### **Health Risks**

Risk of alcohol use and abuse include, among others, drinking/driving accidents, increased incidents of rape and assault, academic problems, police involvement, medical problems including alcohol dependence, fetal alcohol syndrome, organ damage, and fatalities.

Drug abuse may result in a wide variety of serious short- and long-term health and behavioral problems. These problems may include toxicity, HIV infection with intravenous drug use, heart attack, stroke, sudden death, pregnancy complications, birth complications and defects, physical and psychological dependence, withdrawal, disruption of normal heart rhythm, high blood pressure, stroke, bleeding and destruction of brain cells, memory loss, depression, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver, and neurological and pulmonary damage.

Please review further information about the health and safety risks, by reviewing the Campus Safety website at: <http://www.park.edu/campus-safety/drug-health-risks.html>.

### **Prevention, Counseling, Treatment and Rehabilitation Information and Resources**

Students and employees with alcohol- or other drug-related concerns or problems are encouraged and, in some cases, may be required to utilize drug or alcohol abuse resources and counseling services.

Students can get referrals and assistance through the Counseling Center by checking online at [www.Park.edu/Counseling-Center](http://www.Park.edu/Counseling-Center), calling the counselors at 816-584-6237 or 816-584-6798, or sending an email to [CounselingAppointments@Park.edu](mailto:CounselingAppointments@Park.edu) to make an appointment.

Employees can check referral options by reviewing the Employee Assistance Program options through MyPark – Human Resource Services.

Students with alcohol or other drug related problems are encouraged and, in some cases, may be required to utilize the services of private and community agencies including those specified below.

#### **General information:**

Abuse and Mental Health Services Administration (SAMSHA)  
877-SAMHSA-7 (877-726-4727)  
800-487-4889 (TTY)  
<http://www.samhsa.gov/>

National Institute of Health (NIH)--National Institute on Drug Abuse (NIDA)  
301-443-1124  
<http://www.drugabuse.gov/>

National Institute of Health (NIH)--National Institute on Alcohol Abuse and Alcoholism  
301-443-1124  
<http://www.niaaa.nih.gov/>

#### **Barstow area services:**

Emergency 911

Park - Barstow Community College Campus Center



2700 Barstow Road C-14, Barstow, CA 92311  
(760) 252-7275  
Barc@park.edu

Barstow Police Department  
220 E Mountain View St # B, Barstow, CA 92311  
(760) 256-2211  
<http://www.barstowca.org/city-hall/city-departments/police/police>

Morongo Basin Mental Health  
234 E Fredricks St, Barstow, CA 92311  
(760) 256-7313

Haley House  
105 N 7th Ave, Barstow, CA 92311  
(760) 256-3441

**Camp Pendleton area services:**

Park – Camp Pendleton Campus Center  
Joint Education Center - Bldg #1331, Rm 207, MCB Camp Pendleton  
(760) 725-6858  
Camp@park.edu

Substance Abuse Counseling Center — MCCS Camp Pendleton  
To schedule an initial appointment: (760) 725-5538 or (760) 725-5539.  
<http://www.mccscp.com/sacc/>

Resources: Camp Pendleton, CA Alcohol Treatment & Drug Addiction  
<https://www.recovery.org/browse/camp-pendleton-ca/>

**Fort Irwin area services:**

Park - Fort Irwin Campus Center  
Commander National Training Center  
3rd Street, Army Education Center - Bldg 1020, Fort Irwin, CA 92310  
(760) 386-8062  
ftir@park.edu

Emergency Services – Fort Irwin  
Non-Emergency Police 760-380-4444 / 4400  
Watch Officer 760-380-2707  
Emergency Room 760-380-3114  
<http://www.irwin.army.mil/pages/Units/USAG/DES/DES.html>

Fort Irwin Army Substance Abuse Program (ASAP)  
390 North Loop Road, Fort Irwin, CA, 92310  
ASAP Clinical Admin Line - (760) 380-4074  
ASAP Non-Clinical Admin Line - (760) 380-4153  
Alcohol and Drug Control Officer - (760) 380-1366  
Drug Testing - (760) 380-4034  
<http://www.irwin.amedd.army.mil/pages/asap.html>

**Victor Valley area services:**

Park – Victor Valley College Campus Center  
18422 Bear Valley Road, Victorville, CA 92395  
(442) 242-9028

[vvcc@park.edu](mailto:vvcc@park.edu)

Victor Valley Sheriff's Station  
11613 Bartlett Ave, Adelanto, CA 92301  
(760) 552-6800

<http://cms.sbcounty.gov/sheriff/PatrolStations/VictorValley.aspx>

Alcoholics Anonymous – 24 Hour Hotline  
(760) 242-9292

Casa de San Bernadino  
735 North D Street, San Bernardino, CA 92404  
(909) 381-5507

Top local treatment center resource  
<https://www.recovery.org/browse/victorville-ca/>

The Campus Safety Department and the Lead Campus Safety Officer are located on Park's main campus in Parkville, Missouri. However, staff members can assist callers remotely and/or make appropriate referrals to local resources.

**Policy Review**

The Dean of Students takes necessary steps to provide for Park's biennial review of its AOD Policy to determine its effectiveness, implement needed changes, and ensure that disciplinary sanctions are consistently enforced.

**Enforcement**

The primary sources enforcing the alcohol and drug policies for students are the Campus Safety Staff, and Dean of Students Staff. The Coordinator of Student Advocacy serves as Park's Chief Judicial Officer. The CJO primarily utilizes administrative hearings to assess infractions and determine sanctions. A campus judicial board may be utilized if the hearing officer believes the case has had a great impact on the larger community and a judicial board process will be perceived more positively, and with less bias, than an administrative hearing. The Dean of Students serves as the judicial officer for any infraction occurring inside the residence halls unless the temporary suspension or expulsion is a possible sanction due to repeat offenses or due to the seriousness of the first offense. In that instance, the Coordinator of Student Advocacy is the judicial officer. The Dean of Students is the appeal officer for all conduct cases unless they are academic in nature. For academic violations, the Provost is the appeal officer.

**Drug and Alcohol Student Incident Report: Academic Years 2014-2015 and 2015-2016, including Fall Semester 2016**

Academic Year	Alcohol Violations	Drug Violations	Repeat Offenses	Expulsions from Drug or Alcohol violations	Fatalities Related to Drug or Alcohol

## PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

2014-2015	15	2	0	0	0
2015-2016	6	2	0	0	0
Fall 2016	5	0	0	0	0

### Drug and Alcohol Employee Incident Report: Academic Years 2014-2015 and 2015-2016, including Fall Semester 2016

Academic Year	Alcohol Violations	Drug Violations	Repeat Offenses	Expulsions from Drug or Alcohol violations	Fatalities Related to Drug or Alcohol
2014-2015	0	0	0	0	0
2015-2016	0	0	0	0	0
Fall 2016	0	0	0	0	0

### Sanctions

#### 1. Student Alcohol Policy Sanctions

A variety of educational sanctions are assigned AOD policy violations. The most common sanction for a first offense is a general warning and an essay. The essay is focused on the AOD policy to make sure the student understands it and the consequences of violating the policy a second time. If other concerning behaviors are involved in the alcohol violation, counseling is often required on a short-term basis with an on-campus counselor. For repeat offenders or very serious behaviors, long-term counseling is usually a requirement. An off-campus alcohol assessment and the costs of such assessment is also required. The results are provided to the counselor to help guide counseling sessions. These sanctions are the same for incidents occurring within and outside of the residence halls.

#### 2. Student Drug Policy Sanctions

One egregious offense would result in the student's removal from the residence halls and long term counseling at the least. Distribution and manufacturing of drugs would, in most cases, result in expulsion. Possession and/or use of most drugs on campus not in the residence halls may result in a mandated drug assessment. The offending student may also be referred to an off-campus therapy program if the results show engaging in more than moderate drug use. The only exception to this is the use of marijuana. Possession, without evidence of use, of marijuana may be sanctioned to the lesser extent of an educational essay and/or community service sanction.

### **3. Employee Alcohol/Drug Policy Sanctions**

There are a variety of sanctions that may be applied to employees' AOD policy violations. Possible sanctions include: referral to an Employee Assistance Program who could then refer the employee directly to a drug/alcohol treatment program or a direct referral to a drug/alcohol treatment center for an assessment in the case of alcohol violations. In all cases, employee-violations of Park's AOD policy will result in disciplinary action, up to and including termination.

## **DEPARTMENT OF ATHLETICS DRUG AND ALCOHOL USE AND DRUG TESTING POLICY**

Park's Department of Athletics has developed a drug education and testing program aimed at drug abuse prevention. The program includes the education, testing, and, if necessary, rehabilitation of those student-athletes who test positive for illicit drugs. The following is an outline of the program.

### **Purpose**

1. To deter substance abuse among the Park's student-athlete population.
2. To identify and assist student-athletes with substance abuse problems.
3. To ensure the health and safety of all Park's student-athletes as well as the health and safety of all Park competitors.
4. To maintain appropriate standards of behavior and ensure the integrity of the student-athlete and Park.
5. To ensure fair and equitable competition for all student-athletes competing in intercollegiate athletics.

### **Participation**

As a condition to participate in Park's intercollegiate athletics, every student-athlete is required to participate in the Drug Education and Testing Program. Annually, all student-athletes will be required to sign Park's consent form.

Refusal to sign Park's consent form will result in dismissal from further athletic participation. A student-athlete who is dismissed from athletic participation for refusing to sign a drug testing consent form will have his/her athletic related aid cancelled as soon as possible pursuant to Park's policies and NAIA and conference regulations.

### **Drug Education**

The Department of Athletics will conduct a mandatory drug education program at the beginning of each academic semester.

### **Banned Substances and Information**

Park Athletics will use the same list of banned substances as the NCAA for the purposes of the Drug Education and Testing program. An updated list can be found on the NCAA website, available at [www.ncaa.org](http://www.ncaa.org).

Further information on banned substances and dietary supplements can be located on the Dietary Supplement Resource Exchange website, available at [www.drugfreesport.com/rec](http://www.drugfreesport.com/rec).

### **Methods of Selection**

1. Random Selection

All athletes will be selected randomly to undergo drug testing.



## 2. Individualized Reasonable Suspicion

Student-athlete may be chosen to undergo drug testing due to reasonable suspicion if identified by one or more of the following athletic staff members: Sports Medicine staff, Coaching Staff, and/or a Team Physician. The identification of an athlete should be based on objective signs of physical and behavioral changes that could be the result of using a banned substance. These objective signs may include, but should not be limited to, a dramatic drop in grades, decreased class attendance, fluctuation in bodyweight, acts of violence, an incident involving law enforcement or campus security, a positive previous drug test, or emotional disturbances. A reasonable suspicion allegation must be made in writing to the Drug Program Administrator, who will present the case to a committee made up of the Drug Program Administrator, and Director of Athletics. They will review the allegation and decide whether the student-athlete will be required to undergo drug testing.

## 3. NAIA/Conference Qualifier

Park has the right to test any individual athlete or team that has qualified for post-season competition.

## 4. Team Testing

Circumstances may arise that make it necessary for an entire athletic team to be drug tested. These circumstances may include, but are not limited to:

- a. Pre-participation Athletic Physicals, and
- b. Suspected widespread use of banned substances (refer to process for identifying an individual for reasonable suspicion).

### Notification of Selection for Testing

The Drug Program Administrator will notify all student-athletes selected for drug testing. The Drug Program Administrator will contact the student-athlete by phone i.e., dorm/house phone or cell phone and/or text message. A message will be left for the student-athlete during each call. If the student athlete does not return the call promptly, the coach will be contacted to help locate the student athlete. Upon this notification, the student-athlete must immediately appear in-person and sign a notification form. The head coach of each student-athletes' respective sport will be notified of their selection.

Any student-athlete who is found to have attempted to manipulate, substitute, adulterate, or intentionally dilute his or her urine will be in violation of the Park University Drug Education and Testing Program and will be appropriately sanctioned.

The student-athlete will be given no more than 24 hours-notice regarding selection for drug testing. There is no minimum period of time that student athlete must be provided between notification and testing.

If a student athlete does not contact the Drug Program Administrator prior to the drug testing session, THE DRUG TEST WILL BE CONSIDERED A POSITIVE TEST AND WILL COUNT AS A STRIKE AGAINST THE STUDENT-ATHLETE. If the student-athlete has an emergency and cannot be present for the drug testing collection, arrangements will be made for them to provide a specimen as soon as possible following proper notification or an alternate subject may be chosen. If proper arrangements cannot be made, the athlete may be subject to testing at a later date.

Refusal to sign the Drug Testing Consent Form or failure to appear for institutional drug testing will be treated as a positive test and a violation of the Park University Drug Education and Testing Program and the student-athlete will be sanctioned accordingly.

### Reporting of Results

The Counseling Center will notify the Director of Athletics directly of any positive test results by number code. Only at this time will the number code be broken and the student-athlete identified. The Drug Program Administrator, Director of Athletics, and the head coach will meet to discuss the results.

## **Sanctions**

Park has chosen to enforce a strict “two-strikes” policy in relation to positive drug test results. Violations accrue over the student-athlete’s entire career and remain a matter of record until the end of their career as a student athlete at Park. Positive test results on any NAIA drug test will also be considered a violation of the Park University Drug Education and Testing Program.

### **1. First Violation**

Upon a positive drug test confirmation for any substance banned by the NCAA the student-athlete will immediately be subject to a minimum 20 percent suspension from all team activities including practice and regular/post-season competition. In the event the student athlete is an outgoing senior and there is less than 20 percent of the competitive season remaining, they will be required to complete 40 hours of community service as directed by the Athletic Director. The student-athlete must also satisfactorily complete the criteria for successful Substance Abuse Intervention. An athlete that does not satisfactorily meet the criteria for Substance Abuse Intervention will face an indefinite suspension. A student-athlete who has a confirmed violation of the Park University Drug Education and Testing Program may also be subject to follow-up testing, at their own expense, at any time during the remainder of their athletic career at the university.

### **2. Second Violation**

Upon a second positive drug test confirmation for any substance banned by the NCAA will result in the immediate cancellation of the student-athlete’s privilege to compete in athletics at Park University. A student athlete who is dismissed from athletic participation for a second violation of the Park University Drug Education and Testing Program will have his/her athletic grant cancelled at the earliest possible moment consistent with Park University, Conference, and NAIA regulations. The student-athlete will be encouraged to continue further counseling and to utilize available institutional resources.

### **3. Immediate Termination from Team Membership**

Any student-athlete who is convicted of trafficking and/or possession of illegal substances with the intent to distribute will immediately lose the privilege of participating in athletics at Park University upon that conviction. Upon conviction, the student-athlete will also lose any athletic grants/scholarships issued by Park University.

## **Substance Abuse Intervention**

The student-athlete will be required to attend a consultation session at the Park University Counseling Center or other approved counseling facility. The professional counseling staff will make a recommendation, on a case-by-case basis, to the athletic department regarding adequate intervention on behalf of the student athlete. The student-athlete will be required by the athletic department to follow the intervention recommendations of the counselor, including possible referrals and the duration of intervention.

In the event that the dependency issues are beyond the realm of practice for the Park University Counseling Center staff or other approved counseling facilities, referrals will be made to a chemical dependency treatment center to determine the scope of substance use. The professional counseling staff will act as liaison between the athletic department and the chosen chemical dependency treatment center.

If at any point during the substance abuse intervention the student athlete is found to be delinquent in their obligations the privilege to participate in Park’s athletics programs will be revoked. A student-athlete who is dismissed from athletic participation will have his/her athletic related aid cancelled at the earliest possible moment consistent with Park’s guidelines.

## **Appeal and Reinstatement**

Students have a right to an appeal. The athletic director serves as the appeal officer. An appeal must be based on the existence of new information, to determine if the process was handled fairly, or to determine if the

sanction imposed was appropriate for the violation. The appeal must be made in writing within five business days of notification of the original decision.

### **Alcohol and Tobacco Policy**

Park athletics supports and enforces the NAIA ban on tobacco use by student-athletes, coaches, and athletic personnel as per the NAIA Substance Abuse Program. See Appendix T.

### **Safe Harbor Program**

Park's Safe Harbor Program policies are being created and will be implemented by Fall 2018. Athletics – Drug and Alcohol Use and Drug Testing Policy is available at: [http://www.park.edu/pirate-archives/piratepost/park\\_university\\_drug\\_testing\\_procedures.pdf](http://www.park.edu/pirate-archives/piratepost/park_university_drug_testing_procedures.pdf).

### **Description of the Alcohol and Drug Program Elements**

Park University strives to create programming that complements, educates, and provides awareness to the implications of AOD policy violations on the individual, community, and University level. Below is the description of the AOD specific program conducted between January 2015 through March 2017:

1. Facilitated Resident Assistant Training regarding AOD elements specific to residential students
2. Facilitated First-Year Experience Mentor regarding AOD elements specific to first-year students
3. Conducted Student Organization Officer Training focused on AOD elements specific to student organizations
4. Conducted mandatory athlete orientation regarding AOD elements and NAIA standards of conduct
5. Conducted International Student Services and Admissions extended orientation regarding AOD elements focused on culture, use, and policies
6. Coordinated Counseling Center availability for student support and information regarding AOD elements
7. Facilitated distribution and implementation of Park University's online magazine (Student Health 101) which provided information regarding AOD education and support resources
8. Facilitated on-campus events focused on AOD education and prevention
  - a. Sex and Drugs Show (Title IX Engagement Programming)
  - b. Sexual Assault Awareness Week Programming

### **Drug and Alcohol Policies**

The University is committed to creating and maintaining an environment that is free of alcohol abuse. The University prohibits the possession, use, and sale of alcohol beverage on campus or as any part of the University's activities, unless it is done so in accordance with applicable University policies, and it also enforces the state's underage drinking laws.

The University also enforces federal and state drug laws. The possession, sale, manufacture or distribution of illegal drugs is prohibited on campus or as any part of the University's activities. Violators of the University's policies or federal and state laws regarding illegal drugs will be subject to disciplinary action and possibly criminal prosecution.

### **Drug and Alcohol Abuse Prevention Program**

In compliance with the Drug Free Schools and Communities Act (DFSCA), the University has a drug and alcohol abuse and prevention program (DAAPP), which includes an annual notification to students and employees regarding certain drug/alcohol-related information (such legal sanctions for violations of

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applicable laws, health risks, etc.) and a biennial review of this program to evaluate its effectiveness and assess whether sanctions are being consistently enforced. For more information on the University's DAAPP, see below.

- [https://my.park.edu/ICS/Offices/Policy/University\\_Policies.jnz?portlet=University\\_Policies](https://my.park.edu/ICS/Offices/Policy/University_Policies.jnz?portlet=University_Policies)
- Athletics – Drug and Alcohol Use and Drug Testing Policy:  
[https://my.park.edu/ICS/Offices/Policy/University\\_Policies.jnz?portlet=University\\_Policies](https://my.park.edu/ICS/Offices/Policy/University_Policies.jnz?portlet=University_Policies)
- Alcohol/drug webpage: <https://www.park.edu/about-park/campus-safety/drug-alcohol-use-policy/>
- The Dean of Students is responsible for conducting a biennial review of the University's DAAPP. For more information, please see: <https://www.park.edu/about-park/campus-safety/drug-alcohol-use-policy/>.

Date	Activity	Audience	Responsibility
8/21/2015 1/22/2016 8/19/2016 1/20/2017	Park University Activities Fair	All Kansas City Area Students	Office of Student Leadership and Engagement
3/29/2016	All University Health Fair	All Kansas City Area Students	Department of Nursing
8/16/2015 8/14/2016	Athletics Mandatory Orientation	Student Athletes at Park University	Department of Athletics
University Business Hours	Counseling Center	All Kansas City Area Students	Counseling Center
8/8/2015 - 8/12/2015 8/9/2016 - 8/13/2016	FYE Training	First Year Experience Mentors	Office of Student Leadership and Engagement
8/14/2015 1/15/2016 8/12/2016 8/26/2016	International Student Services and Admissions Extended Orientation	All Kansas City Area Students	Department of International Student Admissions and Services.
8/15/2015 1/4/2016 - 1/15/2016 8/13/2016 1/9/2017 - 1/13/2017	New Student Orientation	All New Parkville and Transfer Students	Department of Student Life
Monthly Releases Starting 1/18/2015 - 05/12/2017	Park University Online magazine, Student Health 101, provides healthy and safe alternatives regarding AOD consumption and provides valuable resources regarding addiction help.	All Kansas City Area Students	Department of Student Life
1/5/2015 - 1/9/2015;	Resident Assistant Training	Resident Assistants	Office of Residence Life



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8/10/2015 - 8/15/2015 ; 1/4/2016-1/8/2016; 8/03/2016 - 8/15/2016			
8/13/2015 - 8 /21/2015; 8/12/2016 - 8/22/2016	Residence Life and Education First Floor Meeting	All Residential Students	Office of Residence Life
8/18/2016 (2 Shows)	Sex and Drugs Show (Alcohol Awareness and Consent Awareness Program)	All Kansas City Area Students	Office of Student Leadership and Engagement
8/14/2015 8/12/2016	Parent and Family Orientation	Parents of All Park Students	Dean of Students
8/19/2015 1/14/2015 8/17/2016 1/18/2017	Student Organization Leadership Retreat	All Kansas City Area Students	Office of Student Leadership and Engagement
3/15/2015 - 5/12/2017	Online Orientation	All Kansas City Area Students	Department of Student Life
8/13/2015 8/12/2016	All Residence Halls Meeting	All Parkville Students	Office of Residence Life
1/4/2016 8/8/2016	Park Student Activities Board Retreat	All Parkville Students	Office of Student Leadership and Engagement
10/26/2016	Sexual Assault Awareness Week - Audrie & Daisy Screening	All Parkville Students	Office of Student Leadership and Engagement
10/27/2016	Sexual Assault Awareness Week - Synergy Presentation	All Parkville Students	Office of Student Leadership and Engagement

## **Policies, Procedures and Programs Related to Dating Violence, Domestic Violence, Sexual Assault and Stalking (VAWA)**

Consistent with the requirements of Title IX of the Education Amendments of 1972, the Clery Act, and the Violence Against Women Act (“VAWA”), the University prohibits discrimination based on sex in its educational programs and activities, including sexual harassment, and acts of domestic violence, dating violence, sexual violence (including sexual assault) and stalking. The University also prohibits any retaliation, intimidation, threats, coercion or any other discrimination against any individuals exercising their rights or responsibilities pursuant to these laws and university policy.

The University’s Sexual Harassment and Sexual Misconduct (Title IX) is used to address complaints of this nature. This policy and the procedures for filing, investigating, and resolving complaints for violations of this policy may be found at <http://www.park.edu/title-ix/index.html>.

The following discusses the University’s educational programs to promote the awareness of domestic violence, dating violence, sexual assault and stalking; provides information concerning procedures students and employees should follow and the services available in the event they do become a victim of one of these offenses, and advises students and employees of the disciplinary procedures that will be followed after an allegation that one of these offenses has occurred.

### **Primary Prevention and Awareness Program**

The University conducts a Primary Prevention and Awareness Program (“PPAP”) for all incoming students and new employees. In it they are specifically advised that the University prohibits the offenses of domestic violence, dating violence, sexual assault and stalking. In that regard, students are informed of the definitions that apply within this state.

<b>Crime Type (California Codes Annotated)</b>	<b>Definitions</b>
§ 261.6. "Consent"; Effect of current or previous relationship	In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.  A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent
§ 261.7. "Consent"; Communication to use condom or other birth control device	In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.
§ 261. Rape; "Duress"; "Menace"	A. Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances: (1) Where a person is

	<p>incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.</p> <p>Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.</p> <p>(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused. (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions: (A) Was unconscious or asleep. (B) Was not aware, knowing, perceiving, or cognizant that the act occurred. (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose. (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. (6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. (7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to</p>
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	<p>incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.</p> <p>B. As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.</p> <p>C. As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.</p>
<p>§ 262. Spousal rape</p>	<p>A. Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances: (1) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another. (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused. (3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (A) Was unconscious or asleep. (B) Was not aware, knowing, perceiving, or cognizant that the act occurred. (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death. (5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator</p>



	<p>does not actually have to be a public official.</p> <p>B. As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in apprising the existence of duress.</p> <p>C. As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.</p> <p>D. If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements: (1) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000). (2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.</p>
§ 263. Penetration	The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.
§ 263.1. Legislative findings and declarations	<p>A. The Legislature finds and declares that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors.</p>

	B. This section is declarative of existing law.
§ 243.4. Sexual battery; Seriously disabled or medically incapacitated victims	<p>A. Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).</p> <p>B. Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).</p> <p>C. Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).</p> <p>D. Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not</p>

	<p>exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).</p> <p>E. (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full. (2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.</p> <p>F. As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.</p> <p>G. As used in this section, the following terms have the following meanings: (1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female. (2) "Sexual battery" does not include the crimes defined in Section 261 or 289. (3) "Seriously</p>
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	<p>disabled" means a person with severe physical or sensory disabilities. (4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication. (5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital. (6) "Minor" means a person under 18 years of age.</p> <p>H. This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.</p> <p>I. In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.</p> <p>J. A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).</p>
<p>§ 286. Sodomy</p>	<p>A. Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.</p> <p>B. (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. (2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.</p> <p>C. (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (B) Any person who commits an act of sodomy with another person who is under 14 years of age when</p>

	<p>the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years. (C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>D. (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years. (2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years. (3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years. (4) This subdivision does not preclude prosecution</p>
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	<p>under Section 269, Section 288.7, or any other provision of law.</p> <p>E. Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.</p> <p>F. Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.</p> <p>G. Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.</p> <p>H. Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of</p>
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	<p>the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.</p> <p>Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.</p> <p>I. Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>J. Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>K. Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.</p> <p>L. As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.</p> <p>M. In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates</p>
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	<p>this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court, however, shall take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.</p>
§ 288a. Oral copulation	<p>A. Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.</p> <p>B. (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. (2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.</p> <p>C. (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years. (2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. (C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years. (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility</p>

	<p>that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>D. (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent. (2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years. (3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. (4) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.</p> <p>E. Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in</p>
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	<p>Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.</p> <p>F. Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.</p> <p>G. Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.</p> <p>H. Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship</p>
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	<p>pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.</p> <p>I. Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.</p> <p>J. Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.</p> <p>K. Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.</p> <p>L. As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.</p> <p>M. In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.</p>
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§ 289. Penetration by foreign object

- A. (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years. (B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years. (C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years. (D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law. (2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- B. Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- C. Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably

	<p>should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-PetrisShort Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.</p> <p>D. Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions: (1) Was unconscious or asleep. (2) Was not aware, knowing, perceiving, or cognizant that the act occurred. (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact. (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.</p> <p>E. Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.</p> <p>F. Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in</p>
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	<p>the state prison for a period of three, six, or eight years.</p> <p>G. Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.</p> <p>H. Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.</p> <p>I. Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.</p> <p>J. Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.</p> <p>K. As used in this section: (1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object. (2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ. (3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.</p> <p>L. As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.</p>
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	<p>M. As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.</p>
<p>§ 261.5. Unlawful sexual intercourse with a minor; Misdemeanor or felony violation; Civil penalties</p>	<p>A. Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.</p> <p>B. Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.</p> <p>C. Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.</p> <p>D. Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.</p> <p>E. (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts: (A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000). (B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000). (C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to</p>

	<p>exceed ten thousand dollars (\$10,000). (D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000). (2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature. (3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.</p>
<p>§ 273.5. Infliction of injury on present or former spouse, present or former cohabitant, present or former fiancée/fiancee, present or former dating partner, or parent of child; Punishment; Conditions of probation; Issuance of restraining order</p>	<p>A. Any person who willfully inflicts corporal resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.</p> <p>B. Subdivision (a) shall apply if the victim is or was one or more of the following: (1) The offender's spouse or former spouse. (2) The offender's cohabitant or former cohabitant. (3) The offender's fiancée or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243. (4) The mother or father of the offender's child.</p> <p>C. Holding oneself out to be the spouse of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.</p> <p>D. As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a</p>

	<p>result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.</p> <p>E. For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.</p> <p>F. (1) Any person convicted of violating this section for acts occurring within seven years of a previous conviction under subdivision (a), or subdivision (d) of Section 243, or Section 243.4, 244, 244.5, or 245, shall be punished by imprisonment in a county jail for not more than one year, or by imprisonment in the state prison for two, four, or five years, or by both imprisonment and a fine of up to ten thousand dollars (\$10,000). (2) Any person convicted of a violation of this section for acts occurring within seven years of a previous conviction under subdivision (e) of Section 243 shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to ten thousand dollars (\$10,000), or by both that imprisonment and fine.</p> <p>G. If probation is granted to any person convicted under subdivision (a), the court shall impose probation consistent with the provisions of Section 1203.097.</p> <p>H. If probation is granted, or the execution or imposition of a sentence is suspended, for any defendant convicted under subdivision (a) who has been convicted of any prior offense specified in subdivision (f), the court shall impose one of the following conditions of probation: (1) If the defendant has suffered one prior conviction within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 15 days. (2) If the defendant has suffered two or more prior convictions within the previous seven years for a violation of any offense specified in subdivision (f), it shall be a condition of probation, in addition to the provisions contained in Section 1203.097, that he or she be imprisoned in a county jail for not less than 60 days. (3) The court, upon a showing of good cause, may find</p>
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	<p>that the mandatory imprisonment required by this subdivision shall not be imposed and shall state on the record its reasons for finding good cause.</p> <p>I. If probation is granted upon conviction of a violation of subdivision (a), the conditions of probation may include, consistent with the terms of probation imposed pursuant to Section 1203.097, in lieu of a fine, one or both of the following requirements: (1) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000), pursuant to Section 1203.097. (2) (A) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. (B) For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. An order to make payments to a battered women's shelter shall not be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. If the injury to a person who is married or in a registered domestic partnership is caused in whole or in part by the criminal acts of his or her spouse or domestic partner in violation of this section, the community property may not be used to discharge the liability of the offending spouse or domestic partner for restitution to the injured spouse or domestic partner, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse or domestic partner and dependents, required by this section, until all separate property of the offending spouse or domestic partner is exhausted.</p> <p>J. Upon conviction under subdivision (a), the sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, which may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family. This protective order may be issued by the court whether the defendant is sentenced to state prison or county jail, or if imposition of sentence is suspended and the defendant is placed on probation.</p> <p>K. If a peace officer makes an arrest for a violation of this section, the peace officer is not required to inform the</p>
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	victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.
§ 646.9. Stalking	<p>A. Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.</p> <p>B. Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.</p> <p>C. (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years. (2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.</p> <p>D. In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.</p> <p>E. For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.</p> <p>F. For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."</p> <p>G. For the purposes of this section, "credible threat" means</p>

	<p>a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."</p> <p>H. For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.</p> <p>I. This section shall not apply to conduct that occurs during labor picketing.</p> <p>J. If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.</p> <p>K. (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family. (2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.</p> <p>L. For purposes of this section, "immediate family" means any spouse, parent, child, any person related by</p>
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	<p>consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.</p> <p>M. The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.</p>
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In addition to the definition of consent under state law, the University uses the following definition of consent in its sexual misconduct policies for the purpose of determining whether sexual violence (including sexual assault) has occurred.

For individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to and during sexual activity. Consent is sexual permission. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you want sexually and what you do not. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence-- without actions demonstrating permission--cannot be assumed to show consent.

Additionally, there is a difference between seduction and coercion. Coercing someone into sexual activity violates this policy in the same way as physically forcing someone into sex. Coercion happens when someone is pressured unreasonably for sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because they lack the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. Under this policy, "No" always means "No," and "Yes" may not always mean "Yes." Anything but a clear, knowing and voluntary consent to any sexual activity is equivalent to a "No."

### Clery Act Definitions

The definitions of the offenses of sexual assault, dating violence, domestic violence, and stalking used in reporting Clery Act crimes in the annual statistics are different than what is found in state law. These definitions of dating violence, domestic violence, and stalking comes from the Violence Against Women Act (VAWA), and the definition of sexual assault comes from the FBI's UCR program and which can be found in Appendix A of 34 C.F.R. 668. The University's definitions for purposes of reporting Clery Act crimes are listed in Appendix A.

### Reducing Risk

The PPAP includes instruction on how to avoid becoming a victim and the warning signs of abusive behavior, the recognition of which will help mitigate the likelihood of perpetration, victimization or bystander inaction.

If you find yourself in an uncomfortable sexual situation, the following suggestions may help you reduce your risk.

1. Make your limits known before going too far.

2. You can withdraw consent to sexual activity at any time. Do not be afraid to tell a sexual aggressor “NO” clearly and loudly.
3. Try to remove yourself from the physical presence of a sexual aggressor. Be direct as possible about wanting to leave the environment.
4. Grab someone nearby and ask them for help.
5. Be responsible about your alcohol and/or drug use. Alcohol and drugs can lower your sexual inhibitions and may make you vulnerable to someone who views an intoxicated/high person as a sexual opportunity.
6. Attend large parties with friends you trust. Watch out for your friends and ask that they watch out for you.
7. Be aware of someone trying to slip you an incapacitating “rape drug” like Rohypnol or GHB.

If you find yourself in the position of being the initiator of sexual behavior, these suggestions may help you to reduce your risk of being accused of sexual assault or another sexual crime:

1. Remember that you owe sexual respect to the other person.
2. Don’t make assumptions about the other person’s consent or about how far they are willing to go.
3. Remember that consent to one form of sexual activity does not necessarily imply consent to another form of sexual behavior.
4. If your partner expresses a withdrawal of consent, stop immediately.
5. Clearly communicate your sexual intentions so that the other person has a chance to clearly tell you their intentions.
6. Consider “mixed messages” a clear sign that the other person is uncomfortable with the situation and may not be ready to progress sexually.
7. Don’t take advantage of someone who is really drunk or on drugs, even if they knowingly and intentionally put themselves in that state. Further, don’t be afraid to step in if you see someone else trying to take advantage of a nearly incapacitated person.
8. Be aware of the signs of incapacitation, such as slurred speech, bloodshot eyes, vomiting, unusual behavior, passing out, staggering, etc.

It is also important to be aware of the warning signs of an abusive person.

1. Past abuse
2. Threats of violence or abuse
3. Breaking objects
4. Using force during an argument
5. Jealousy
6. Controlling behavior
7. Quick involvement
8. Unrealistic expectations
9. Isolation
10. Blames others for problems
11. Hypersensitivity

12. Cruelty to animals or children
13. “Playful” use of force during sex
14. Jekyll-and-Hyde personality

PPAP instruction also includes encouraging individuals to take safe and positive steps to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against another person. This includes reporting such incidents to appropriate authorities. Other steps that can be taken include:

1. Look out for those around you.
2. Realize that it is important to intervene to help others.
3. Treat everyone respectfully. Do not be hostile or an antagonist.
4. Be confident when intervening.
5. Recruit help from others if necessary.
6. Be honest and direct.
7. Keep yourself safe.
8. If things get out of hand, don’t hesitate to contact the police.

The PPAP also provides information on possible sanctions and protective measures that may be imposed following a determination that an offense of dating violence, domestic violence, sexual assault, or stalking has occurred, an explanation of the disciplinary procedures that will be followed when one of these offenses is alleged, the rights of the parties in such a proceeding, available resources, and other pertinent information. Much of this information is set forth in the upcoming sections of this security report.

### **Ongoing Prevention and Awareness Program**

The University also conducts an Ongoing Prevention and Awareness Campaign (“OPAC”) aimed at all students and employees. This campaign covers the same material as provided in the PPAP, but is intended to increase the understanding of students and employees on these topics and to improve their skills for addressing the offenses of dating violence, domestic violence, sexual assault, and stalking.

### **PPAP and OPAC Programming Methods**

Park University's OPAC has in place online, mandatory Title IX training for all students, staff, and faculty. For the students, this training is provided every semester for newly arriving students. The list is purged for students that may have already received the training. New staff and faculty members are trained when on-boarded to the university.

Freshman and transfer students receive information on a wide variety of topics during their orientation phase, including sexual harassment and sexual assault information. Students also receive a Parkville campus map indicating where to find the campus emergency phone.

Additionally, the University has formed the Culture of Respect Campus Leadership Team which develops and implements education and safety programs for the University’s Sexual Assault Awareness Week during the spring semester and Sexual Assault Awareness Month during the fall semester.

The Campus Safety Department provides its staff and Campus Security Officers (“CSOs”) quarterly safety training on a variety of campus safety related topics. The CSOs are required to complete annual Campus Community Emergency Response Team (“CERT”) training providing education on disaster preparedness and medical operations, CERT organization, disaster psychology, terrorism and CERT, fire safety and utility controls, and light search and rescue operations. The CSOs are also required to complete annual active, live shooter training. All Park staff members are invited and encouraged to participate in CERT training as well.



### Procedures to Follow if You are a Victim of Sexual Assault, Domestic Violence, Dating Violence, or Stalking

If you are a victim of a sexual assault, domestic violence, dating violence, or stalking, go to a safe place and call 911, the University's Dean of Students at (816) 584-6595 or (816) 505-5456, or reference the resources listed throughout this policy.

At the earliest opportunity, you should also contact the University's Title IX Coordinator, Roger Dusing, at (816) 584-6386. Victims will be notified in writing of the applicable procedures, including the following.

1. To whom and how the alleged offense should be reported.
  - a. Contact the Title IX Coordinator or refer to the other resources listed in this report.
2. The importance of preserving evidence that may be necessary to prove the offense in a criminal proceeding or disciplinary action or to obtain a protective order. To that end, keep in mind the following.
  - a. You should not remove clothing items worn during or following an assault, as they frequently contain valuable fiber, hair, and fluid evidence.
  - b. Don't bathe, wash, or otherwise clean the environment in which the assault occurred.
  - c. You can obtain a forensic examination at:
    - i. Barstow Community Hospital  
820 E. Mountain View Street, Barstow, CA  
(760) 256-1761  
<http://www.barstowhospital.com/barstow-community-hospital/contactus.aspx>
    - ii. Camp Pendleton Naval Hospital  
(760) 763-652  
<http://www.med.navy.mil/sites/cpen/Patient/Pages/Appointments.aspx>
    - iii. Fort Irwin Weed Army Community Hospital  
Appointment Line - (866)957-9224 (WACH)  
Directory Assistance - (760)380-1111  
Nurse Advice Line - (800)TRICARE(874-2273) Option 1  
Patient Advocacy - (866) 957-9224 Option 4  
<http://www.irwin.amedd.army.mil/>
    - iv. Victor Valley Global Medical Center – KPC Healthcare  
15248 Eleventh St., Victorville CA, 92395  
(760) 245-8691  
<https://vvgmc.com/contact-version-3/>
  - d. Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report.
  - e. Evidence in electronic formats should also be retained e.g., text messages, emails, photos, social media posts, screenshots, etc.
  - f. Victims of stalking should also preserve evidence of the crime to the extent possible.
3. The victim's options regarding notification to law enforcement, which are: (a) the option to notify either on-campus or local police; (b) the option to be assisted by campus security authorities in notifying law enforcement if the victim so chooses (the university is obligated to comply with such a request if it is made); and (c) the option to decline to notify such authorities.

- a. Emergency 911
  - b. The Campus Safety Department can be reached at (816) 584-6444
  - c. Victorville Police Department at (760) 241-2911
  - d. Barstow Police Department at (760) 256-2211
  - e. Camp Pendleton: Oceanside Police Department at (760) 435-4900
  - f. Fort Irwin MP Station at (760) 380-4444
  - g. To make a police report, a victim should contact the local police agency listed throughout this policy either by phone or in-person. The victim should provide as much information as possible, including the name, address, and when and what occurred, to the best of the victim's ability.
4. Where applicable, the rights of victims and the institution's responsibilities regarding orders of protection, no-contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
- a. In California, victims may obtain an Adult Order of Protection, which provides protective relief for victims of domestic violence, stalking, or sexual assault. Information about Adult Orders of Protection may be found at: <http://www.courts.ca.gov/1264.htm>.
  - b. Victims may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct, dating violence, domestic violence, or stalking.
  - c. To ask for a domestic violence restraining order there are several steps you have to take. But first make sure that:
    - i. a restraining order is right for you. Read *Can a Domestic Violence Restraining Order Help Me?*, available at: <http://www.courts.ca.gov/documents/dv500info.pdf>;
    - ii. that you qualify for a domestic violence restraining order. You and the person you want to restrain must be:
      1. married or registered domestic partners;
      2. divorced or separated;
      3. dating or used to date;
      4. living together or used to live together;
      5. parents together of a child; or
      6. closely related (parent, child, brother, sister, grandmother, grandfather, in-law);
    - iii. that you get legal help from a local domestic violence agency in your county.
  - h. Once you are sure you qualify for a domestic violence restraining order, you are ready to fill out the forms (or have a lawyer or domestic violence clinic help you with the forms). If you are not sure you qualify, ask your local domestic violence agency. Your court's family law facilitator or self-help center may also be able to help you with the restraining order.
  - i. If you live in a native tribal community or reservation with a tribal court, you may be able to get help. For more information, please see: <http://www.courts.ca.gov/14400.htm>.

Victims may contact local domestic violence and sexual assault advocates for assistance in obtaining a protection order.

The National Domestic Violence Hotline links you to the following resources in your community for information on domestic violence shelters, emergency shelters, legal help, social service programs.

The university will also enforce any temporary restraining order or other no-contact order against the alleged perpetrator from a criminal, civil, or tribal court. Any student or employee who has a protection order or no contact order should notify the Title IX Coordinator and provide a copy of the restraining order so that it may be kept on file with the university and can be enforced on campus, if necessary. Upon learning of any orders, the university will take all reasonable and legal action to implement the order.

The university does not issue legal orders of protection. However, as a matter of institutional policy, the university may impose a no-contact order between individuals in appropriate circumstances. The university may also issue a “no trespass warning” if information available leads to a reasonable conclusion that an individual is likely to cause harm to any member of the campus community. A person found to be in violation of a No Trespass Warning may be arrested and criminally charged.

### Available Victim Services

Whenever an individual reports a sexual assault, incident of dating violence, domestic violence, or stalking, the written explanation of the reporting party’s rights and options provided by the university will include information on the following resources in the reporting student's area.

Victims will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to them, both within the University and in the surrounding community. Those services include:

#### Counseling, Mental Health & Victim Advocacy Services:

1. Park University Counseling  
8700 NW River Park Dr., Parkville, MO 64152  
(816) 584-6237 or (816) 584-6798  
<http://www.park.edu/counseling-center/index.html>
2. California Youth Crisis Line  
(800) 843-5200 – 24 Hour Hotline
3. CSU San Bernardino Community Counseling Center  
5500 University Parkway, San Bernardino, CA 92407  
(909) 537-5569  
<http://ccc.csusb.edu/index.htm>
4. California Family Resource Center  
[http://frc.vesd.net/community\\_resources/counseling\\_and\\_crisis\\_response](http://frc.vesd.net/community_resources/counseling_and_crisis_response)
5. CalVCB - California Victim Compensation Board - Victim Resources  
<https://victims.ca.gov/resources.aspx>
6. “A Better Way” Domestic Violence Shelter And Outreach  
PO Box 2825 Victorville, CA 92393  
(760) 955-8010  
(760) 955-8723 – 24 Hour Hotline

(866) 228-2059 – Toll Free 24 Hour Hotline  
[www.abetterwaydomesticviolence.org](http://www.abetterwaydomesticviolence.org)

Health Services:

1. Park University Student Health Services (listing numerous resources not listed herein)  
8700 NW River Park Dr., Parkville, MO 64152  
<http://www.park.edu/student-health-services/index.html>
2. Barstow Health Partners  
805 E Mountain View St, Barstow, CA 92311  
(760) 255-9000  
<http://www.barstowhealthpartners.com/barstow-health-partners/physician-practices-home.aspx>
3. Camp Pendleton Naval Hospital  
100 Santa Margarita Rd, Camp Pendleton North, CA 92055  
(760) 725-1288
4. Fort Irwin Weed Army Community Hospital  
390 North Loop Road, Fort Irwin, CA 92310  
(866) 957-9224
5. Victor Valley - Valley Star Crisis Walk-in Center  
12240 Hesperia Rd A, Victorville, CA 92395  
(760) 245-8837
6. California Health Care Services – Resources  
<http://www.dhcs.ca.gov/services/Pages/AllServices.aspx>

Legal Assistance:

1. California Courts - Free and Low-Cost Legal Help  
<http://www.courts.ca.gov/selfhelp-lowcosthelp.htm>
2. California Indian Legal Services  
609 S Escondido Blvd, Escondido, CA 92025  
(760) 746-8941
3. Legal Services of Northern California  
517 12th St, Sacramento, CA 95814  
(916) 551-2150
4. Central California Legal Services  
2115 Kern St #1, Fresno, CA 93721  
(800) 675-8001  
and  
1640 N St #200, Merced, CA 95340  
(209) 723-5466  
<http://www.centralcallegal.org/>

Visa & Immigration Assistance:

1. Park Office of International Students  
8700 NW River Park Dr., Herr House Room 207 / PMB 3  
Parkville, Missouri, 64152-3795, U.S.A.  
00 + 1 + 816 + 584 + 6820  
E-mail: [international@park.edu](mailto:international@park.edu)  
<http://www.park.edu/office-of-international-students/index.html>
2. Immigration Advocates Network  
<http://www.immigrationadvocates.org/nonprofit/legaldirectory/search?state=MO>
3. U.S. Citizenship and Immigration  
Services: [https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office\\_type=A SC&OfficeLocator.statecode=MO](https://egov.uscis.gov/crisgwi/go?action=offices.summary&OfficeLocator.office_type=A SC&OfficeLocator.statecode=MO)

Student Financial Aid:

1. Park Financial Aid Office  
8700 NW River Park Dr., Parkville, MO 64152  
(816) 741-2000  
<http://www.park.edu/student-financial-aid/index.html>
2. The Department of Education's Federal Student Aid office  
1-800-433-3243  
<https://fafsa.ed.gov/>

Additional Resources:

1. UMKC Women's Center  
<https://info.umkc.edu/womenc/services/campus-and-community-resources/domestic-violence/>
2. Hope House  
P.O. Box 577, Lee's Summit, MO 64063  
Hotline: (816) 461-HOPE (4673)  
<http://www.hopehouse.net/>
3. Kansas City Anti-Violence Project (KCAVP is committed to providing domestic violence, sexual assault, and bias crimes advocacy and education to the lesbian, gay, bisexual, and transgender community)  
P.O. Box 411211, Kansas City, MO 64141-1211  
(816) 561-0550  
<http://www.kcavp.org/>
4. Mattie Rhodes Center  
1740 Jefferson, Kansas City, MO 64108  
(816) 471-2536  
<https://www.mattierhodes.org/>

**Accommodation and Protective Measures**

The university will provide written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures.

If victims request these accommodations or protective measures and they are reasonably available the university is obligated to provide them, regardless of whether the victim chooses to report the crime to campus security or local law enforcement. Requests of this nature should be made to the Dean of Students at (816) 584-6495 or (816) 505-5456. The Dean of Students is responsible for deciding what, if any,

accommodations or protective measures will be implemented. When determining the reasonableness of such a request, the Dean of Students may consider, among other factors, the following:

1. The specific need expressed by the complainant.
2. The age of the students involved.
3. The severity or pervasiveness of the allegations
4. Any continuing effects on the complainant
5. Whether the complainant and alleged perpetrator share the same residence hall, dining hall, class, transportation or job location.
6. Whether other judicial measures have been taken to protect the complainant (e.g., civil protection orders).

The University will maintain as confidential any accommodations or protective measures provided a victim to the extent that maintaining confidentiality would not impair the University's ability to provide them. However, there may be times when certain information must be disclosed to a third party to implement the accommodation or protective measure. Such decisions will be made by the Dean of Students in light of the surrounding circumstances. Disclosures of this nature will be limited so that only the information necessary to implement the accommodation or protective measure is provided. In the event it is necessary to disclose information about a victim to provide an accommodation or protective order, the University will inform the victim of that necessity prior to the disclosure, including which information will be shared, with whom it will be shared, and why.

### **Procedures for Disciplinary Action**

Allegations of domestic violence, dating violence, sexual assault, or stalking will be processed through the university's Sexual Harassment and Sexual Misconduct (Title IX) Policy and the related complaint resolution procedures. The procedures are utilized whenever or wherever a complaint is made, regardless of the status of the complainant and the respondent.

The complaint resolution procedures are invoked once a report is made to one of the following individuals:

#### Title IX Coordinator

Roger Dusing  
Chief Human Resources Officer  
816-584-6386  
MacKay Building, Parkville, MO  
[Roger.dusing@park.edu](mailto:Roger.dusing@park.edu)

#### Deputy Title IX Coordinator - students

Dr. Jayme Uden  
Dean of Students  
816-584-6495  
Thompson Commons, Parkville, MO  
[jayme.uden@park.edu](mailto:jayme.uden@park.edu)

#### Deputy Title IX Coordinator - Staff

James Nelson  
Associate Vice President of Information Technology Services  
816-584-6548  
Thompson Commons, Parkville, MO  
[james.nelson@park.edu](mailto:james.nelson@park.edu)



Deputy Title IX Coordinator - Faculty

Dr. Emily Sallee

Associate Provost, Academic Affairs

816-584-6779

MacKay Building, 2<sup>nd</sup> Floor

Emily.sallee@park.edu

An electronic form may also be used and is available at <http://www.park.edu/current-students/sexual-harassment-form.html>.

Once a complaint is made, the Title IX Coordinator or Deputy Coordinators will commence the investigatory process as soon as practicable, but not later than seven (7) days after the complaint is made. The Title IX Coordinator and/or designee will analyze the complaint and notify the respondent that a complaint has been filed.

During the investigation, the complainant and respondent will each have an equal opportunity to describe the situation and present witnesses and other supporting evidence. The investigator(s) will review the statements and evidence presented and may, depending on the circumstances, interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the complaint. Upon completion of the investigation, the investigator(s) make a determination as to whether any allegations in the complaint were found to be substantiated by a preponderance of the evidence. The investigator(s) will then prepare an investigation report outlining the findings and include, if necessary, sanctions or other remedial measures to impose. The parties will be notified of this determination in writing within three (3) days of it being made. The university strives to complete investigations of this nature within sixty (60) calendar days.

Both parties have an equal opportunity to appeal the determination by filing a written appeal with the Title IX Coordinator within ten (10) days of being notified of the outcome of the investigation. The appeal will then be assigned to a collective panel of Title IX Deputies and the Coordinator for evaluation. The Appeal Panel will resolve the appeal within fifteen (15) days of receiving it and may take any and all actions that the Panel determines to be in the interest of a fair and just decision. The Appeal Panel will issue a statement of the appeal, including any changes made to the Deputy Coordinators' previous written determination. The written statement will be provided to the complainant, respondent, and the Title IX Coordinator within three (3) days of the resolution.

**Rights of the Parties in an Institutional Proceeding**

During the course of the process described in the previous section, both the accuser and the individual accused of the offense are entitled to the following.

1. A prompt, fair and impartial process from the initial investigation to the final result.
  - a. A prompt, fair and impartial process is one that is:
    - i. completed within reasonably prompt timeframes designated by the university's policy, including a process that allows for the extension of timeframes for good cause, with written notice to the accuser and the accused of the delay and the reason for the delay;
    - ii. conducted in a manner that:
      1. is consistent with the institution's policies and transparent to the accuser and the accused;
      2. includes timely notice of meetings at which the accuser or accused, or both, may be present;

3. provides timely access to the accuser, the accused and appropriate officials to any information that will be used during the informal and formal disciplinary meetings and hearings; and
  - iii. conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
2. Proceedings conducted by officials who, at a minimum, receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

It is Park's goal that all Title IX coordinators and Campus Security Authorities complete quarterly training, updates, and education on a variety of sexual assault and harassment topics, including education on how training and education should be used during a proceeding, proper techniques for questioning witnesses, basic procedural rules for conducting a proceeding, and avoiding actual and perceived conflicts of interest. They are also required to complete annual Title IX training online.
3. The same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. The university may not limit the choice of advisor, but may establish limits regarding the extent to which that advisor may participate in the proceeding, as long as those limits apply equally to both parties.
4. Have the outcome determined using a preponderance-of-the-evidence standard based on the totality of the evidence presented.
5. Simultaneous, written notification of the results of the proceeding, any procedures for either party to appeal the result, any change to the result, and when the result becomes final. For this purpose, "result" means "any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters" and must include the rationale for reaching the result and any sanctions imposed.

#### **Possible Sanctions or Protective Measures that University May Impose for Domestic Violence, Dating Violence, Sexual Assault, or Stalking Offenses**

Following a final determination in the university's disciplinary proceeding that domestic violence, dating violence, sexual assault, or stalking has been committed, the university may impose a sanction depending on the mitigating and aggravating circumstances involved.

Student sanctions include verbal warnings, reflection and educational assignments, activity or location restrictions, restitution; fine; loss of privileges; housing probation; temporary or permanent suspension; expulsion; and/or restriction on eligibility to represent the university at any official function or in any intercollegiate competition. If a suspension is imposed on a student, it may be for part of a semester, a full semester, or an entire academic year. Following a suspension, a student will be required to meet with the Dean of Students to discuss re-entry and expectations going forward.

Employees sanctions include verbal warnings, written warning, final written warning, termination, reassignment of duties, and suspension with or without pay. An employee may be suspended for any length of time determined appropriate by the Director of Human Resources. Following a suspension, an employee will be required to meet with the Director of Human Resources to discuss re-entry and expectations going forward.

Other remedial steps may include counseling, academic, transportation, work, or living accommodations for the complainant or separation of the parties, and training for the respondent and other persons. The University will consider the concerns and rights of both the complainant and the respondent.

The university may take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the investigation including directing appropriate university officials to alter academic, housing, and/or university employment arrangements, together with such other protections as the Title IX Coordinator/Deputy Coordinator deems appropriate.

Consistent with Title IX regulations, when taking steps to separate the complainant and the respondent, the university will minimize the burden on the complainant and will not, as a matter of course, remove the complainant from his or her classes, housing, or employment while allowing the respondent to remain. Violations of the Title IX Coordinator/Deputy Coordinator's directive and/or protective actions will constitute separate violations of the university's Sexual Misconduct Policy that may lead to additional disciplinary action. The University will consider the concerns and rights of both the complainant and the respondent.

### **Publicly Available Recordkeeping**

The university will complete any publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about victims of domestic violence, dating violence, sexual assault, and stalking who make reports of such to the University to the extent permitted by law.

### **Victims to Receive Written Notification of Rights**

When a student or employee reports to the university that he or she has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, the university will provide the student or employee a written explanation of his or her rights and options as described in the paragraphs above.

### **Sex Offender Registration Program**

The Campus Sex Crimes Prevention Act of 2000 requires institutions of higher education to advise members of the campus community where they can obtain information provided by the state concerning registered sex offenders. It also requires sex offenders to notify the state of each institution of higher education in the state at which they are employed or enrolled or carrying on a vocation. The state is then required to notify the university of any such information it receives. Anyone interested in determining whether such persons are on this campus may do so by contacting the Title IX Coordinator at (816) 584-6386. State registry of sex offender information may be accessed at the following link: <https://www.meganslaw.ca.gov/mobile/Disclaimer.aspx>.

## **Emergency Response and Evacuation Procedures**

The University has an emergency management plan designed to ensure there is a timely and effective response in the event of a significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of members of the campus community. Such situations include, but are not limited to: tornadoes, bomb threats, chemical spills, disease outbreaks, fires, active shooters, etc. The University has communicated with local police requesting their cooperation in informing the University about situations reported to them that may warrant an emergency response.

Students, staff and visitors are encouraged to notify the Director, Campus Safety at 816-584-6226 of any situation that poses such a threat.

The Director of Campus Safety, Will London, will access available sources of information from campus administrative staff and local authorities to confirm the existence of the danger and will be responsible for initiating the institution's response and for marshaling the appropriate local emergency response authorities for assistance. Depending on the nature of the emergency, other University departments may be involved in the confirmation process.

Once the emergency is confirmed and based on its nature, the Director of Campus Safety will consult with other appropriate University officials to determine the appropriate segment or segments of the University community to be notified.

The Chief Financial Officer in collaboration with other appropriate personnel (including all executive staff), will determine who should be notified, and will, without delay, and taking into account the safety of the community, determine the content of the notification and 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.

Depending on the segments of the campus the notification will target, the content of the notification may differ. When appropriate, the content of the notification will be determined in consultation with local authorities. Also as appropriate, the notification will give guidance as to whether its recipients should shelter in place or evacuate their location.

The Director of Communications and Public Relations will direct the issuance of emergency notifications, which will be accomplished using one or more of the following means, depending on the nature of the threat and the segment of the campus community being threatened:

This warning will be communicated to students and employees via the University's mass notification software, E2 Campus. Students and employees may opt in to receive messages sent by the University to provide timely warnings and traffic flow or weather-related issues. Instructions to sign-up for this notification system may be found at [www.Park.edu/mypark](http://www.Park.edu/mypark).

At the direction the University's Chief Financial Officer will notify local law enforcement of the emergency if they are not already aware of it and local media outlets in order that the larger community outside the campus will be aware of the emergency. This will also be coordinated between Campus Safety and the Director of Public Relations and Communication.

The University tests its emergency response and evacuation procedures at least once a year. The tests may be announced or unannounced. Also, at various times the Emergency Management Team will meet to train and test and evaluate the University's emergency response plan. In addition, annual active shooter scenarios will be conducted with Parkville Police Department to include lockdown procedures.

The Director of Campus Safety maintains a record of these tests and training exercises, including a description of them, the dates and times they were held and an indication of whether they were announced or unannounced. In connection with at least one such test, the University will distribute to its students' and employees' information to remind them of the University's emergency response and evacuation procedures.

## APPENDIX A

### Clery Act Definitions

The Clery Act requires institutions of higher education to disclose crime statistics covering the previous three years on four general categories of crimes: (1) primary criminal offenses (murder and non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, statutory rape and incest), robbery, aggravated assault, burglary, motor vehicle theft, and arson); (2) hate crimes (any of the primary crimes except manslaughter by negligence and any incidents of larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property that were motivated by certain biases); (3) arrests or referrals for disciplinary action for weapons, drug and liquor law violations; and (4) VAWA offenses (dating violence, domestic violence, and stalking).

The definitions of these offenses follow FBI guidelines and are found below.

#### PRIMARY CRIMINAL OFFENSES

*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.

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

*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, usually accompanied by the use of a weapon or by a means likely to produce death or great bodily harm.

*Burglary:* The unlawful entry of a structure to commit a felony or a theft.

*Motor vehicle theft:* The theft or attempted theft of a motor vehicle.

*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

Hate crimes involve those crimes motivated by the following biases: race, gender, religion, sexual orientation, ethnicity, disability, national origin, and gender identity. As noted, hate crimes include those defined above (except manslaughter by negligence) that were motivated by one or more of these biases. They also include the following crimes:

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

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

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

*Destruction/damage/vandalism of property:* Willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

## **ARRESTS & REFERRALS FOR DISCIPLINARY ACTION**

The third category of crime statistics disclosed related to arrests and referrals for disciplinary action for violations of law relating to weapons, drugs or liquor. For this purpose, the following definitions apply:

*Arrest:* A person processed by arrest, citation or summons.

*Referral for disciplinary action:* The referral of any person to any official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

*Weapons Violation (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. This classification encompasses weapons offenses that are regulatory in nature.

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

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

## **VAWA OFFENSES**

*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 will be determined based on the reporting party's statement and with consideration of the length, and type of relationship and the frequency of interaction between the persons involved in the relationship.

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

*Stalking:* A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his or others' safety, or to suffer substantial emotional distress.



## Crime Statistics

### Barstow CC

Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Fondling	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Burglary	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arson	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Drug Abuse Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Weapons: Carrying, Possessing, ETC.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral -	2016	0	0	0	0

# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Weapons: Carrying, Possessing, ETC.	2017	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Hate Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Unfounded Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

## Camp Pendleton MCB

Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Fondling	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Burglary	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arson	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Arrest: Drug Abuse Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Weapons: Carrying, Possessing, ETC.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Weapons: Carrying, Possessing, ETC.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Hate Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Unfounded Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

**Fort Irwin**

Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Fondling	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Burglary	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0



# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Motor Vehicle Theft	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arson	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Drug Abuse Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Weapons: Carrying, Possessing, ETC.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Weapons: Carrying, Possessing, ETC.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

## PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Hate Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Unfounded Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

### Victor Valley College

Offense	Year	On-Campus Property	On-Campus Student Housing Facilities	Non-Campus Property	Public Property
Murder/Non-Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Fondling	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Robbery	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Burglary	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arson	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Drug Abuse Violations	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Arrest: Weapons: Carrying, Possessing, ETC.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0

# PARK UNIVERSITY CLERY ANNUAL SECURITY REPORT

Disciplinary Referral - Liquor Law Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Drug Abuse Violation	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Disciplinary Referral - Weapons: Carrying, Possessing, ETC.	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Dating Violence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Stalking	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Hate Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Unfounded Crimes	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0