



# Medical Career College of Northern California



## 2020 Annual Campus Security Report

Revised 3/30/2021

## MEDICAL CAREER COLLEGE OF NORTHERN CALIFORNIA CONSUMER INFORMATION: CLERY ACT (CAMPUS SECURITY)

### OVERVIEW OF MEDICAL CAREER COLLEGE'S COMMITMENT AND RESPONSIBILITY

Medical Career College of Northern California (referred to also in this document as "MCCNC") is committed to providing a reasonably safe and secure environment for students and employees to study and work. Although MCCNC cannot guarantee that crimes will never be committed on campus or on public property within close proximity to the campus, MCCNC takes reasonable and effective measures to minimize the risk. In that regard and on an annual basis, MCCNC provides its students and employees with safety and security-related services offered by MCCNC, which are in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as "The Clery Act") signed in 1990. Our responsibilities under The Clery Act include but are not limited to the following:

- ✓ By October 1 of each year, publish and distribute an Annual Campus Security Report to students and employees, which includes: 1) Crime statistics for the prior three years; and 2) policies regarding various safety and security measures, campus crime prevention programs, and procedures followed in the investigation and prosecution of alleged sex offenses.
- ✓ Inform all students and employees about the existence of the Annual Security Report and its accessibility via MCCNC website, the Intranet and in hardcopy format.
- ✓ Disclose crime statistics for on-campus facilities and public property immediately adjacent to the campus, which are obtained from various resources, including local law enforcement and school officials who have significant responsibility for student and school activities.
- ✓ Provide timely warning notices, as applicable, for crimes covered by the Clery Act that have been committed and represent a threat to employees and students.
- ✓ Maintain Clery Incident Reports at each campus which record crimes that are reported to the campus, or those of which the campus is made aware.

### CAMPUS CRIME AND SECURITY POLICIES AND PROCEDURES

The following policies have been developed and adopted by MCCNC in order to comply with all aspects of The Clery Act and to demonstrate MCCNC's commitment to crime prevention and the safety of our campus environment. The Clery Act requires all colleges that participate in federal financial aid programs to maintain and disclose information regarding certain crimes on and near their respective campuses. Compliance is monitored by the United States Department of Education.

### Preparation and Distribution of the Annual Security Report

In tandem with MCCNC's responsibilities under The Clery Act, students and employees are encouraged to take personal responsibility for their conduct and actions, which may enhance the educational experience for all students. Additionally, a well-informed campus community helps to create a safety-conscious environment. To that end, MCCNC publishes an Annual Security Report no later than **October 1** of each year and announces its availability to all students and employees. MCCNC encourages all students and employees to use the Annual Security Report as a guide to improve safety on and off campus. The report can be located on the MCCNC website at <https://medicalcareercollege.net/> under Consumer Information/Disclosures and a free hardcopy of the report can be requested at any time by contacting the School Director. Additionally, enrolling students are provided with information on how to access the report and what it includes. The creation and distribution of the Annual Security Report is a joint responsibility of the Campus Security

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Authorities (CSAs) and Corporate Management, along with cooperation from the local law enforcement authorities.

**Campus Security Authorities (CSA)**

The Jeanne Clery Disclosure Act defines a Campus Security Authority (CSA) as an official of an institution who has significant responsibility for student and campus activities and who is specified in an institution’s statement of campus security policy as an individual to which students and employees should report criminal offenses. The function of a CSA is to report to the official or office designated by the institution to collect crime report information those allegations of Clery Act crimes that he or she receives. At MCCNC, the “official or office” designated to collect crime report information and assist CSA’s in the handling of campus crimes and emergency situations is the School Director(CST), which is comprised of the following Corporate Officers:

Name	Title	Telephone	Email Address
Diane Morgan	Owner/School Director	916-721-7106	<a href="mailto:mccnc2000@yahoo.com">mccnc2000@yahoo.com</a>
Angie McClellan	Financial Aid Officer	916-721-7106	<a href="mailto:angie_mccnc2000@yahoo.com">angie_mccnc2000@yahoo.com</a>

All CSA’s receive applicable training in Clery Act compliance and on the policies and procedures outlined in this Annual Security Report. MCCNC does not employ campus police or security personnel, and CSA’s are non-commissioned with no authority to arrest an individual other than the ability to make a Citizen’s Arrest. Therefore, each campus CSA relies on local law enforcement to arrest an individual suspected of a reported crime or offense, as applicable.

**Exemption for Pastoral and Professional Counselors**

The Clery Act excludes two types of individuals from Clery reporting requirements even though they may have significant responsibility for student and campus activities. Therefore, the following two persons, when operating in the capacity described below, cannot be considered as CSA’s:

- **Pastoral Counselor** – A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselor** – A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of the counselor’s license or certification.

However, MCCNC does not employ in-house counselors, including pastoral or professional counselors.

**Procedures for the Reporting of Crimes**

MCCNC encourages and requests that students, faculty and associates accurately and appropriately report any crimes witnessed or personally experienced while on campus or on surrounding property. For an emergency occurring on campus or in any public areas immediately adjacent to or accessible from the campus which requires fire, police, or medical assistance, first dial 9-1-1. Immediately after dialing 9-1-1, report the occurrence to the Front Desk Receptionist or to any CSA, whoever is in closest proximity to you.

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In a non-emergency situation, the occurrence should first be reported to one of the CSA's designated for the respective campus. The CSA will complete a Clery Incident Report based on the information provided by the victim and/or witnesses. The Clery Incident Report includes the nature, date, time, and general location of each crime, along with the disposition of the reported occurrence. Once completed, the Clery Incident Report is forwarded to the Director of the school for review and determination of any further actions to be taken. Depending on the nature and severity of the occurrence, further actions may include an alert, investigation, disciplinary proceedings, or no further action. Copies of the reports are maintained with the CSA's for compilation and inclusion in the Annual Security Report, as they pertain to Clery reporting requirements.

Information will be withheld from Clery Incident Reports only in the event that disclosure could result in compromising an ongoing criminal investigation, jeopardizing the safety of an individual, causing a suspect to flee or evade detection, or causing evidence to be compromised or destroyed. All crimes tracked on the Clery Incident Reports will be reported in the Annual Security Report if they are determined to be reportable crimes under the Clery Act. Only a reportable crime that is determined to be "unfounded" or "false" as a result of a law enforcement investigation will be excluded from the Annual Security Report. Information contained on the Clery Incident Reports will be updated, as applicable, based on additional information provided by law enforcement authorities.

MCCNC has also set up an email address that students can use if they wish to report non-emergency criminal activity on a voluntary, confidential basis. That email address: [mccnc2000@yahoo.com](mailto:mccnc2000@yahoo.com). Crimes which are reported in this manner, and which meet the definition of a Clery Act crime are also included in the Annual Security Report.

**MCCNC does not maintain campus police or security departments within its campuses; therefore, MCCNC does not maintain a daily crime log.**

### **Collaboration with Local Law Enforcement Agencies**

MCCNC makes a reasonable, good faith effort to obtain Clery Act crime statistics from local law enforcement agencies that have jurisdiction over the institution's Clery Act geography as defined in this report. These statistics, along with those statistics obtained from the CSA's, are included in the Annual Security Report. MCCNC does not independently verify the accuracy of statistics obtained from local law enforcement agencies but does provide these agencies with the specific geography to include to help ensure the relevancy and accuracy of these statistics.

### **Responding to Reports of Criminal Activity**

In collaboration with local law enforcement when applicable, MCCNC will investigate and appropriately respond to each report of criminal activity, which includes notifying the victim of the outcome of the investigation and any actions taken. If a reported criminal offense involves a student or employee as the alleged offender, the offender is subject to applicable conduct policies and disciplinary procedures. Disciplinary actions may include expulsion for student offenders and termination for employees, as outlined in MCCNC's policies and procedures.

### **Outcome of Disciplinary Proceedings**

Upon written request, MCCNC will disclose to an alleged victim of a crime of violence or a non-forcible sex offense the outcome of any disciplinary proceeding conducted by MCCNC against the student(s) who is/are the alleged perpetrator(s). Additionally, MCCNC will disclose results upon written request to a victim's next of kin in cases where the crime resulted in the victim's death.

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## Emergency Notifications and Evacuation Procedures

MCCNC maintains an Emergency Response and Evacuation Plan for the campus, which outlines the duties of responsible parties during emergency situations.

### General Evacuation Procedures

MCCNC tests the emergency response and evacuation procedures annually through announced and coordinated exercises and/or drills. These exercises help to prepare employees and students for an orderly evacuation of the campus building in the event of an actual emergency; are used as a method to train building occupants on the safety issues; and can help to familiarize building occupants with the exit locations and sound of the alarm. These exercises also provide for an opportunity to test the operation of the alarm system. Documentation of these exercises is maintained by the CSA', including a description of the event, the date it was held, and the time the event started and ended.

**MCCNC does not maintain student housing, and therefore, is not required to perform annual fire drills.**

If an alarm sounds, employees and students are instructed to leave their work/study areas and immediately vacate the building using the nearest exit. Some helpful things to remember in the event of an emergency evacuation are:

- Try to remain calm and do not panic.
- For multi-story campus locations, always remember to use the stairs. NEVER use the elevators.
- To the best of your ability and without jeopardizing your own safety, help others who may need assistance.
- Leave everything that you cannot easily carry with you.
- Do not re-enter the building unless it is deemed safe to do so by an authorized individual.

Emergency evacuation procedures and exit routes are posted throughout campus buildings. MCCNC's Emergency Response and Evacuation Plans are maintained in MCCNC's common area and can be made available to any member of the campus community by submitting a request to the Admissions Director.

**As mentioned above, MCCNC does not maintain any student housing, and additionally, does not officially recognize any off-campus student organizations. Therefore, MCCNC does not maintain emergency and evacuation procedures for such facilities and does not maintain a Missing Student Notification Policy for such facilities.**

### Emergency Notification Procedures

All members of the campus community are urged to call 9-1-1 in case of any significant emergency or dangerous situation on campus. Additionally, in the event of an emergency, the CSA will immediately contact the School Director to report the emergency and confirm necessary action.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and/or safety of the campus community, MCCNC will, without delay and with taking into account the safety of the community, provide immediate emergency notification, unless such notification would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This process includes: 1) determining who to notify (the entire campus community or a subset, local public

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police and fire authorities, local law enforcement, other public safety personnel, etc.); 2) determining the content of the notification(s); and 3) initiating the notification process. Emergency notifications will be made by some or all the following methods: fire alarms, emails, text messages, campus-wide announcements, in-person communications, posting on the internal Student Portal, and/or posting on MCCNC's website. MCCNC utilizes Populi Online Portal to send immediate text warning messages to students and staff in the event of an emergency. As a matter of reference, the decision to notify the entire campus community versus only a segment or segments of the campus community is dependent on whether there is at least the potential that a very large percentage of the community will be affected by the situation and/or if the situation threatens the operation of the campus as a whole. In situations where only a segment or segments of the campus community are notified, MCCNC will continue to assess the situation to determine if additional notification to other segments is warranted. Notification to individuals and/or organizations outside the campus community may be warranted if it is determined that the immediate and/or ongoing threat stretches beyond the Clery geography identified in this report. The decision to notify the larger community will be determined by the School Director and may be performed through emails, text messages, phone calls or in-person communications.

### **Timely Warning Notification**

Upon the reporting of a Clery Act crime which is determined by the CSA's and the School Director to represent a serious or continuing threat to students and employees on campus or on public property adjacent to campus facilities, a Timely Warning Notification will be issued. This can include but may not be limited to:

- Incidents of arson
- Murder/non-negligent manslaughter
- Robbery
- Aggravated assault
- Sexual offenses

The decision to issue a Timely Warning Notification is determined by the School Director and is made on a case-by-case basis. This decision is influenced by the nature of the crime, if there is any continuing danger to the campus community, and if there could be the possible risk of compromising any law enforcement efforts. The content of the warning is also dependent on the nature of the crime but will include specifics regarding the actual crime which occurred (to the extent it still provides necessary confidentiality and complies with the institution's FERPA policy) and the steps each member of the campus community can take to protect themselves. At the direction of the School Director, MCCNC's Information Technology department will issue Timely Warning Notifications in the form of emails sent through MCCNC's database system and/or text messages. Depending on the nature and severity of the crime, notifications may also be posted on campus bulletin boards and in other visible areas of the campus, such as lounge areas, hallways, and/or classrooms. A Timely Warning Notification will be issued as soon as pertinent information is available and/or within 72 hours of the initial reporting of the criminal occurrence.

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

MCCNC uses various methods and equipment to secure campus facilities. Detailed campus-specific information is included within the campus Emergency Response and Evacuation Plan, which is available for review by contacting the Campus Director. The Campus Director is responsible for the basic security of facilities, which includes the identification of unsafe conditions, lighting that is not working, and facilitating any and all required maintenance. Public access to the main entrances of campus buildings is unrestricted

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during normal business hours. MCCNC also utilize some or all the following measures to help secure campus facilities:

- Ensure all visitors check in at the front desk, wear applicable identification badges, and are escorted
- Locked and/or alarmed doors
  - Promote “buddy” systems for students to walk in groups to the parking lot and other nearby areas after hours

Members of MCCNC campus community are encouraged to report any potential unsafe or hazardous conditions to the School Director for immediate attention.

### **Residence Halls and Student Organizations**

**MCCNC does not maintain residential facilities and does not have any officially recognized student organizations that own or control any off-campus property.**

#### **Externship Sites and Clinical Facilities**

Students who are physically attending their externship or who are on their clinical rotations follow the host site’s safety plan in the case of an emergency.

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

MCCNC is committed to drug-free and alcohol-free campuses. Students and employees are prohibited from unlawfully possessing, using or distributing illicit drugs and alcohol on the school premises or as part of any activity of MCCNC. MCCNC prohibits the following: “Alcohol and Drugs. Any possession of controlled substances which would constitute a violation of Health and Safety Code section 11350 or Business and Professions Code section 4230, any use of controlled substances the possession of which are prohibited by the same, or any possession or use of alcoholic beverages while on any property owned or used MCCNC or while participating in any college-sponsored function or field trip. "Controlled substances," as used in this section, include but are not limited to the following drugs and narcotics: (a) opiates, opium and opium derivatives; (b) mescaline; (c) hallucinogenic substances; (d) peyote; (e) marijuana; (f) stimulants and depressants; (g) cocaine.”

MCCNC employees and faculty are provided with drug and alcohol abuse information and training during orientation and in the employee handbook. Students are provided with the Drug and Alcohol Abuse Awareness and Prevention policy during the enrollment process and provided with training during the orientation process. The complete Drug and Alcohol Prevention Policy can be found on the MCCNC website at: <https://medicalcareercollege.net/policies/>. Additionally, MCCNC refers all students in need of drug and/or alcohol abuse counseling to WellConnect, a free counseling service available 24 hours a day, 7 days a week to all enrolled MCCNC students. Students are encouraged to call 1-866-640-4777 or visit <http://www.studentlifetools.com>.

### **Weapons on Campus**

MCCNC follows California state regulations with respect to weapons on campus. More specifically, MCCNC prohibits the possession of firearms, explosives, devices which fire metal or other harmful projectiles (e.g., bb or pellet guns), certain knives, or other harmful objects which could be used as weapons while on MCCNC premises. Exceptions to this policy include law enforcement and military personnel who are engaged in the performance of their responsibilities. The campus community is encouraged to report violations of this policy to any CSA or other school official immediately. Anyone found in violation of this policy will be subject to disciplinary action, including termination and/or criminal prosecution.



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### **Policy on Assault**

Upon written request, MCCNC will disclose to an alleged assault victim the outcome of any investigation and/or disciplinary action performed by the institution against the member of the campus community who is the alleged perpetrator of the assault. In the event the victim is deceased as a result of the assault, the victim's next of kin will be notified, if requested.

### **Policy on Sexual Harassment**

In accordance with Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, MCCNC provides a college and working environment free from all forms of harassment, including sexual harassment. No person shall be subjected to sexual overtures or conduct that is verbal, visual or physical, that is intimidating, hostile, offensive, or unwelcome. Such conduct by employees or students is deemed unacceptable behavior and will not be tolerated by MCCNC.

#### **Sexual harassment may include, but is not limited to:**

- 1) Sending suggestive or obscene letters, notes, invitations; making derogatory comments, slurs, jokes, epithets, assaults; touching, impeding or blocking movement; leering, gesturing, displaying sexually suggestive objects, pictures or cartoons;
- 2)
- 3) Continuing to express sexual interest after being informed that the interest is unwelcome;
- 4) Implying or withholding support for an appointment, promotion, or change of assignment; suggesting a poor performance report will be prepared; or suggesting probation will be failed; within the educational environment, implying or actually withholding grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a recommendation or college application will be denied;
- 5) Engaging in coercive sexual behavior to control, influence, or affect the career, salary, and/or work environment of another employee; within the educational environment, engaging in coercive sexual behavior to control, influence, or affect the educational opportunities, grades and/or learning environment of a student;
- 6) Engaging in offering favors of educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassification etc., in exchange for sexual favors.

MCCNC considers harassment a serious offense, and violation of this policy will constitute cause for disciplinary action. Specific disciplinary action will be based on the severity of the incident and/or the degree to which repeated incidents have occurred. Such disciplinary actions for employees may include, but are not limited to, verbal warnings, letters of reprimand, suspension with or without pay, and termination. Such disciplinary actions for students may range from counseling to suspension and/or expulsion. MCCNC is committed to preventing acts of sexual harassment and encourages any student or employee to report such acts immediately. Students should notify a CSA or other school official and employees should notify the School Director. Along with taking these allegations very seriously, MCCNC has also established procedures which provide a person accused of harassment the opportunity to respond to allegations.

### **Policy on the Awareness and Prevention of Dating Violence, Domestic Violence, Stalking and Sexual Assault**

MCCNC strongly prohibits acts of dating violence, domestic violence, stalking, and sexual assault and is committed to fostering an environment of awareness and prevention. To that end, MCCNC will investigate and/or execute disciplinary actions for all offenses of dating violence, domestic violence, stalking and sexual assault, regardless of location, when the institution is made aware of such an occurrence. In the state of



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California, affirmative consent must be determined among involved parties when engaging in sexual activity. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be rescinded at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Sexual assault results when affirmative consent is not given by one or more parties before or during sexual activity, regardless of the parties' existing or past relationship or non-relationship. Anyone can be the victim of sexual assault, domestic violence, dating violence, or stalking, regardless of race, age, sexual orientation, religion, or gender. These offenses can impact individuals of all education levels and socioeconomic backgrounds and may occur in both opposite-sex and same-sex relationships, as well as between intimate partners who are married, living together or dating. These offenses not only affect the victims but can also have a negative impact on family members, friends, co-workers, other witnesses, and the community at large. Children who grow up witnessing domestic violence may be among those seriously affected by this type of crime. Frequent exposure to violence in the home not only predisposes children to potential social and physical problems but may also teach them that violence is a normal way of life, increasing the risk of them becoming society's next generation of victims and abusers.

To aid in identifying these offenses, we are providing the following definitions per the Violence Against Women Act of 1994 (VAWA). Please note that local jurisdiction definitions are also included, where available:

1. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. The state of California includes dating violence under domestic violence statutes.

2. **Domestic Violence** – a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and/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.

**Per California Penal Code 13700:** "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the parties hold themselves out as spouses; (5) the continuity of the relationship; and (6) the length of the relationship.

3. **Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

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**Per California Penal Code 646.9:** “Stalking” means 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.

**4. Sexual Assault** – an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI’s Uniform Crime Reporting system. Further, a sexual offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

a. **Consent** – when someone agrees, gives permission, or says “yes” to sexual activity with other persons. Consent is always freely given and all people in a sexual situation must feel that they are able to say “yes” or “no” or stop the sexual activity at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional, psychological, physical, reputational, financial pressure, threat, intimidation, or fear (coercion or force).

b. **Affirmative Consent** (California) – the affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

c. **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.

**Per California Penal Code 261:** “Rape” is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

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(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

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

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

(1). **Fondling** – the touching of the private parts of another person for the purposes 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.

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

(3). **Per California Penal Code 285**: Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

(4). **Statutory Rape** – non-forcible sexual relations involving someone below the "age of consent". A person below the age of consent cannot legally consent to having sex. This means that sex with them, by definition, violates the law. Statutory rape laws vary by state, with states setting the age of consent differently, as well as using different names to refer to this crime. California definitions are included in California Penal Codes 261.5(a) (below) and 261 (above under the "Rape" definition). **Per California Penal Code 261.5(a)**: Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.

### **Minimizing Risk**

Throughout this report, MCCNC suggests ways to help minimize the risk of becoming a victim of criminal acts, including sexual offenses. These suggestions for risk reduction are not meant in any way to attribute blame to victims, but to provide an educational basis for identifying the signs of abuse. A perpetrator's actions should never be excused or overlooked because of a victim's behavior or judgments.

#### **Engaged Bystander Intervention**

(1) Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, and/or do something about it. A bystander is someone who is present and thus potentially in a position to discourage,

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prevent or interrupt an incident. Engaged bystander intervention is the act of feeling empowered and equipped with the knowledge and skills to effectively assist in the prevention of sexual violence. Bystander intervention does not have to jeopardize the safety of the bystander.

- (2) MCCNC is an advocate for bystander intervention when it is conducted in a positive and safe manner and when it is executed to prevent harm in the event of potential domestic violence, dating violence, stalking or sexual assault on a person other than the bystander. Knowing how and when to intervene may be dependent in part on recognizing the situation as an emergency or non-emergency. A potential bystander can use the following steps to help decide if and how to intervene:

**5 Decision Making Steps**

1. Observing the event
2. Interpreting the event as a problem
3. Assuming personal responsibility
4. Knowing how to intervene
5. Implementing the intervention

**Strategies If There Appears to be an Emergency Situation**

Something to remember in a perceived emergency is not to take any action that may escalate the situation or put you or the victim in danger. You can decide to intervene directly (you are the primary helper) or indirectly (you enlist someone else to be the primary helper, e.g. the police, other students, school administrators, etc.). Whichever way you decide on how to intervene, remember to keep the person calm, gather as much information as you can, consider all options, and provide support. The following strategies are not meant to be all inclusive and may not apply in every situation, but are being providing as effective strategies for intervention in an emergency:

- Identify the best exit strategies for those involved to get out of the situation. If prudent, create a distraction to potentially allow the victim to get to a safe place.
- State any and all requests clearly and directly.
- Consider all actions before intervening and choose the safest methods.
- Remember that verbal fights can quickly escalate to physical fights. If this happens, it's sometimes better to walk away and not try to be a hero.
- Act quickly but safely before a problem turns into a larger problem or crisis.
- Vocalize your commitment to help and engage other bystanders, as needed.
- Consider your personal exposure or liability regarding actions you know about which are criminal.
- If it is not safe for you to intervene directly, call 9-1-1.

**Strategies in a Non-Emergency Situation**

Similar to intervening in an emergency situation, a bystander can decide whether to act directly or indirectly as the best approach in a non-emergency situation. A direct intervention is speaking to the person directly, and an indirect intervention is speaking to another person who could be helpful or provide guidance, such as another student or a school employee. Again, the following strategies are not meant to be all inclusive and may not apply in every situation, but are being providing as effective strategies for intervention in a non-emergency situation:

- When evaluating the situation, remember to consider the frequency, duration and severity of the actions.
- Always be sensitive, understanding and non-judgmental.
- Recognize what you can and cannot do to help and engage others as needed.

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- Identify the “red flags” and anticipate problems in advance of them happening.
- Create a distraction to delay or avoid a situation before it turns into an emergency.
- Do not make excuses for (or otherwise enable) the other person – hold strong to your beliefs regarding the situation.
- Hold any and all conversations in a safe environment.

**For more information on bystander intervention, please visit the following helpful resources:**

1. Step UP!, a bystander intervention program - <http://stepupprogram.org/>
2. The National Sexual Violence Resource Center - <https://www.nsvrc.org/projects/engaging-bystanders-sexual-violence-prevention/bystander-intervention-resources>
3. Sexual Violence Bystander Intervention Toolkit - <https://www.health.ny.gov/publications/2040.pdf>
4. The Rape, Abuse and Incest National Network (RAINN) - <https://www.rainn.org/articles/your-role-preventing-sexual-assault>
5. No More - <http://nomore.org/take-action/preventviolence>

### Signs of Stalking

Stalking is a form of emotional abuse which may lead to physical and/or sexual abuse, and may be perpetrated by an acquaintance, friend, past or current spouse or significant other, or by a stranger. The following examples may be indicators that you are being stalked:

- You receive repeated, unwanted, intrusive, and/or frightening communications from the perpetrator by phone, text message, email and/or mail
- An individual repeatedly leaves or sends you unwanted items or gifts
- An individual waits for you at places such as your home, school, place of employment, or other places you frequent
- You are receiving threats of harm to you personally, your children, relatives, friends, and/or pets
- You experience damage to your home, vehicle or other personal property
- You are being harassed, defamed and/or monitored through social media

This list is not meant to be all-inclusive but can provide examples to help you determine whether you or someone you know is being stalked. If so, please contact a CSA at MCCNC or seek other resources and support for help.

### Examples of Domestic and Dating Violence

Acts of domestic or dating violence can take on many different forms of abuse, among them being the following:

- **Sexual Abuse:** Coercing or attempting to coerce any sexual contact or behavior without consent. This includes, but is not limited to, rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.
- **Physical Abuse:** Slapping, hitting, grabbing, shoving, pinching, biting, hair pulling, etc. are all types of physical abuse. This type of abuse can also include denying a partner medical care or forcing alcohol and/or drugs use upon him or her.
- **Emotional Abuse:** Undermining an individual’s sense of self-worth and/or self-esteem is abusive. Emotional abuse may include, but is not limited to, constant criticism, diminishing one’s abilities, name-calling, or damaging one’s relationship with his or her children.

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- **Economic Abuse:** Making or attempting to make a person financial dependent by maintaining complete control over financial resources, withholding one's access to money, or preventing an individual's attendance at school or employment.
- **Psychological Abuse:** Elements of psychological abuse include, but are not limited to causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property and forcing isolation from family, friends or school and/or work. The following scenarios may be indicators that domestic or dating violence is occurring or may lead to instances of violence or abuse:
  - Your spouse or significant other checks up on you constantly by calling or texting you and becomes anxious when he or she does not know your whereabouts
  - You feel isolated from your friends or family members because your spouse or significant other is demanding of your time and acts jealous when you talk to or spend time with others
  - A person you are dating becomes possessive and gets too serious about the relationship too quickly
  - A spouse or significant other expects or demands sexual contact when you are not interested or not willing to engage
  - Your spouse or significant other constantly demeans you by putting you down or calling you names
  - Your spouse or significant other threatens violence and/or abuses you physically, verbally and/or sexually
  - Your spouse or significant other does not accept responsibility for his or her actions
  - You discover someone is obtaining personal information about you by accessing public records, using internet search services, hiring private detectives, rummaging through your trash, contacting your friends, family, co-workers, neighbors, etc.

While understanding the signs of abuse and taking measures to reduce the risk of abuse may be steps to help explain the context of violence and may act as a deterrent, it can never be used to place blame on the victim or guarantee that violence will not occur. It is important to remember that when violence or abuse occurs, the perpetrator, not the victim, is responsible for his or her actions, and the victim's judgement or behavior is never an excuse for those actions. If you have been a victim or believe you might become a victim of domestic or dating violence, taking the following proactive measures may help increase your safety:

**In the home**

- Know where and/or from whom to get help, and memorize and/or program emergency phone numbers
- Plan your escape route when needed, and ensure all other inhabitants know it
- Pack a bag with cash, keys, and important documents and have it accessible in case you have to leave your home quickly

**Outside the home**

- Vary your travel routes and shop and bank at different places, if possible
- Keep your cell phone with you and ensure 9-1-1 is programmed, along with any other emergency numbers
- Provide a picture of your abuser to friends and co-workers
- Avoid going to lunch alone

**In an Emergency Situation**

- If you can, dial 9-1-1 immediately.



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- If in your home, stay away from the kitchen, as the abuser may easily obtain a weapon (i.e., a knife)
- Get to a lockable room which has a phone and a window or door to escape
- If you can escape, make a lot of noise and run to a nearby trusted neighbor for help

### **General Strategies to Help Prevent Sexual Assault or Other Violent Crimes**

The following are proactive measures an individual can take which may minimize the risk of you becoming the victim of sexual assault and may help contribute to the overall safety and security of your campus community:

- Use a “buddy” system and avoid walking alone, especially at night. Travel in well-lit areas and in pairs or a group, if possible. Avoid deserted areas and shortcuts. Let family and friends know where you are going, your method of transportation, and when you will return.
- Never hitchhike or get in a stranger’s car.
- Avoid excessive alcohol consumption, which may impair judgment, especially in unfamiliar surroundings or situations. Additionally, to that end:

#### **Be aware of rape drugs.**

- Do not leave your drink unattended and keep track of how many drinks you have had.
- Only drink from un-opened containers or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find a friend and have him/her help you leave as soon as possible.
- If you feel you have been drugged, get to a hospital to be tested.
- Always lock your door when you are home or away.
- Always lock your vehicle and keep your keys with you .
- When possible, leave items of value at home.
- If you need to have valuables with you, never leave them visible in your vehicle.
- Avoid being distracted (talking on your cell phone, texting, etc.) when walking through parking lots or in other public areas.
- Do not leave personal property unattended in classrooms, labs, or in the student lounge.
- If you feel unsafe or threatened, contact the Front Desk Receptionist or a designated CSA, or dial 9-1-1.
- Although the steps listed above cannot guarantee that criminal activity will not occur, they may serve as deterrents and reduce the risk of crime occurring.

### **Policy on Retaliation for Students**

MCCNC believes strongly that students have the right to be free from retaliation and intimidation in any form as a result of filing a complaint, participating in an investigation or disciplinary hearing, opposing an unlawful act or discriminatory practice or for any other related action. Additionally, witnesses and complainants will not be subject to disciplinary sanctions for a violation of the institution’s student conduct policy at or near the time of the incident unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk. Any

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student who is experiencing retaliation and/or intimidation should report this immediately to a CSA and/or the School Director.

**For Employees**

All MCCNC employees are deserving of a work environment free of fear or threat of retaliation if, based on a reasonable belief and in good faith, they report improper conduct which violates policies and/or procedures. In that regard, MCCNC maintains a zero-tolerance policy for acts of retaliation and intimidation. Any employee who is experiencing retaliation or intimidation should immediately contact the School Director.

**Policy on Voluntary Reporting**

MCCNC encourages any victim of sexual assault, domestic violence, dating violence or stalking to notify law enforcement immediately; however, the ultimate decision to do so and/or when to do so must reside with the victim. All victims have the right to deny assistance from or involvement with law enforcement. If a victim does decide to report the crime to law enforcement, the following one of two things can happen:

1. The victim can file a complaint but request not to have charges filed against the accused perpetrator(s). The decision to file charges can be made later, but depending on the amount of time that passes, evidence may be lost or unusable. Therefore, it is important that victim's cooperative fully with any ongoing investigation and have a rape kit completed (if rape was involved) so that the chances for filing criminal charges in the future are greater, if so desired.
2. The victim can file a complaint and press charges immediately. This would involve full cooperation with law enforcement and the prosecutor's office to determine if the accused perpetrator can and will be charged criminally.

In addition to reporting the crime to law enforcement, victims should report these crimes to MCCNC's Title IX Coordinator (Angie McClellan at 916-721-7106) and/or the School Director 916-721-7106. MCCNC will assist the victim by providing options for outside resources, pursuing an investigation, and conducting applicable disciplinary proceedings/actions.

**Crime Awareness and Prevention Program**

The previous sections of this report contain policies and procedures which are designed to inform students and employees about campus security and to encourage and promote responsibility for their own security and the security of others. Employees and students are made aware of all services MCCNC provides during their respective orientations, in MCCNC catalog, in student and employee handbooks, and in MCCNC's policies and procedures, which includes this security report distributed annually and available to all students and employees 24 hours a day, 7 days a week. MCCNC's crime awareness and prevention program consists of promoting campus community awareness; providing suggestions and methods to minimize the risk of campus crime and violence; providing applicable resources to assist victims of crime; publishing crime statistics on an annual basis in the Annual Security Report; and ensuring that applicable investigations and disciplinary proceedings are conducted in the event of a crime occurring. Through the administration of this program, MCCNC is committed to cultivating and providing an environment that is free of criminal activity and maintains a zero-tolerance policy for criminal activity and sexual assault. In addition, MCCNC feels strongly that increased safety and security can be achieved through the efforts of the entire campus community.

**Program to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

MCCNC's program includes community-wide awareness and is focused on the prevention of domestic violence, dating violence, sexual assault and stalking. In accordance with Clery Act requirements, the program is culturally relevant; inclusive of diverse communities and identities, sustainable, responsive to

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community needs, and informed by research or assessed for value, effectiveness, or outcome; and considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

As stated above, MCCNC's program consists of primary prevention and awareness programs for all incoming students and new employees and provides for ongoing reinforcement and continual training opportunities for both students and employees. The components of this program are described throughout this Annual Security Report and consist of the following components:

1. MCCNC's assertion that crimes of domestic violence, dating violence, sexual assault and stalking are strongly prohibited.
2. Definitions of domestic violence, dating violence, sexual assault, stalking, and what constitutes consent, including applicable definitions under local jurisdiction (State of California).
3. Affirmation of MCCNC's support for safe and positive bystander intervention and providing effective strategies and relevant resources.
4. Signs of domestic abuse, dating abuse, sexual assault and stalking to help students and employees identify when it could be happening to them.
5. Strategies to reduce the risk of becoming a victim of sexual assault or other violent crimes.
6. Procedures that victims should follow in the event of domestic abuse, dating abuse, sexual assault and/or stalking.
7. Efforts made by MCCNC to protect the confidentiality of victims and other applicable parties.
8. Current listing of applicable online and off-campus resources, categorized by location, for local law enforcement, emergency services, legal assistance, victim advocacy, restraining orders, and other services available for victims of sexual assault and/or abuse.
9. Options for assistance with protective orders and changes to living, working, transportation and school situations and schedules.
10. Procedures for applicable investigations and/or disciplinary actions in cases of alleged domestic violence, dating violence, sexual assault and stalking.

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

MCCNC has contracted with 360 Stay Safe to deliver its VAWA Compliance Training program to incoming students and new employees. 360 Stay Safe provides holistic and community-based prevention/awareness training for higher education students and employees. This training is designed to equip students and employees with relevant, practical and effective skills for building safe and healthy campus communities.

**The VAWA Compliance Training program for students includes both primary prevention and awareness components and consists of the following four modules/topics:**

- *Forming Healthy Relationships* – covers relationship values and basic relational skills; recognizing healthy relationships and preventing relationship violence; identifying unhealthy relationships and warning signs of domestic and dating violence.
- *Sexual Assault* – includes definitions of non-consensual sex, sexual assault, acquaintance rape and date rape; legal consequences for these violent crimes; sexual violence; sexual assault prevention; ways to empower participants and others; and common myths regarding sexual assault.

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*Stalking* – discusses harmful behaviors that can lead to dangerous situations, including assault, such as subtle threats, emotional abuse, harassment, cyberstalking, and stalking.

- *Bystander Intervention* - with a focus on bystander intervention training and crisis intervention techniques, this module offers practical ways to empower members of your campus community to protect one another and equips participants to see bystander intervention as a natural extension of their global citizenship.

**VAWA Compliance Training for employees includes the following primary prevention and awareness learning points:**

- There are different forms of sexual misconduct, and there are legal consequences for these violations.
- It is important to understand the definition of consent, and how to communicate consent.
- There are safe and positive options for bystander intervention or intervening on behalf of someone in need.

Both the student and employee programs provide opportunities for assessment by posing quiz questions at the end of each video module to assess the learner's comprehension of the subject matter. Learners must correctly answer the questions prior to moving on in the system. Incoming students and new employees are required to complete this training as part of their orientation process. The materials are also available to all students and employees 24 hours a day, 7 days a week, and as an ongoing campaign, students and employees are encouraged to revisit topics and retest as needed or desired. Additionally, to promote ongoing prevention and awareness for students and employees, informational notices are posted on campus bulletin boards and email blasts and/or social media posts are provided on a quarterly basis.

### **If You Are a Victim of Sexual Assault or Domestic Violence**

If you become the victim of a sexual assault or domestic violence, you should consider calling the police and seeking medical attention immediately. Additionally, if you fear for your safety or others around you, filing a protective order may be a good idea. We also encourage victims to report the offense to a CSA who will coordinate with MCCNC's Title IX Coordinator to provide you with support and resources, including assistance with notifying local law enforcement authorities, if so desired. It's important to remember that being the victim of a sexual assault or domestic violence is not your fault. Nothing in what you said, the way you looked, where you were, or who you were with gives anyone the right to assault you. But regardless of this not being your fault in any way, you may still be feeling afraid, ashamed, angry, sad, helpless, betrayed or depressed. For this reason, it's important for you to seek help immediately after the attack and in the days and weeks following. The following are some things you can do if you've been sexually assaulted:

- If you are in danger or need medical care, call 9-1-1. If you can, get away from the person who assaulted you and get to a safe place as fast as you can.
- Save everything that may have the attacker's DNA on it. Don't brush, comb or clean any part of your body. Don't change clothes, if possible. Don't touch or change anything at the scene of the assault. That way the local police will have physical evidence from the person who assaulted you.

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- Go to the nearest hospital emergency room as soon as possible, where you can be examined and treated for any injuries. In case of rape, you can be given medication to prevent HIV and other sexually transmitted infections and emergency contraception to prevent pregnancy. A doctor or nurse will use a rape kit to collect evidence which may include fibers, hair, saliva, semen or clothing left behind by the attacker.
- If you think you were drugged, talk to the hospital staff about being tested for date rape drugs, such as Rohypnol, Gamma Hydroxybutyrate (GHB), and other drugs.
- Call a friend or family member you trust or call a crisis center or hotline to help you find support and resources near you.

Victims of sexual assault or domestic violence are also encouraged to seek counseling help through WellConnect, a free counseling service available 24 hours a day, 7 days a week to all enrolled MCCNC students. Students are encouraged to call 1-866-640-4777 or visit <http://www.studentlifetools.com>. Following are some other online and off-campus resources to help prevent sexual assault and/or to help you in the event of sexual assault or domestic abuse:

**Online Resources:**

The Rape, Abuse and Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. The following strategies are recommended by RAINN to reduce potential risk:

- Steps you can take in a social situation to prevent sexual assault\_  
<https://rainn.org/articles/steps-you-can-take-prevent-sexual-assault>
- Safety planning\_  
<https://www.rainn.org/articles/safety-planning>
- How to respond if someone is pressuring you\_  
<https://www.rainn.org/articles/how-respond-if-someone-persuading-you>
- Staying safe on campus\_  
<https://www.rainn.org/articles/staying-safe-campus>
- Your role as a bystander in preventing sexual assault\_  
<https://rainn.org/articles/your-role-preventing-sexual-assault>
- What consent looks like\_  
<https://rainn.org/articles/what-is-consent>
- Protecting a child from sexual assault  
<https://rainn.org/articles/how-can-i-protect-my-child-sexual-assault>
- The United States Department of Justice\_  
<https://www.justice.gov/ovw/sexual-assault>
- The California Partnership to End Domestic Violence\_  
<http://www.cpedv.org/>
- Next Door Solutions to Domestic Violence  
<http://www.nextdoor.org/>
- The National Domestic Violence Hotline operates 24 hours a day, seven days a week, is confidential and free of cost, and provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse:
- Help for Survivors\_  
<http://www.thehotline.org/help/help-for-survivors/>

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- Path to Safety\_  
<http://www.thehotline.org/help/path-to-safety/>
- Survivor Stories  
<http://www.thehotline.org/about-us/share-your-story/>
- Moving on Emotionally After an Abusive Relationship\_  
<http://www.thehotline.org/2012/05/emotionally-recovering-from-an-abusive-relationship/>

**Off Campus Resources**

MCCNC does not offer resources on campus regarding counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student and financial aid. Students are encouraged to use WellConnect at <http://www.studentlifetools.com> free-of-charge to obtain referrals for these types of services. Students and employees can also access local off-campus resources and public services, such as:

<b>Roseville Community</b>	
Local Police Dept.	Roseville Police Department 1051 Junction Blvd. Roseville, CA 95678 (916) 774-5000 <a href="https://www.roseville.ca.us/government/departments/police_department">https://www.roseville.ca.us/government/departments/police_department</a>
Hospital Emergency Room	Sutter Roseville Medical Center Emergency 1 Medical Center Dr. Roseville, CA 95678 (916) 537-5000 <a href="http://www.sutterhealth.org">http://www.sutterhealth.org</a>
Fire Department	Roseville Fire Department 316 Vernon St. Roseville, CA 95678 916-774-5800 <a href="https://www.roseville.ca.us/government/departments/fire_department">https://www.roseville.ca.us/government/departments/fire_department</a>
Protective Orders	Sacramento County Superior Court William R. Ridgeway Family Relations Courthouse 3341 Power Inn Road Sacramento, CA 95826 (916) 875-3400 <a href="https://www.saccourt.ca.gov/locations/wrrfrc.aspx">https://www.saccourt.ca.gov/locations/wrrfrc.aspx</a>
Victim Advocacy Services and Legal Assistance	Victims of Crime Resource Center University of the Pacific, McGeorge School of Law 3200 Fifth Avenue Sacramento, CA 95817 (800) VICTIMS <a href="http://1800victims.org/">http://1800victims.org/</a> Women Escaping a Violent Environment (WEAVE) Free Legal Clinic 1900 K Street Sacramento, CA 95811 (916) 440-6797 <a href="https://www.weaveinc.org/weave-legal">https://www.weaveinc.org/weave-legal</a>
Sexual Assault Crisis Services	California Coalition Against Sexual Assault 1215 K Street, Suite 1850 Esquire Plaza Sacramento, CA 95814 (916) 446-2520



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	<a href="http://www.calcasa.org/">http://www.calcasa.org/</a>
Shelter/Housing Assistance	Women Escaping a Violent Environment (WEAVE) Safehouse Program (916) 920-2952 <a href="https://www.weaveinc.org/safe-shelter">https://www.weaveinc.org/safe-shelter</a>
Services for Male Victims	1in6 Online Support Groups <a href="https://1in6.org/about-1in6/">https://1in6.org/about-1in6/</a>

### Protective Orders

MCCNC complies with the laws of California with respect to orders of protection, “no contact” orders, restraining orders, or similar lawful orders. A student who obtains any of the orders listed above should immediately provide a copy to a Campus Security Authority (employees should provide a copy to the school Director). The Campus Security Authority, in collaboration with the Title IX Coordinator, will develop a plan to ensure the provisions of the order are followed. This may include but is not limited to: changing classroom location and/or seating within the classroom; special parking arrangements, increased patrol services; and escorts. Within California, an Emergency Protective Order protects victims of abuse, serious harassment, or stalking. This type of protective order is available 24 hours a day from the police. Other protective orders can be applied for through the Superior Court of California within your local county. MCCNC cannot apply for a legal order of protection, “no contact” order or restraining order for a victim or on his/her behalf. Victims are required to apply directly for these services on their own behalf. However, MCCNC will abide by the requirements of the order to help ensure the victim’s safety.

### Confidentiality

MCCNC is committed to protecting the confidentiality of the victim in either the presence or absence of a victim’s request for confidentiality. Personally identifying information will not be included in any publicly available records, including Clery Act reporting, MCCNC’s Annual Security Report, or in any Timely Warning Notices that could be issued. Per Section 40002(a) of the Violence Against Women Act of 1994, “personally identifying information” is defined as “individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including: a first and last name; a home or other physical address; contact information (including a postal, email or Internet protocol address, or telephone or fax number); a social security number, driver’s license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.” The Family Educational Rights and Privacy Act (FERPA) allows schools to disclose “directory” information without the student’s consent. For MCCNC, “Directory Information” is defined as student’s name, identification number, program name, address, email address, telephone number, date and place of birth, honors and awards, enrollment status, most recent previous educational institution attended, and dates of attendance. At any time, all students have the right to “opt out” of allowing MCCNC to share this directory information. However, regardless of whether a student has opted out or not opted out, personally identifying information about the victim and other applicable parties will be treated as confidential and only shared with individuals who have a specific need-to-know reason, such as individuals who are conducting an investigation and/or disciplinary proceedings or those involved in providing support services to the victim,

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such as accommodations and protective measures. To that end, MCCNC will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of MCCNC to provide the accommodations or protective measures.

Students may opt out of allowing MCCNC to share Directory Information at any time by contacting the Campus Registrar.

**Victim's Rights and Options**

Upon receipt of a report of alleged domestic violence, dating violence, sexual assault and/or stalking on or off campus, MCCNC is obligated and will provide the victim with written documentation regarding his/her rights and options and written notification regarding accommodations available to him or her, including academic, living, transportation and work situations. This written notification will include information regarding accommodation options, available assistance in making requests for accommodations, and who to address requests to. At the victim's request and to the best of MCCNC's ability, MCCNC will assist the victim in obtaining accommodations. If possible and reasonably available, a victim may be offered changes to academic, living, working or transportation situations regardless if the victim chooses to report the crime to local law enforcement. Examples of academic accommodations may be to transfer a student to a different cohort group or withdrawing and re-enrolling if there is no option for moving to a different cohort group or different campus. An accommodation to a work situation may be changing a person's hours or transferring to another department. An accommodation for transportation may be arranging for special parking or having a victim escorted to and from his/her car. A victim who wishes to request an accommodation should contact a Campus Security Authority, the Title IX Coordinator, and/or the School Director.

Below are procedures MCCNC will follow upon receiving a report of domestic violence, dating violence, sexual assault and stalking:

1. MCCNC will help provide the victim with access to medical care, as needed and requested by the victim.
2. MCCNC will assess the immediate safety needs of the victim.
3. MCCNC will provide the victim with written contact information for the local authorities and will help the victim contact the authorities at the victim's request.
4. MCCNC will provide written information on how to preserve evidence, if any.
5. MCCNC will provide the victim with written documentation regarding the services of WellConnect, a referral and counseling services available to all students.
6. MCCNC will determine if any immediate protective measures need to be implemented to provide safety for the victim (including increased security to prevent the accused from coming on campus).
7. MCCNC will provide written information on how to obtain a protective/restraining order through the Superior Court state system (or an Emergency Protective Order through local authorities).
8. MCCNC will provide the victim with written documentation regarding his/her rights and options.
9. MCCNC will provide the victim with written documentation regarding the investigation and disciplinary proceedings which will be conducted as a result of the report.

**Disciplinary Proceedings**

MCCNC will conduct any and all disciplinary proceedings in a prompt, fair and impartial manner. Both the accuser and accused have the right to be treated fairly and equitably by MCCNC throughout all disciplinary proceedings, and these proceedings will be conducted in accordance with MCCNC's policies and procedures

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and will be transparent to the accuser and the accused. MCCNC strives to complete all disciplinary proceedings, including the investigation, formal and informal meetings, hearing, and sanctions, within sixty (60) calendar days of receiving a report. However, there is an allowance for extensions of timeframes for good cause, as necessary, and in that instance, written notice will be provided to the accuser and the accused announcing the delay and the reason for it. College associates involved in this process are trained on the issues related to domestic violence, dating violence, sexual assault and stalking along with how to conduct an appropriate investigation and hearing which protects the safety of the victim and promotes accountability. MCCNC also will ensure the following:

- Provide the accuser and the accused with timely notice for meetings at which the accuser or accused may be present;
- Provide timely and equal access to the accuser, the accused and appropriate officials to any information that will be used during informal and formal meetings and hearings;
- Proceedings conducted by college officials who do not have a conflict of interest or bias for or against the accuser or the accused;
- Proceedings conducted by MCCNC officials who receive annual training on topics such as: 1) relevant evidence and how it should be used in a disciplinary proceeding; 2) proper techniques for questioning those involved; 3) basic procedures for conducting a proceeding; and 4) avoiding actual and perceived conflicts of interest;
- Provide the accuser and the accused with 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 an advisor of their choice. An advisor is defined as any individual who provides the accuser or accused support, guidance or advice;
- The choice of advisor and presence for either the accuser or the accused in any meeting or institutional disciplinary proceedings will not be limited by MCCNC; however, the role of the advisor will be limited to consulting and advising the accuser/accused only, and the advisor is not allowed to speak on behalf of the accuser/accused at any meeting or hearing;

Provide both the accused and accuser with simultaneous written notification for the following:

- 1) the result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault and stalking;
- 2) MCCNC's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding;
- 3) any change to the result; and
- 4) when results become final;
- 5) Provide both the accused and the accuser with written documentation of his/her right to appeal the decision and/or the sanction imposed. The appeal must be based on either a process error or based on new information/evidence which is introduced. Appeals must be made within five (5) days of the original decision and should be directed to the Title IX Coordinator at [angie\\_mccnc2000@yahoo.com](mailto:angie_mccnc2000@yahoo.com).

**Types of Proceedings for Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking**

A victim of domestic violence, dating violence, sexual assault and/or stalking has the choice to have both MCCNC and law enforcement or either of the two entities pursue the investigation. College representatives will be available to guide the victim on available options and support the victim through his/her decision. MCCNC will execute the disciplinary proceedings described in this section regardless of where the alleged case of domestic violence, dating violence, sexual assault or stalking occurred. Investigations will typically

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involve interviews of all involved parties (the accused, the accuser, and any witnesses) and the collection of evidence and/or documentation regarding the allegation, including whether drugs and alcohol may have been involved. Upon conclusion of the investigation, the investigator(s) will meet with the Title IX Coordinator to confirm that the investigation is complete. The investigator(s) will meet with the accuser and accused separately and advise them of the facts in determining whether it appears that the accused violated MCCNC's policy. Both parties will be offered an opportunity to correct any of the facts presented to them and/or offer additional facts. If additional facts are presented which warrant additional investigation, it will be completed by the investigator(s). If there are no additional facts, the investigator(s) will present the recommendation to the Title IX Coordinator as to whether it was more likely than not that the accused violated MCCNC's policies. If this determination is made, the following will occur:

- If the accused is a student, the Title IX Coordinator will discuss the result with the School Director (also a Campus Safety Authority) and decide on an appropriate sanction, which could include additional training, probation, suspension or termination. The sanction imposed will typically depend on the severity of the offense (i.e., determination of stalking may result in a probation, semester/module suspension, and/or termination from MCCNC). The School Director will then provide the conclusion, the reason for the conclusion, and the sanction(s) imposed in writing to the accuser and the accused simultaneously.
- If the accused is an employee, the Title IX Coordinator will discuss the result with the School Director (if applicable) and decide on an appropriate sanction, which could range from additional training to termination of employment. The sanction imposed will typically depend on the severity of the offense (i.e., stalking may result in additional training, probation, and/or transfer to another location/department whereas a sexual assault will result in termination from MCCNC). The School Director will provide the conclusion, the reason for the conclusion, and the sanctions imposed in writing to the accuser and the accused simultaneously. In all investigations, MCCNC uses the "preponderance of evidence" standard of evidence to determine whether the accused has violated MCCNC's policies.

### **Sexual Offender/Predator Notification**

The Federal Campus Sex Crimes Prevention Act of 2000 (CSCPA) requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. Any member of the campus community who wants to obtain information regarding sexual offenders in the area may refer to <http://www.sexoffender.com> for the national registry or <http://www.meganslaw.ca.gov/> for the state of California. The CSCPA also requires registered sex offenders/predators to provide appropriate state officials with notice of each institution of higher education in that state at which the offender/predator is employed, carries on a vocation, or is a student.

## **ANNUAL CRIME STATISTICS REPORTS DEFINITIONS OF REPORTABLE OFFENSES**

### **Introduction**

MCCNC maintains working relationships with local law enforcement authorities to help promote the direct reporting of any criminal activity which may endanger students or employees to MCCNC campuses; however, this direct reporting cannot be guaranteed or relied upon. To help ensure that Annual Crime Statistics Reports are accurate and comprehensive, MCCNC proactively contacts local law enforcement authorities to obtain data on reportable offenses under the Clery Act. Data obtained from local law enforcement combined with data collected in each Campus Crime Log comprises the Annual Crime Statistics Reports published by MCCNC, which are in the pages that follow. Definitions of reportable offenses are included in the section immediately below which immediately precedes the individual reports for each campus.

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**Definitions of Reportable Offenses under the Clery Act**

1. **Murder and Non-negligent Manslaughter** – the willful (non-negligent) killing of one human being by another.
2. **Manslaughter by Negligence** – the killing of another person through gross negligence.
3. **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. Rape is a form of sexual assault. This offense includes the rape of both males and females.
4. **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. Fondling is a form of sexual assault.
5. **Incest** – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Incest is a form of sexual assault.
6. **Statutory Rape** – sexual intercourse with a person who is under the statutory age of consent. The legal age of consent in the state of California is 18. Statutory rape is a form of sexual assault.
7. **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.
8. **Aggravated Assault** – an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied using a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
9. **Burglary** – the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

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10. **Motor Vehicle Theft** – the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)
11. **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.
12. **Illegal Weapons Possession** – the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.
13. **Liquor Law Violations** – the violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Abuse Violations** – the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any

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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.

**15. Domestic Violence** – a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; and/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.

**16. Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**17. Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional stress. For purposes of this definition, "course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### **Hate Crimes**

A hate crime is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. Hate crimes are not separate, distinct crimes, but are traditional offenses motivated, in whole or in part, by the offender's bias. Many of the offenses noted above may be designated as a hate crime if motivated by any of the biases noted below:

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

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

**Sexual Orientation** – a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual individuals.

- **Gender** – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.



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- **Gender Identity** – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing make-up. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

- **Ethnicity** – a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

- **National Origin** – a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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

Additionally, for Clery Act reporting purposes, the following crimes are reportable if they meet the definition of a hate crime:

- **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 able to exercise dominion or control over a thing. Attempted larcenies are included.

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

- **Intimidation** - to unlawfully place another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

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

### Geographic Locations for Reporting Purposes

For purposes of reporting crimes including under the Clery Act, MCCNC uses the following definitions for geographic locations:

1. **On-Campus Property** – (1) any building or property owned or controlled by an institution within the core campus (same reasonably contiguous geographic area) and used by the institution in direct support of, or in a manner related to, the institution's educational purposes; and (2) any building or property that is within or reasonably contiguous to the area identified in section (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

2. **Public Property** – all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus, or immediately adjacent to and accessible from the core campus.

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MCCNC does not own or control any buildings or property which are considered under the Clery Act as “Non-Campus”

<b>Total Clery Crimes Reported by MCCNC</b>												
<i>(Reported in accordance with Uniform Crime Reporting Definitions and pursuant to the Clery Act and the Violence Against Women Act)</i>												
Clery Crimes Reported Includes Attempts	On-Campus			On Public Property			Total Clery Crimes			Unfounded Crimes		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
Murder	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense-Rape	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense-Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense-Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offense-Incest	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	1	0	0	0	0	0	0	0	0	0	0	0
Hate Crimes	2018	No hate crimes reported.										
	2019	No hate crimes reported.										
	2020	No hate crimes reported.										

<b>Number of Arrests or Referrals for Weapons, Drug Law or Liquor Law Violations</b>												
Arrests and Referrals	On-Campus			On Public Property			Total Clery Crimes			Unfounded Crimes		
	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Weapons Law Violations</b>												
Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Referrals	0	0	0	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>												
Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Referrals	0	0	0	0	0	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>												
Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Referrals	0	0	0	0	0	0	0	0	0	0	0	0

*Hate Crimes: None of the crimes reported above were determined to be motivated by bias, and therefore, were not considered hate crimes.*

*Unfounded Crimes: There were no crimes listed above which were determined to be unfounded.*

*Student Housing: The Fremont campus of MCCNC does not maintain, operate or provide student housing facilities.*