



# 2017 Annual Security & Fire Safety Report



**EMERGENCY NUMBERS:**

**9-1-1**

**558-4357 from a cell phone in Modesto**

**575-6351 MJC Campus Safety**

*This report is provided pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act and the Higher Education Opportunity Act (Public Law 110-315) as per the Higher Education Act of 1965, as amended, and the Violence Against Women Reauthorization Act ("VAWA") under Campus Sexual Violence Act ("SaVE Act") provision, Section 304.*

The MJC Campus Safety Department is the office on campus responsible for the publication and distribution of this report in accordance with the Jeanne Clery Act.

**2017 Annual Security Report  
MJC Crime Statistics for 2014 through 2016  
2016 Fire Safety Report**

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## **ANNUAL SECURITY REPORT—INTRODUCTION**

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Modesto Junior College (MJC) campus safety and security is a shared responsibility. Clearly, the best protection against campus crime is an aware, informed, alert campus community - students, faculty and staff who use reasonable caution - along with a strong Campus Safety presence. The vast majority of students, faculty, staff and visitors do not experience crime at MJC; however, despite our best efforts, crimes do sometimes occur.

This information is provided because of our commitment to safety on campus and in compliance with federal law: 20 U.S.C. Section 1092(f), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Code of Federal Regulations (CFR) Title 34 CFR Title IV, the Higher Education Opportunity Act (HEOA) of 2008, the California Education Code Sections 67380 - 67385, and Yosemite Community College District (YCCD) Board Policy #3500.

**Reports Distribution:** The 2016 Annual Security and Fire Reports are available through several different sources:

- (1) annual email by September 30th to students and employees notifying of the availability of the reports at the YCCD Safety website: [www.yosemite.edu/safety](http://www.yosemite.edu/safety)
- (2) hard copy at the Campus Safety West Campus counter in John Muir Hall Room 151 and Campus Safety East Campus counter in Journalism 152
- (3) by reference in the MJC Class Catalog and Class Schedule
- (4) by request from Campus Safety Administration at (209) 575-6005

These reports are intended to help you make good choices about your personal safety on campus. If you have any concerns, questions or comments about federal or state law requirements or Modesto Junior College's compliance with these laws, please contact Bill Watts, Campus Security Supervisor, at 209-575-6352 or Lloyd Jackson Title IX Civil Rights Coordinator 209-575-6310

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## **CAMPUS SAFETY**

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### **MJC Campus Safety Department** <sup>1</sup>

MJC Campus Safety Officers are appointed pursuant to Sections 38000.1 and 72330 of the California Education Code. Campus Safety Officers are not peace officers, but as school security officers are provided special authority by the California Penal Code, California Vehicle Code, and California Education Code, to enforce campus rules and regulations. Authority for arrests by Campus Safety Officers is authorized under Section 837 of the California Penal Code, arrests by a private person. All Officers receive mandated Campus Security Training in accordance with California Education Code.

MJC Campus Safety officers patrol the East and West campuses 24 hours a day, 365 days a year. Uniformed patrol provides a visual deterrent to potential thieves and also provides high visibility should students, staff, or visitors need security assistance. Other duties include traffic and parking enforcement, reporting safety hazards, and writing various reports involving thefts, vandalism, disturbing the peace, student injuries and non-injury traffic collisions. They also provide a full range of safety-related services, including immediate response to all medical and fire emergencies. Campus Safety Dispatchers are on duty 24 hours a day, 365 days a year and can be reached at (209) 575-6351. They are able to take calls from TDD machines.

### **Memo of Understanding with the Modesto Police Department**

Modesto Junior College has established a Memo of Understanding with the Modesto Police Department that defines the roles of campus safety and law enforcement. The Modesto Police Department is responsible for investigating all felony and violent crimes on campus, vehicle collisions involving injuries, and taking custody of persons arrested under 837 of the Penal Code. The Modesto Police Department routinely patrols the campus and responds to calls for assistance by MJC Campus Safety when necessary. The Memo of Understanding is on file in the Campus Safety Administration Office.

### **Daily Crime Log**

The MJC Campus Safety Department maintains a Daily Crime Log of all incidents reported to Campus Safety. The

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<sup>1</sup>YCCD Board Policy #3500—Crime Awareness and Campus Security/Campus Security Officers.

Daily Crime Log is available for public inspection during hours of campus operations. Incidents will be posted and made available within two business days of receiving a report of an incident, and MJC Campus Safety reserves the right to exclude reports from a log in certain circumstances as permitted by law. The most current 60 days of information will be made available for review. For information older than 60 days, the requester should contact Campus Safety Administration at (209) 575-6005.

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## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN (CPTED)**

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### **Maintenance of Campus Buildings and Grounds**

Buildings, facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Inspections are routinely conducted and repairs are promptly made to ensure that appropriate safety and security standards are maintained. YCCD Campus Safety Officers regularly patrol the campus and report malfunctioning lights or other unsafe physical conditions to Facilities Operations for correction. In addition, students, faculty and staff are encouraged to report unsafe facilities (for example, a broken stair, overgrown shrubs, or a missing traffic sign).

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## **GETTING AROUND CAMPUS**

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### **Parking, Biking, or Walking On Campus**

If you park on campus, lock your vehicle and consider using a steering wheel locking device and/or auto alarm. DO NOT leave valuables in your vehicle. Similarly, always lock your bicycle, even if you will be gone only a few minutes, and secure it to a fixed bike rack or pod when possible. The Security Escort service is available to you if you are out at night on campus or walking to campus parking lots. Most importantly, if you need assistance, do not hesitate to ask any staff member or Campus Safety Officer.

### **Operation ID**

Campus Safety has an identification program that you can use to mark your valuables such as your bicycle, laptop, iPad, eReader, etc. You bring your things that you want to mark into Campus Safety and you will be able to register your equipment and mark it with your driver's license number. If it is stolen, you have a much better chance of getting it back.

### **Access to Campus Facilities<sup>2</sup>**

With a few exceptions, most campus facilities remain open and unlocked during normal instructional hours. Some facilities are open to public use, but most facilities are restricted to authorized, instructional use and may not be used without authorization. YCCD/MJC staff members should be ready to produce identification if there is any question about their authorization to be in a specific area. Students may be asked to produce their Student Identification Cards.

Regardless of the time of day or night, no matter where you are on campus or at MJC, be alert and aware of your surroundings and exercise common-sense safety precautions.

Although almost all of campus buildings can be accessed by key after business hours, many are locked and alarmed when classes are not in session. Staff members needing access afterhours should request authority from their Division Dean or department manager and notify Campus Safety of their presence. It is essential that staff, faculty, and students cooperate to keep closed facilities locked. To ensure that unauthorized individuals do not enter campus buildings DO NOT prop doors open or leave doors unlocked if you enter after hours, or open the door for individuals you do not know.

Keys are provided to individual staff members on a need-to-enter basis as determined by the appropriate supervisor. Immediately report the loss or theft of campus keys to the supervisor and Facilities Operations at (209) 575-6572. Never loan a key to other staff members or students. Campus Safety will confiscate keys that have not been specifically issued to a particular individual. It is a misdemeanor to duplicate any College or District keys. (PC 469)

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<sup>2</sup>YCCD Board Policy #3501—Campus Security and Access. This section explains district procedure as required by Board Policy #3500 –Campus Safety

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## **MJC STUDENT HOUSING SAFETY**

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Modesto Junior College offers a housing opportunity for a limited number of Agriculture students. Up to 28 students may be selected to live in the West Campus Agriculture Housing community. This complex is comprised of seven, four-bedroom, and two-bath, fully furnished housing units. Each unit has a laundry room as well. Application and approval for Agriculture student housing comes under the authority of the Dean of Agriculture, Environmental Sciences & Technical Education. Students will have individual rooms with shared living room and kitchen areas. Students will purchase their own groceries, prepare their own meals and provide for their own laundry service.

**Access:** Students may have visitors between 7:00 AM and 10:00 PM. Only students are allowed in the residences after 10:00 PM. Each student will be issued a key to his/her duplex and individual room.

**Vehicle Registration:** Students must have a parking permit to park on the campus. Each student in student housing will also provide the Dean's office with a description of his/her vehicle and the license number. Specific parking spaces will be assigned each student in the housing area.

**Use of Facilities:** Students will take reasonable and responsible care of these facilities. Sanitation is very important for good health. Garbage will be removed on a regular and routine basis. Standing garbage is a health hazard and can draw rodents. Students are expected to keep their units clean.

**Inspection of Facilities:** These facilities are subject to pre-announced inspections by college officials. Reasonable care will be taken by the college that female instructors inspect female student residences and male instructors inspect male student residences. Inspections are for the purpose of health and welfare and examining wear and tear of the facilities.

**Fire Suppression:** ALL FIRES MUST BE REPORTED. Campus Safety Operations monitors all fire detection systems on campus, to include student housing. The housing units are protected with pull stations and smoke detectors. Fire extinguishers are located in each duplex kitchen. Particular care should be taken with cooking. Do NOT walk away from food being cooked on the stove. Students are prohibited from tampering with the fire suppression equipment. Students will be offered training on the use of fire extinguishers annually.

**Evacuation of Housing Units:** When notified to evacuate, all occupants will move to the nearest safe exit and go directly to the Building Evacuation Assembly Point and stay there until given further instructions. The Building Evacuation Assembly Points are as follows:

Primary: Parking Lot 214

Alternate: West down canal bank at least 300 feet away from housing

Foul Weather Primary: Beef Unit

Foul Weather Alternate: Sheep Unit

**Health:** The health of our students is paramount. If a student becomes sick and is unable to attend classes, he/she is encouraged to use the Health Services clinic located in Yosemite Hall on the West Campus and Morris Memorial Building on the East Campus. Upon referral from the nurse, appointments are available to see a physician at the East campus clinic every Thursday morning.

**Personal Safety:** Students should always travel in pairs after dark. Use well-lighted walkways. Keep your housing unit and car locked at all times. Watch out for one another and be security conscious about your surroundings. There is an emergency call box in the parking lot (Lot 214) of the housing area. Students should consider entering the Campus Safety number into their cell phones contact list: 575-6351. You should always report suspicious behavior, or someone lingering near the housing area, to Campus Safety immediately.

**Missing Student Notification<sup>3</sup>:** If a member of the campus community has reason to believe that a student who resides in on-campus housing is missing, he/she should immediately notify

Modesto Junior College: Campus Safety at (209) 575-6351 and the Agriculture Student Intern Supervisor,  
Agriculture Operations Manager and Agriculture Dean;

Columbia College: Campus Security at (209) 588-5167

Provide details regarding where the student was last seen, what s/he was wearing, who s/he was with, and when s/he was last seen.

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<sup>3</sup> YCCD Board Policy #3503— Missing Student Notification

After investigating a missing person report, should the college determine that the student has been missing for 24 hours, the college will notify Modesto Police Department for MJC or Tuolumne County Sheriff for Columbia College unless local law enforcement was the agency that determined the student was missing, and the student's emergency contact no later than 24 hours after the student is determined to be missing. If the missing student is under the age of 18 and is not an emancipated individual, the college will notify the student's parent or legal guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

**Drugs<sup>4</sup>, Alcohol and Weapons<sup>5</sup>:** State law and Board policy prohibit the possession or use of weapons on college property. It is a felony punishable by up to four years in prison to possess any firearm on college property, whether in a book bag, vehicle, room or housing unit. The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited on any college property. The use or possession of alcohol is prohibited on college property except as allowed through District Board policy.

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## **CAMPUS SAFETY SERVICES**

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MJC Campus Safety provides a variety of services for faculty, staff, students and visitors.

### **Delivery of Emergency Messages**

If you have provided your schedule by submitting the Emergency Locator form available through Student Services and Campus Safety is notified that someone in your family is injured or ill, Campus Safety will make every effort to contact you in your regularly scheduled class.

### **Emergency Telephones**

- **Parking Lot Emergency Call Box** phones are located in most parking lots (directly below red signs that say "Call Box.") Pushing the button automatically forwards the call to the Campus Safety office. Persons who are hearing-impaired or who have speech difficulties should push the speaker box and remain by the call box until a Campus Safety Officer reaches them.
- **On-Campus Pay Phones:** In case of an Emergency, there is one pay phone located on each MJC campus at the following locations: near the West entrance to Morris Memorial Administration Building from the Quad on East Campus and outside the Campus Safety Office at John Muir 151 on West Campus. Coins are not required when dialing 9-1-1 for Police, Fire, or medical emergencies.

### **Security Escorts<sup>6</sup>**

If you are feeling uneasy about walking to your car or to some other destination on campus, just telephone Campus Safety at least five minutes before you would like to leave. Campus Safety Officers, or Security escorts, will be glad to walk with you. Occasionally there may be a slight delay but only when they are handling another security task in need of an immediate response.

### **Motorist Assistance Program**

Campus Safety Officers will assist with the unlock of vehicle doors and battery jumps for those with an Annual (A), Term (T), Retiree (R) or Student (S) permit on campus or near the campus. Vehicles displaying a valid day pass (from the permit dispenser) must be parked on campus property to receive this service.

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<sup>4</sup>YCCD Board Policy #3560—Alcoholic Beverages, Intoxicants and Narcotics

<sup>5</sup>YCCD Board Policy #3530—Weapons on Campus

<sup>6</sup>There is no Board Policy regarding Crime Prevention Programs. This section describes district programs as required by Board Policy #3500 – Crime Awareness & Campus Safety.

### **Lost and Found**

Found property should be turned into Campus Safety Operations within twenty-four hours. Found property can be turned in at either campus or to any member of the Campus Safety staff. After one week, unclaimed property that was turned in at the East Campus Safety counter at Journalism 152 may be moved to the West Campus Safety office at John Muir 151 for storage. After that, found property maybe claimed at Campus Safety office on the West Campus only.

### **Campus Safety Reports**

Campus Safety documents reportable incidents and traffic accidents occurring on the campus. Certain reports are confidential due to the nature of the incident and are not available for release in accordance with California Law. You may request a copy of a report or a copy may be sent to your insurance company for the purpose of the replacement or repair of your property. Fees may apply.

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## **DISASTER PREPAREDNESS<sup>7</sup>**

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Yosemite Community College District has a robust Comprehensive Emergency Operations Plan (CEOP). MJC's disaster preparedness is managed by the CEOP. The CEOP follows an "all hazards" approach to prevent, prepare, and respond and recover from a disaster. The plan extends to all levels of the campus community to prevent situations that may cause emergencies. The CEOP spells out the necessary preparation and procedures to follow if a disaster occurs. Building of the CEOP has meant developing relationships between the campus responder community and local, state and federal agencies to effectively mitigate a crisis. Finally, the CEOP, through Continuity of Operations Plans, assists the campus community with recovery and a timely resumption of college operations.

### **Emergency Notifications<sup>8</sup>**

In accordance with the Higher Education Opportunity Act, MJC will, without delay, and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Since no single method is all encompassing, the college has several methods for getting the word out to the campus community: zone paging to emergency telephones in classrooms, common area and outside PA system, text messaging to students and employees who have registered, student/employee email, website updates and telephone emergency hotlines, telephone trees to identified staff, information relay runners, etc.

The following individuals may send emergency notices to the campus:

- In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Security Supervisor, Director of District Security, or the Vice President of Administrative Service is significant and places the campus community or a particular building at risk, shall identify the scope of the emergency and select a preprogrammed message to be sent to the campus community. The content of the message will be formatted to include all pertinent warnings and/or instructions necessary for the emergency or dangerous situation. Determination is based on imminent threat to the campus or segment of campus given incoming information and Campus Safety/law enforcement analysis of the threatening nature of the information.
- Ongoing updates will be provided as conditions change or further information is needed by persons affected by the emergency or situation.

Systems will be announced and tested as follows:

- The Blackboard Connect text messaging system will be tested semi-annually.
- The Zone Paging telephone system will be tested semi-annually.
- The Broadcaster PA system will be tested semi-annually.

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<sup>7, 8</sup> YCCD Board Policy #3505—Emergency Response Plan

### **Evacuations/Shelter-in-Place**

In accordance with the CEOP, building evacuation/shelter-in-place exercises will be conducted annually, including Agriculture Student Housing. Building Coordinators are trained to educate the occupants of the buildings on evacuation and shelter-in-place procedures. Campus evacuations are spelled out in the CEOP, but practicing campus evacuations with the entire campus is very disruptive and fairly impractical. Therefore, campus responders practice their role in directing campus evacuations. Students are directed through staff and Campus Safety following the Incident Command System (ICS), a system used throughout the United States for managing emergencies.

### **Annual Publication of Emergency Response and Evacuation Procedures**

The college publishes a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year<sup>9</sup>.

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## **CAMPUS VIOLENCE PREVENTION<sup>10</sup>**

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### **Security Alerts**

Crime prevention is the best means of protection. One of the essential ingredients of any successful crime prevention program is an informed public. It is the intent of the College district to inform all students and staff in a timely manner of any criminal activity or security problems that may pose a reasonable threat to their physical safety through Security Alerts.<sup>11</sup> The Alerts are distributed to students through student email, posted to the Campus Safety Website and via on Campus Signage when warranted. Employees are informed through Security Alerts that are transmitted to campus departments by e-mail. In crisis situations, the college community receives immediate direction through the Zone Paging System and Blackboard Connect over college telephones in staff offices and emergency telephones located in every classroom.

### **Campus/Personal Safety Training**

Another critical element of a campus safety program is training. The MJC Campus Safety Department is available for Safety presentations to campus groups/classes on such topics as personal safety and campus security, burglary and theft prevention, Rape Aggression Defense, sexual assault prevention, bystander intervention, domestic and dating violence, active shooter and vehicle security for faculty, staff, and students.

### **Personal Safety & Prevention Tips**

In the interest of ensuring personal safety, students are encouraged to observe the following precautions:

- Avoid isolated places, day or night.
- Always walk in pairs. There is safety in numbers.
- Be security-conscious. Watch out for others and their property.
- Be responsible. Report all crimes and suspicious activity to Campus Safety.
- Use well-lighted walkways.
- Park in well-lighted areas, away from shrubbery and trees.
- Always lock your car and take your keys.
- Do not leave valuables in your vehicle.

Finally, all effective crime prevention programs include some measure of people watching out for one another. All staff and students are asked to be alert, security conscious, and involved.

### **Weapons Possession<sup>12</sup>**

State law and district policy prohibit the possession of weapons, all firearms, fireworks, explosives or any dangerous weapons on campus, except for activities conducted under the direction of District officials or as authorized by the laws of the State of California (PC Sections 12020, 12050, 626.9 and 626.10). Violators are subject to criminal prosecution and/or disciplinary action in accordance with YCCD Board Policy 3530 and the Student Code of Conduct. Students may be arrested, expelled, suspended, placed on probation or given a lesser sanction for good cause and in accordance with procedures consistent with due process for violations of the above Penal Code sanctions. The possession of a firearm on district property is prohibited and strictly enforced.

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<sup>9</sup>YCCD Board Policy #3505 Emergency Response Plan

<sup>10</sup>YCCD Board Policy #3515 Reporting of Crimes

<sup>11</sup>Timely Warnings: Board Policy #3515 Reporting of Crimes

<sup>12</sup>YCCD Board Policy/Procedure #3530—Weapons on Campus.

If you see a gun or other weapon on college property, alert Campus Safety immediately. If you believe that the weapon is being or is about to be used, dial 9-1-1. In other cases, report a description of the location of the weapon and/or the individual carrying it to the MJC Campus Safety at (209) 575-6351.

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## **REPORTING CRIME<sup>13</sup>**

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Crimes can be averted and suspects apprehended more quickly if suspicious activity is reported promptly. If someone's behavior or the situation is disturbing, threatening, or out of the ordinary, call the MJC Campus Safety Department any time of the day or night. The officer will assess the situation and take any necessary and appropriate action.

The College strongly encourages victims to report all incidents and/or any suspicious activity on campus to Campus Safety. All crimes reported to Campus Safety are maintained on the Daily Crime Log at the Campus Safety Office. In addition to Campus Safety, crimes may be reported to any campus administrator. All employees are Responsible Employees are required to report any act of sexual misconduct or crimes of which they become aware. Crimes occurring off-campus should be reported immediately to the law enforcement agency having jurisdiction.

### **Reporting Emergencies**

To report crimes in progress (or police, fire, or medical emergencies on campus) dial 911 from any campus telephone or pay phone. At MJC, emergencies can also be reported by using one of the emergency call boxes located throughout campus parking areas.

On campus, if you dial Campus Safety from a campus phone or use an emergency call box, the dispatcher or operator can determine your location and will dispatch a Campus Safety officer immediately. If there is a fire and no telephone is available, activate the nearest fire alarm.

### **Reporting Non – Emergencies**

For NON-EMERGENCY calls for assistance, call the MJC Campus Safety Department at (209) 575-6351 or use the emergency call box in the parking lots. The MJC Campus Safety Department is located on the West Campus, John Muir 151.

### **Reporting Hate Crimes**

California law prohibits threats or acts of violence against individuals or groups or their property because of personal characteristics or associations. State laws similarly prohibit defacing, damaging, or destroying another's property to intimidate or interfere with his/her rights. Crimes routinely classified as misdemeanors can be felonies if committed because of bigotry. A conviction cannot be based on speech alone, unless the speech itself threatens violence against a specific individual or group, and the defendant has the ability to carry out the threat. If you are the victim of or witness a hate crime, report it as soon as possible to Campus Safety.

### **Reporting Suspected Misconduct by Students and Student Organizations**

To report suspected misconduct by a MJC student or registered student organization, call Campus Safety, 575-6351, or the Office of Vice President of Student Services (209) 575-6060. The MJC Standards of Conduct prohibit physical assault, including rape; threats of violence; and conduct that threatens health or safety, as well as illegal use or possession of weapons, explosives, drugs or alcohol; theft; and vandalism. Students who commit crimes may be criminally prosecuted as well as disciplined by the campus, and students and student organizations may be disciplined for off-campus conduct that threatens safety or security. A finding that the violation was intentional, forcible, violent, or motivated by hatred or bias normally results in a sanction of Suspension or Dismissal.

### **Reporting Suspected Misconduct by Staff or Faculty**

MJC staff or faculty members may be subject to disciplinary action under applicable personnel policies or collective bargaining agreements. Report staff or faculty misconduct to the Office of the Vice Chancellor, Human Resources at (209) 575-6507.

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<sup>13</sup>This section explains procedure as required by YCCD Board Policy #3500 –Campus Safety, Also, YCCD Board Policy 3515 Reporting of Crimes

### **Reporting Missing Persons**<sup>14</sup>

Modesto Junior College has up to 28 Agriculture students living on the West Campus. Students are given an orientation regarding their personal safety when they start school at MJC and annually thereafter. Great care is given to the safety of these students to enhance their success in the MJC Agriculture Program experience.

Each student living on campus has the option to register a confidential contact person to be notified in the case that the student is determined to be missing with Student Development, and only authorized campus officials and Campus Safety, in pursuit of a missing person investigation or comparable emergency, may have access to this information.

All students, even if they have not registered a contact person, are advised that local law enforcement will be notified if a student is missing. A student will be considered missing if the following conditions exist:

The student's roommates have no knowledge of the student's whereabouts and have not seen him/her for more than 24 hours

- College sponsors/instructors have no knowledge of the student's whereabouts.
- The missing student was last seen under suspicious circumstances; e.g. under the influence of alcohol or other mind-altering drug off-campus in the presence of a person not known to have previously met the student.

Students are free to come and go off campus, but if a student goes missing for more than 24 hours, the following procedures will be followed:

- The first person, who becomes aware that the student is missing, will notify Campus Safety, the MJC Ranch Manager and Agriculture Dean.
- Campus Safety will notify the MJC Vice President for Student Services.
- After college resources, including Counseling and Health Services, for information about the student have been exhausted, an official missing student report will be referred immediately to local law enforcement to begin a search/investigation.
- If a student is less than 18 years of age and not emancipated, his/her parent or guardian will be notified, in addition to notifying any contact person designated by the student.

### **Campus Security Authorities**

MJC really encourages a culture of reporting in the college community. There are times when a student may not feel comfortable reporting a crime or other misconduct to Campus Safety or the Vice President of Student Services. Campus Security Authorities (CSAs) are officials who have significant responsibility for student and campus activities. Examples of CSAs are the dean overseeing student housing, coaches, club advisors, counselors, and other college administrators. A student may feel more comfortable reporting a crime to a CSA, providing one more avenue for keeping the campus safe.

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## **SUBSTANCE ABUSE**

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### **Students: Drug and Alcohol Abuse Prevention**<sup>15</sup>

Through the Drug-Free Schools and Communities Act Amendments of 1990, higher learning institutions are required to implement drug prevention programs. This includes the annual notification of the following drug and alcohol use policy.

MJC is committed to the success of all students. Drug and alcohol use can be a major hindrance to achieving a successful school career. Physical and psychological health risks are associated with drug and alcohol use, including but not limited to, exhaustion, decreased immunity, depression, and decreased coordination. Generally, persons who use illegal drugs and/or abuse alcohol can expect a decline in their quality of life.

Modesto Junior College Student Services offer education and information on drug and/or alcohol use and also can refer students to community agencies for counseling or rehabilitation. Pamphlets and literature are available through the Health Services website at [www.mjc.edu/healthservices](http://www.mjc.edu/healthservices). Call 575-6038 for more information.

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<sup>14</sup>YCCD Board Policy #3503—Missing Student Notification policy and procedures

<sup>15</sup>YCCD Board Policy #3560—Alcoholic Beverages, Intoxicants and Narcotics

According to the MJC Standards of Conduct, students are subject to disciplinary action for the use or distribution of illicit drugs and alcohol on college property or during college-related activities. Such action can include expulsion from college and/or punishment under local, state and federal laws.<sup>16</sup>

**Employees—YCCD Board Policy # 3550 – Drug Free Workplace**<sup>17</sup>

In accordance with the Drug-free Workplace Act of 1988, the District shall maintain a drug-free workplace and provide appropriate notification to staff.

The unlawful manufacture, distribution, dispensation, possession or use of a controlled substance, as defined by the Controlled Substance Act, is prohibited in any District workplace or facility. Violation of this prohibition by any employee shall result in disciplinary action and/or requiring the employee to satisfactorily participate in an approved drug abuse assistance or rehabilitation program.

Furthermore, as a condition of employment, staff employed under a federal contract or grant shall abide by the terms of this policy and notify the District of any criminal drug statute conviction (including a plea of nolo contendere) no later than five days after such conviction for a violation occurring in the workplace.

Note: In accordance with Federal regulations, the District has drug and alcohol testing procedures for drivers of district vehicles with a capacity of 16 or more passengers. For more information, contact Campus Safety at (209) 575-6005.

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**SEXUAL MISCONDUCT**

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YCCD Board Policy regarding Sexual Misconduct can be located at the following link<sup>18</sup>  
<http://www.yosemite.edu/Trustees/newpolicyandprocedures/3540%20Sexual%20and%20Other%20Assaults%20on%20Campus>

Modesto Junior College Standards of Conduct prohibits sexually violent acts, termed “Sexual Misconduct” by the Modesto Junior College, which can be crimes as well. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal/relationship violence, sex/gender-based stalking, and sexual harassment. While Modesto Junior College utilizes different standards and definitions than the California Penal Code, sexual misconduct often overlaps with the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence. Victims of these behaviors are protected by federal laws, specifically Title IX,<sup>18</sup> and the Clery Act, which mandates the contents of this report.

It is the policy of Modesto Junior College to notify law enforcement when sexual misconduct occurs, typically without providing identifying information about the incident, unless a victim wishes that information to be shared, or an emergency requires disclosure. Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. If requested, campus officials can facilitate reporting to campus or local law enforcement, but may also respect a victim’s request not to do so.

In an effort to reduce the risk of sexual misconduct as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, the Modesto Junior College utilizes a range of campaigns, strategies, and initiatives to promote awareness, educational, risk reduction, and prevention programming.

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<sup>16</sup>YCCD Board Policy #5500—Standards of Conduct/Procedures

<sup>17</sup>YCCD Board Policy #3550—Drug-Free Workplace

<sup>18</sup> YCCD Board Policy 3540 Sex/Gender Harassment, Discrimination and Sexual Misconduct

It is the policy of the Modesto Junior College to offer programming to identify and prevent domestic violence, dating violence, sexual assault (including stranger and known offender assaults), and stalking each year. Educational programs are offered to raise awareness for all incoming students and employees, and are often conducted during new student and new employee orientation and throughout an incoming student's first semester. Primary prevention (including normative messaging, environmental management, and bystander intervention), and discuss institutional policies on sexual misconduct as well as the California definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity. Programs also offer information on risk reduction that strives to empower victims, how to recognize warning signals and how to avoid potential attacks, and do so without victim-blaming approaches. The topics listed, and more, were covered during the training sessions conducted in 2016:

- Campus Safety Awareness
- Office Safety Awareness
- Human Trafficking Awareness
- Healthy Relationships
- Responsible Employee Training
- Rape Aggression Defense
- Behavioral Intervention Team
- Title IX information included in CLSK 100 Course

In the event that sexual misconduct, gender-based violence, or the crimes of sexual assault, stalking, dating violence, or domestic violence do occur, the Modesto Junior College takes the matter very seriously. The Modesto Junior College employs interim protection measures such as interim suspensions and/or no contact orders in any case where a student's behavior represents a risk of violence, threat, pattern, or predation. If a student is accused of sexual misconduct, other gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, s/he is subject to action in accordance with the Student Code of Conduct in the student handbook. A student wishing to officially report such an incident may do so by contacting the Title IX Coordinator and/or Campus Safety. Anyone with knowledge about sexual misconduct, gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately. Protective measures for victims are available from the campus whether a victim chooses to report to local and/or campus law enforcement, and irrespective of whether a victim pursues a formal complaint through the Modesto Junior College resolution process.

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, contact Campus Safety 575-6351 if you are on campus or call 911 if you are off campus.
2. If there is no immediate danger or you are reporting a prior incident you can contact the Title IX Coordinator at 575-6710 or file a report online at [https://cm.maxient.com/reportingform.php?YosemiteCCD&layout\\_id=5](https://cm.maxient.com/reportingform.php?YosemiteCCD&layout_id=5)
3. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.

4. If you are on campus during regular business hours, you may go to the MJC Counseling Office, Student Services Building Room 226, as well as to Health Services, Morris Memorial 108 for support and guidance. They will assist you to include confidential resources. After regular business hours, or in any situation where a victim wishes, local resources are also available and may be able to provide confidential assistance:

Haven Women's Center of Stanislaus; Modesto  
(Crisis line: 209-577-5980)

Memorial Medical Center  
(209-526-4500)

Doctors Medical Center  
(209-578-1211)

Stanislaus County Family Justice Center  
1625 I Street, Modesto, CA 95354  
209-525-5130  
[info@stanislausfamilyjustice.org](mailto:info@stanislausfamilyjustice.org)

5. For your safety and well-being, immediate medical attention is encouraged. Further, being examined as soon as possible, ideally within 120 hours, is important in the case of rape or sexual assault. The hospital will arrange for a specific medical examination at no charge or can work with you to arrange state reimbursement.
  - a. To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.
  - b. Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
  - c. Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
  - d. Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
  - e. If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Safety or the campus Title IX Coordinator so that those orders can be observed on campus.
6. Even after the immediate crisis has passed, consider seeking support from MJC Counseling, the Health Services, and/or the Haven Women's Center.

Contact the Title IX Coordinator or Vice President of Student Services, MJC if you need assistance with college concerns, such as no-contact orders or other protective measures. The Title IX Coordinator will also assist in any needed advocacy for students who wish to obtain protective or restraining orders from local authorities. The Modesto Junior College is able to offer reasonable academic supports, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed by a victim. The Modesto Junior College is able to offer information about legal assistance, visa/immigration assistance, and student financial aid considerations for victims. The college will protect the identity of persons who make official reports to the Campus Safety or Title IX Officer of having been subject to sexual assault, intimate partner violence or stalking to the extent of the law and consistent with Board Policy.

## **District and Campus Title IX Contacts**

### **YCCD Title IX Coordinator**

Lloyd Jackson, Title IX /Civil Rights Coordinator  
YCCD District Offices, West Campus  
209-575-7906

### **MJC Title IX Coordinator James Todd**

VP of Student Services  
Morris Memorial 212  
209-575-6060

### **How to be an Active Bystander**

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

1. If you or someone else is in immediate danger, dial 911.
2. Watch out for your friends, fellow students and employees. If you see someone who may be in trouble, ask if they are ok.
3. Confront people who seclude, hit on, or try to make out with, or have sex with, people who are incapacitated.
4. Speak up when someone discusses plans to take sexual advantage of another person.
5. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
6. Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

## **Risk Reduction – Safety Strategies**

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network ([www.rainn.org](http://www.rainn.org))).

1. Be aware of your surroundings.
2. Try to avoid isolated areas. It is more difficult to get help if no one is around.
3. Walk with purpose. Even if you don't know where you are going, act like you do.
4. Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
5. Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
6. Make sure your cell phone is with you and charged and that you have cash money.
7. Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
8. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
9. When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
12. Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
13. Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
14. If you suspect your or a friend has been drugged, contact local law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong. The person who is making you uncomfortable is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. If you want to exit a situation immediately and are concerned about frightening or upsetting someone, it's okay to lie. You are never obligated to remain in a situation that makes you feel uncomfortable, pressured, or threatened. You can also lie to help a friend leave a situation that you think may be dangerous.

## **Legal Definitions**

### **Rape**

Rape is generally defined by states as forced sexual intercourse. It may also include situations where the victim is incapable of giving consent due to incapacitation by means of disability or alcohol or other drugs. Many rapes are committed by someone the victim knows, such as a date or friend.

Under California law, rape is defined as: California Penal Code 261(a)

Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- (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.
- (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.
- (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.

The complete California rape and sexual assault offense definitions are and can be found at:

<http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=pen&codebody=&hits=20>

### **Other Sexual Offenses**

Other sexual offenses include the following:

- sodomy (forced anal intercourse) *CA Penal Code 282 (a)*,
- oral copulation (forced oral-genital contact) *CA Penal Code 288.a (a)*,
- rape by a foreign object (forced penetration by a foreign object, including a finger) *CA Penal Code 289 (k)(1)*,
- and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal) *CA Penal Code 243.4 (a)*

### **Affirmative Consent**

Consent:

Clear, knowing, affirmative, conscious and voluntary permission, through word or action, to engage in mutually agreed upon sexual activity or contact.

In California, affirmative consent is defined as:

#### **California Education Code 67386(1)**

An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 252, 286, 288a or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent. YCCD Board Policy and Procedures #BP3540 Sex/Gender Harassment, Discrimination and Sexual Misconduct

## **Sexual Harassment**

Sexual harassment is a form of misconduct that undermines the integrity of the academic environment. It is the policy of the Modesto Junior College that sexual harassment is prohibited. All members of the Modesto Junior College community, especially officers, faculty, and other individuals who exercise supervisory authority, have an obligation to promote an environment that is free of sexual harassment. Sexual harassment is defined as:

### **YCCD Policy 3540 Sex/Gender Harassment, Discrimination and Sexual Misconduct <sup>19</sup>**

The District is committed to providing an academic and work environment that respects the dignity of individuals and groups. The District shall be free of sexual harassment and all forms of sexual intimidation and exploitation. It shall also be free of other unlawful harassment, including that which based on any of the following statuses: race, color, religion, ancestry, national origin, disability, sex (i.e., gender), sexual orientation, or the perception that a person has one or more of the foregoing characteristics.

Harassment based on any of the following statuses is prohibited and will not be tolerated: race, color, religion, ancestry, national origin, disability, gender, or sexual orientation, or the perception that a person has one or more of the foregoing characteristics.

Sexual harassment violates state and federal laws, as well as this policy, and will not be tolerated. It is also illegal to retaliate against any individual for filing a complaint of sexual harassment or for participating in a sexual harassment investigation, and retaliation constitutes a violation of this policy.

Sexual harassment is further defined as unwelcome sexual advances, requests for sexual favors and other conduct of a sexual nature when:

- Submission to the conduct is made a term or condition of an individual's employment, academic status, or progress;
- Submission to or rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or education environment; or
- Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual.

This policy applies to all aspects of the academic environment, including but not limited to classroom conditions, grades, academic standing, employment opportunities, scholarships, recommendations, disciplinary actions, and participation in any community college activity. In addition, this policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, recall, transfer, leave of absence, training opportunities and compensation.

To this end, the Chancellor shall ensure that the institution undertakes education activities to counter discrimination and minimize and eliminate a hostile environment that impairs access to equal education opportunity (Education Code 66252)

The Chancellor shall establish procedures that define sexual harassment and other forms of harassment on campus. The Chancellor shall further establish procedures for employees, students, and other members of the campus community that provide for the investigation and resolution of complaints regarding sexual harassment and discrimination, and procedures for students to resolve complaints of sexual and other harassment and discrimination. All participants are protected from retaliatory acts by the district, its employees, students, and agents.

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[https://www.yosemite.edu/trustees/board\\_policy/3540%20SexGender%20Harassment%20Discrimination%20and%20Sexual%20Misconduct.pdf](https://www.yosemite.edu/trustees/board_policy/3540%20SexGender%20Harassment%20Discrimination%20and%20Sexual%20Misconduct.pdf)

This policy and related written procedures shall be widely published and publicized to administrators, faculty, staff, and students, particularly when they are new to the institution. They shall be available for students and employees in all administrative offices.

Employees who violate the policy and procedures may be subject to disciplinary action up to and including termination. Students who violate this policy and related procedures may be subject to disciplinary measures up to and including expulsion. It is the policy of the Yosemite Community College District to provide an environment free of unlawful discrimination in its programs, activities and work environment. Sexual harassment is a form of unlawful sexual discrimination and will not be tolerated by the District.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to sexual conduct is an explicit or implicit term or condition of an individual's employment, academic status or progress;
- Submission to or rejection of sexual conduct by an individual is the basis for a decision affecting that individual's employment, academic status or progress;
- Sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature have the purpose or effect of unreasonably interfering with an individual's work or academic performance or create an intimidating, hostile or offensive work or educational environment.

The District strongly forbids any form of sexual harassment, including acts of non-employees. Disciplinary action will be taken promptly against any student or employee, supervisory or otherwise, engaging in sexual harassment.

Any complaints or inquiries regarding sexual harassment of a student by an officer, faculty member, staff member, or student should be brought to the immediate attention of:

Lloyd Jackson  
Title IX Coordinator YCCD  
YCCD District Office  
2201 Blue Gum Ave  
Modesto Ca 95352

Dr. James Todd  
Vice President of Student Services/ Title IX Coordinator  
Modesto Junior College  
Morris Memorial Room 212  
435 College Avenue  
Modesto Ca 95350

Campus Safety  
209-575-6351 (Dispatch)  
John Muir Room 151 (West Campus)

Modesto Junior College will investigate such claims promptly and thoroughly. If, for any reason, a student wishes to complain or inquire regarding sexual harassment, but feels it would not be appropriate to raise such issues with the persons named above, the student may inquire or complain to any Department Chair or any officer of the Modesto Junior College at the level of Vice President or above, and such inquiries or complaints will receive a prompt and thorough investigation. If harassment is established, the Modesto Junior College will discipline the offender. Disciplinary action for violations of this policy can range from verbal or written warnings, up to and including immediate termination from employment or dismissal from the Modesto Junior College for serious or repeated violations.

### **Sex Offenders**

In accordance to the Campus Sex Crimes Prevention Act of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Educational Rights and Privacy Act of 1974, the Modesto Junior College is providing a link to the California State Sex Offender Registry. All sex offenders are required to register in the state of California and to provide notice of each institution of higher education in California at which the person is employed, carries out a vocation, or is a student.

Sex Offender Registration laws require convicted sex offenders to register their status with the local police department (Modesto Police Department) if they are enrolled, residing, attending, carrying on a vocation (i.e. contractor or vendor on campus for more than 30 days in the year) or working with or without compensation for Modesto Junior College.

MJC Campus Safety does not maintain a public database of registrants at MJC. Public information that is available about sex offenders in California is on the California Department of Justice Megan's law web site at:

[www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

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## **CAMPUS PROCEDURES FOR ADDRESSING SEXUAL MISCONDUCT, DATING VIOLENCE, DOMESTIC VIOLENCE, STALKING, SEXUAL HARASSMENT, AND OTHER ACTS OF SEX AND GENDER DISCRIMINATION**

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For offenses including sexual misconduct or other gender based violence, which typically include the crimes of domestic violence, dating violence, sexual harassment, sexual misconduct, and stalking, sanctions range from warning to expulsion. Serious and violent incidents and acts of non-consensual sexual intercourse usually result in suspension, expulsion, or termination of employment. Lying to investigators (and/or failing to participate in an investigation) can result in additional consequences under the Code of Student Conduct.

<http://www.yosemite.edu/Trustees/newpolicyandprocedures/5500%20Standards%20of%20Student%20Conduct.pdf>

Procedurally, when the Modesto Junior College receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the campus Title IX Coordinator is notified. If the victim wishes to access local community agencies and/or law enforcement for support, the Modesto Junior College will assist the victim in making these contacts. The Title IX Coordinator will offer assistance to victims in the form of interim or long-term measures such as opportunities for academic accommodations; changes in housing for the victim or the responding student; visa and immigration assistance; changes in working situations; and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.). If the victim so desires, that individual will be connected with a counselor on- or off-campus, as well as an on- or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the Modesto Junior College provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports, and procedures, in the form of this document, is provided to all victims, whether they are students, employees, guests, or visitors.

When appropriate upon receipt of notice, the Title IX Coordinator will cause a prompt, fair, and impartial process to be initiated, commencing with an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual. Procedures detailing the investigation and resolution processes can be found in YCCD Board Policy 3435. The Title IX Administrator or Campus Coordinator will not use mediation or any similar process to informally resolve a sexual misconduct complaint. The Coordinator is responsible for assuring in all cases that the behavior is brought to an end, the Modesto Junior College acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The Coordinator is also responsible for assuring that training is conducted annually for all advocates, investigators, hearing officers, panelists, and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses.

The investigation and records of the resolution conducted by the Modesto Junior College are maintained confidentially. Information is shared internally between administrators who need to know, but a tight circle is kept. Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with California law and the federal FERPA statute. Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of victim or information that could easily lead to a victim's identification. Additionally, the Modesto Junior College maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under the federal law, Title IX, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action. Once complete, the parties will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale therefor. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the Modesto Junior College appeal processes, and their rights to exercise a request for

appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing, and will be notified when the results of the resolution process become final.

The College seeks to resolve all reports within 60 days of the initial report. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Extenuating circumstances may arise that require the extension of time frames, including extension beyond 60 days. Extenuating circumstances may include the complexity and scope of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a Complainant and Respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the reason(s) for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The Modesto Junior College does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of Lloyd Jackson YCCD Title IX Coordinator, and/or to officials of the U.S. Department of Education.

A page dedicated to Title IX has been established on the districts web site which provides detailed information concerning Title IX at The Yosemite Community College District. <https://www.yosemite.edu/title9/>

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## **COMMUNITY RESOURCES: EDUCATION/PREVENTION SERVICES/PROGRAMS**

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Community resources include Stanislaus County services and independent Twelve Step Programs such as Alcoholics Anonymous.

Alcoholics Anonymous (AA)  
(24-Hour Hotline: 572-2970)

Narcotics Anonymous (NA)  
(209-526-1817)  
[www.na.org/](http://www.na.org/)

Stanislaus Behavioral Health and Recovery Services  
(Crisis Line: (209) 558-4600; Office: 1-888-376-6246 or 209-525-6225)

Mental Health Services:  
[www.co.stanislaus.ca.us/BHRS/](http://www.co.stanislaus.ca.us/BHRS/)

Alcohol and Drug Treatment  
[www.co.stanislaus.ca.us/BHRS/services-alcohol-drug.shtm](http://www.co.stanislaus.ca.us/BHRS/services-alcohol-drug.shtm)

Alcohol and Drug Addiction and Recovery  
[www.co.stanislaus.ca.us/BHRS/programs/english/addiction-recovery.shtm](http://www.co.stanislaus.ca.us/BHRS/programs/english/addiction-recovery.shtm)

Haven Women's Center of Stanislaus; Modesto  
(Crisis line: 209-577-5980)

Memorial Medical Center  
(209-526-4500)

Doctors Medical Center  
(209-578-1211)

Stanislaus County Family Justice Center  
1625 I Street, Modesto, CA 95354  
209-525-5130  
[info@stanislausfamilyjustice.org](mailto:info@stanislausfamilyjustice.org)

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## COLLECTION OF STATISTICS FOR ANNUAL SECURITY REPORT<sup>20</sup>

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The MJC Campus Safety Department has responsibility for gathering statistics, identifying reportable crimes, and reporting/publishing statistics to Department of Education, current and prospective students and employees and to the public. Crime classifications follow the FBI Uniform Crime Reporting (UCR) Guidelines. The Clery Act requires statistics to be reported from a wide geographic area (including the adjacent public property and off-campus student organization properties), and also requires reports of student disciplinary referrals in addition to arrests for drug, alcohol, and weapons offenses. Further, the Clery Act mandates the collection of information regarding crimes from non-law enforcement "campus security authorities" having "significant responsibility for students or campus activities."

The Annual Security Report includes statistics based upon crime reports received by the MJC Campus Safety Department, from crime statistics received from Modesto Police Department and other local law enforcement agencies, and from incident reports received in response to written surveys distributed to non-Security "campus authorities."

MJC urges that all crimes be promptly reported to the MJC Campus Safety Department. As noted above, the campus also surveys "campus security authorities," which officials having significant responsibility for students or campus activities (e.g. deans, coaches, and Student Services staff) to ensure that all crimes are included in statistics.

Licensed counselors are exempt from reporting requirements. If and when it is deemed appropriate, MJC encourages counselors to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the Annual Security Report. Non-security campus authorities receiving reports of crimes forward the information to the MJC Campus Safety Department or the Vice President of Student Services. These reports are confidential unless the victim gives permission to 1) document identifying information or 2) for Campus Safety to investigate.

The City of Modesto (Modesto Police Department) has jurisdiction over the areas surrounding the main MJC campuses. Modesto Police Department has been asked to provide crime statistics for adjacent public property and non-campus buildings.

MJC Campus Safety reports arrests for liquor law, drug, and weapons violations occurring on campus, at non-campus buildings, and on public property adjacent to campus. Student Services separately track disciplinary referrals for drug, liquor law, and weapons violations. Student Services and Campus Safety consult with each other to avoid double reporting of the same incident; a disciplinary referral will be reported if it is not otherwise reported as an arrest or crime.

MJC Clery Act Statistics for 2014, 2015 and 2016 are located on pages 25 through 28.

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<sup>20</sup>See YCCD Board Policy #3515 Reporting of Crimes

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## DEFINITION OF REPORTABLE CRIMES

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Reporting of statistics under the Clery Act uses federal offenses definitions that allow comparability across campuses, regardless of the state in which the campus is located. These definitions are as follows:

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

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Sexual Assault:** Any offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

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

- A. **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.
- B. **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.

**Non-Forcible Sex Offenses:**

- A. **Incest**— Sexual intercourse between persons who are related to each other within the degrees where in marriage is prohibited by law.
- B. **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** Engaging in a *course of conduct* directed at a specific person that would cause a reasonable person to:

- A. Fear for the person's safety or the safety of others; or
- B. Suffer substantial emotional distress.

For the purposes of this definition, ***course of conduct*** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens or communicates to or about a person, or interferes with a person's property.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- A. By a current or former spouse or intimate partner of the victim;
- B. By a person with whom the victim shares a child in common;
- C. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- D. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- E. By any other person against an adult or youth victim who is protected.

**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.

- A. 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.
- B. For the purposes of this definition:
  - i. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - ii. Dating violence does not include acts covered under the definition of domestic violence.
- C. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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

**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.

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

### **Hate Crimes**

The law requires the release of statistics by category of prejudice concerning the occurrence of crimes in the above classifications in which the victim is selected because of the actual or perceived, race, gender, religion, sexual orientation, ethnicity, or disability of the victim. In August 2008, the Higher Education Opportunity Act S488, 20 U.S.C. S1092 (f) (1) F (ii) modified the above hate crimes to include the following additional crimes under the hate crime category:

**Larceny Theft:** The unlawful taking, carrying, leading or riding away of property from the possession, or constructive possession, of another.

**Threats:** *Intimidation (includes stalking) to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.*

**Vandalism:** 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.

**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.

**Non-Campus Building or Property:** (1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or (2) Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution. (See list of 2016 Non-Campus sites for MJC instruction below.)

**Public Property:** Colleges are required to report crime statistics for incidents/arrests that occur on public property adjacent to the college campus. The subjects involved in these cases may have no affiliation to MJC.

There are numerous terms used by Modesto Junior College in our policy and procedures as well as definitions related to the FBI's Uniform Crime Reporting system and California law. The full text of the California laws relating to Sexual Assault, including Forcible Sex Offenses, Non-Forcible Sex Offenses, Domestic Violence, Dating Violence, and Stalking can be found in the Appendix.

### **2016 NON-CAMPUS INSTRUCTION SITES**

Aspire Vanguard College Prep Academy, 5255 1st Street, Empire	Memorial Medical Center, 1700 Coffee Ave, Modesto
Ceres High School, 2320 Central Ave., Ceres	Merced National Wildlife Rescue, 7430 Sandy Mush Rd, Merced
Central Valley High School, 4033 Central Ave., Ceres	Modesto Power, 2400 Coffee Rd, Modesto
Central Catholic High School, 200 So. Carpenter Road, Modesto	Orestima High School, 707 Hardin Road, Newman
Direct Appliance, 2424 McHenry Ave, Modesto	Orville Wright Elementary School, 1602 Monterey Ave. Modesto
Doctors Behavioral Health Center—1501 Claus Rd. Modesto	Patterson High School, 200 N. 7th Street, Patterson
Doctors Medical Center, 1441 Florida Ave, Modesto	Pittman High School, 2525 W Christoffersen Parkway, Turlock
Emmanuel Medical Center, 825 Delbon Ave, Turlock	Salida Elementary School, 4519 Finney Rd, Salida
Enochs High School - 3201 Sylvan Avenue, Modesto	Sonora Regional Medical Center, 1000 Greenley Rd, Sonora
Hanline Elementary School 4295 Central Avenue, Ceres, CA	St. Stanislaus Golf Course, 5000 Crows Landing Rd, Modesto
Hensely Junior High, 1806 Moffett Road, Ceres	Stanislaus Industrial Technology Institute, 635 Walnut, Patterson
Hughson High School 7419 East Whitmore Avenue, Hughson	Turlock High School, 1600 E. Canal Drive, Turlock
Modesto PD Firing Range - 3000 West Main Street, Modesto	Valley Charter High School, 108 Campus Way, Modesto
McHenry Golf Center, 5150 McHenry Ave, Modesto	



### **CRIME STATISTICS CHARTS—2014 TO 2016**

The following charts include offenses that were reported to Modesto Junior College, Office of Campus Safety, Local Law Enforcement, and other College officials who have significant responsibilities for student and campus activities.

Modesto Junior College—East Campus Crime Statistics  
**2014-2016 Criminal Offenses Reporting Table and Hate Crimes Statistics**

OFFENSE	YEAR	*There are no Residential Housing Units at MJC-East Campus.				Totals
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES *	NONCAMPUS PROPERTY	PUBLIC PROPERTY	
MURDER/NON-NEGLIGENT MANSLAUGHTER	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
MANSLUGHTER BY NEGLIGENCE	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
RAPE	2016	0	0	0	0	0
	2015	2	0	0	0	2
	2014	1	0	0	0	1
FONDLING	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
INCEST	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
STATUTORY RAPE	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
ROBBERY	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	1	0	0	0	1
AGGRAVATED ASSAULT	2016	0	0	0	0	0
	2015	1	0	0	0	1
	2014	4	0	0	0	4
BURGLARY	2016	2	0	0	0	2
	2015	2	0	0	0	2
	2014	3	0	1	0	4
MOTOR VEHICLE THEFT	2016	6	0	0	0	6
	2015	3	0	0	1	4
	2014	1	0	2	1	4
ARSON	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

**Notes for Modesto Junior College—East Campus:**

- In 2014, the reported on-campus Robbery was an attempted robbery; the reported on-campus Burglaries included two burglaries and one attempted burglary; and the reported Motor Vehicle Theft was an Attempted Motor Vehicle Theft.
- The 2015 Aggravated Assault was towards a Campus Security Officer.
- All Non-Campus incidents are reported on East Campus statistics due to the location of the Office of Instruction on East Campus.

2014-2016 Modesto Junior College—East Campus Crime Statistics

**VAWA Offenses Reporting Table**

OFFENSE	YEAR	*There are no Residential Housing Units at MJC-East Campus.				Totals
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES *	NONCAMPUS PROPERTY	PUBLIC PROPERTY	
DOMESTIC VIOLENCE	2016	2	0	0	0	2
	2015	0	0	0	0	0
	2014	0	0	0	0	0
DATING VIOLENCE	2016	2	0	0	0	2
	2015	1	0	0	0	1
	2014	0	0	0	0	0
STALKING	2016	2	0	0	0	2
	2015	2	0	0	0	2
	2014	0	0	0	0	0

2014-2016 Modesto Junior College—East Campus Crime Statistics

**Arrests and Disciplinary Referrals**

OFFENSE	YEAR	*There are no Residential Housing Units at MJC-East Campus.				Totals
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES *	NONCAMPUS PROPERTY	PUBLIC PROPERTY	
ARRESTS: WEAPONS, CARRYING, POSSESSING, ETC.	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSING, ETC.	2016	1	0	0	0	1
	2015	1	0	0	0	1
	2014	0	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2016	0	0	0	0	0
	2015	2	0	0	0	2
	2014	1	0	4	0	5
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	3	0	0	0	3
ARRESTS: LIQUOR LAW VIOLATIONS	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2016	0	0	0	0	0
	2015	1	0	0	0	1
	2014	0	0	0	0	0

Note: 2015 - Both persons arrested in 2015 for drug violations are visitors to the campus.

2014-2016 Modesto Junior College West Campus Crime Statistics

**Criminal Offenses Reporting Table**

OFFENSE	YEAR	LOCATIONS				Totals
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY	
MURDER/NON-NEGLIGENT MANSLAUGHTER	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
MANSLUGHTER BY NEGLIGENCE	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
RAPE	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
FONDLING	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	1	0	0	0	1
INCEST	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
STATUTORY RAPE	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
ROBBERY	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
AGGRAVATED ASSAULT	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
BURGLARY	2016	0	0	0	0	0
	2015	1	0	0	0	1
	2014	1	0	0	0	1
MOTOR VEHICLE THEFT	2016	2	0	0	0	2
	2015	2	0	0	0	2
	2014	2	0	0	0	2
ARSON	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

**Notes for Modesto Junior College—West Campus:**

- In 2014, the reported on-campus Burglary was an Attempted Burglary; and the reported on-campus Motor Vehicle Thefts included one Attempted Motor Vehicle Theft.
- In 2015 one Motor vehicle theft on West Campus, One (1) attempted motor vehicle theft on West campus.
- All Non-Campus incidents are reported on East Campus statistics due to the location of the Office of Instruction on East Campus.

If you have any questions about the crime statistics or safety issues on campus, please don't hesitate to contact the Campus Safety Supervisor at (209) 575-6352.

2014-2016 Modesto Junior College—West Campus Crime Statistics  
**VAWA Offenses Reporting Table and Hate Crimes Statistics**

OFFENSE	YEAR	LOCATIONS				Totals
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY	
DOMESTIC VIOLENCE	2016	1	0	0	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
DATING VIOLENCE	2016	2	0	0	0	2
	2015	0	0	0	0	0
	2014	0	0	0	0	0
STALKING	2016	1	0	0	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0

2014-2016 Modesto Junior College—West Campus Crime Statistics  
**Arrests and Disciplinary Referrals**

OFFENSE	YEAR	LOCATIONS				Totals
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NONCAMPUS PROPERTY	PUBLIC PROPERTY	
ARRESTS: WEAPONS, CARRYING, POSSESSING, ETC.	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
DISCIPLINARY REFERRALS: WEAPONS, CARRYING, POSSESSING, ETC.	2016	1	0	0	0	1
	2015	0	0	0	0	0
	2014	0	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2016	0	0	0	0	0
	2015	0	0	0	0	0
	2014	0	0	0	0	0

- All Non-campus incidents are reported on East Campus statistics due to the location of the Office of Instruction on East Campus.

## **HATE CRIMES**

The law requires that statistics be released separately for any Hate Crimes involving the following crime categories: Murder, Manslaughter, Sex Offenses, Aggravated Assault, Simple Assault, Robbery, Burglary, Motor Vehicle Theft, Arson, Larceny, Dating or Domestic Violence, Vandalism, Intimidation/Threats (including Stalking), Any other crime involving bodily Injury.

All reported Hate statistics include the following locations: On Campus, Non Campus, Public Property and Residence Units. The crimes must be categorized based on the following Bias: Race Gender Religion Sexual Orientation Ethnicity Disability National Origin Gender Identity

### **Modesto Junior College East Campus**

2016: One public property simple assault incident characterized by National Origin bias.

2015: there were no Hate Crimes in any category at Modesto Junior College—East Campus.

2014: there were no Hate Crimes in any category at Modesto Junior College— East Campus.

### **Modesto Junior College West Campus**

In 2014, 2015 and 2016, there were no Hate Crimes in any category at Modesto Junior College— West Campus.

## **Unfounded Reports**

There were no Unfounded Reports on Modesto Junior College.

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## **ANNUAL FIRE SAFETY REPORT<sup>21</sup>**

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Institutions with on-campus student housing facilities must publish annually a fire safety report that provides information on campus fire safety practices and standards. MJC complies with this regulation by including all fire-related incidents at on-campus student housing facilities as part of the "Annual Security & Fire Safety Reports". Information in this report includes:

- Number and cause of fires at MJC Student Housing
- Number of fire-related deaths
- Number of fire-related injuries
- Value of fire-related property damage
- Building evacuation procedures
- Rules on portable electrical appliances, smoking and open flames.
- Fire safety education

### **What to do if a fire occurs**

If there is a fire in one of the housing units, immediately call 9-1-1. If you are then able to call Campus Safety from a safe place, please do so: 575-6351. Make sure you indicate the number of the housing unit. A Fire Department unit and Campus Safety officer will be dispatched to the housing unit. Exit through the nearest safe exit and move to the building evacuation assembly point. So long as it is safe to do so, remain at the building evacuation assembly point until you are given further instructions by Fire Department, Law Enforcement, Campus Safety or a college official. Residents should familiarize themselves with the location of the primary and alternate building evacuation assembly points at the beginning of each semester.

If a student finds evidence of a fire that has been extinguished or extinguishes the fire in the MJC Student Housing area the student should immediately notify Campus Safety to investigate and document the incident.

### **Fire Protection Equipment/Systems**

Campus Safety monitors all fire detection systems on campus 24 hours a day, to include student housing. Student housing units are protected with pull stations, smoke detectors and each unit has a fire extinguisher.

### **Health and Safety Inspections**

Facilities staff and Agriculture instructors will perform regular inspections of the housing units at the request of the Agriculture Dean. Students are notified beforehand of the inspection process. Reasonable care will be taken by the college that female instructors inspect female student residences and male instructors inspect male student residences. The inspections are conducted to identify safety violations as well as conditions which may be detrimental to the health or welfare of the wider college community.

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<sup>21</sup>There is no Board Policy regarding an Annual Fire Safety Report and related Procedures. This section reflects current procedures in line with the changes to the HEOA (further substantiated by MJC Student Housing Safety Guidelines.)

The inspections will include a visual inspection of electrical cords, sprinkler heads, smoke detectors and fire extinguishers. In addition, each room is examined for the presence of prohibited items such as candles, halogen lamps, open coiled appliances, pets, etc. Rooms are also examined for evidence of prohibited activity such as smoking in the room, removal of door closers, unauthorized door locking or alarm mechanisms, removal of security equipment, tampering with life safety equipment, etc. This inspection also includes a general assessment of the cleanliness of the room, including food and waste storage.

Conditions warranting follow-up will be reported to the Agriculture Dean and, as necessary, the Vice President for Student Services. Student Housing residents sign an agreement in order to take occupancy, signifying their acceptance of and responsibility for abiding by Student Housing and MJC policies and procedures as provided in all printed publications, websites, email and other media. Per the agreement, college officials may enter any room at any time for the purposes of inspection, establishment of order, maintenance, extermination, inventory correction, cleaning, or in case of emergency or other reasonable purposes.

## **Fire Safety Rules for MJC Student Housing**

### **Portable Electrical Appliances**

Hot plates, halogen lamps, and immersion coils are prohibited as they pose a threat of electrical overload and/or fire. Space heaters may only be used when approved by Facilities.

Microwaves, computers, stereos, televisions, radios, irons, non-commercial hairdryers, and other similar appliances are permitted, unless specifically prohibited by the Agriculture Dean and Facilities. All appliances must have a manufacturer's label that show the electrical ratings and listing by a nationally recognized testing laboratory; e.g. ETL, UL, etc. Residents are strongly encouraged to use surge protectors. Caution should be taken to prevent fire hazards resulting from excessive use of appliances and over-dependence on power strips and extension cords.

### **Special Safety Advisory on Lamps**

- The use of halogen lamps is prohibited.
- Carefully read all safety instructions and warnings that accompany any lamp.
- Never use bulbs of a higher wattage or of a different style than is recommended by the manufacturer's instruction.
- Never remove or discard a bulb that is hot to the touch; don't try to operate a lamp that has damaged or missing parts.
- Do not place lamps near clothing, draperies, or bedding, as incidental contact with the lamp bulb could ignite the material. Keep lamps away from windows and closets.
- NEVER place materials such as towels or clothing on top of lamps.
- Avoid placing lamps in location where they may be knocked over.
- Always remember to turn off or unplug any lamp when changing bulbs or when leaving your housing unit.

### **Smoking**

Smoking, including hookahs and other smoking paraphernalia, is prohibited in all housing units, and outdoors within 20 feet of doors and operable windows. Those who violate this rule may face student disciplinary action and possible expulsion from MJC Student Housing.

### **Open Flames**

Fire or smoke producing articles, such as Bunsen burners, portable stoves, kerosene lamps, cut trees, incense and candles are prohibited in MJC Student Housing. Possession of hibachis, barbeque grills, smokers, potpourri burning units or other fire-starting devices/substances is prohibited in Student Housing, as is their use in outdoor space without instructor supervision.

### **Fire Safety Education**

All students accepted into MJC Student Housing will receive fire safety training at least annually. Fire safety education will include but not be limited to:

- General orientation on the Fire Safety Rules for MJC Student Housing
- What to do if a fire occurs
- Familiarization with the Building Evacuation Assembly points - primary and alternate
- There will be two fire drills per year: one in Fall Semester and one in Spring semester
- Students will be provided with training on the use of fire extinguishers annually.

### **Fire Log**

The MJC Campus Safety Department maintains a Fire Log that states the nature of the fire, date, time and general location of each fire in Student Housing. The Fire Log is available for public inspection during hours of campus operations at John Muir 151 on the West Campus. Fires will be posted and made available within two business days of receiving a report of a fire in Student Housing. The most current 60 days of information will be made available for review. For information older than 60 days, the requester should contact Campus Safety Administration at (209) 575-6005.

## Fire Statistics

This reporting period includes statistics for 2014 thru 2016.

### 2014 Reported Fires by Unit for MJC Student Housing—West Campus

All MJC housing units are located at MJC West Campus, 2201 Blue Gum Avenue

Reported Fires at MJC Calendar Year 2014	Total Fires in Each Bldg.	Fire Number	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire	Case Number
Unit 1	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 2	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 3	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 4	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 5	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 6	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 7	0	0	N/A	N/A		N/A	N/A	N/A	

### 2015 Reported Fires by Unit for MJC Student Housing—West Campus

All MJC housing units are located at MJC West Campus, 2201 Blue Gum Avenue

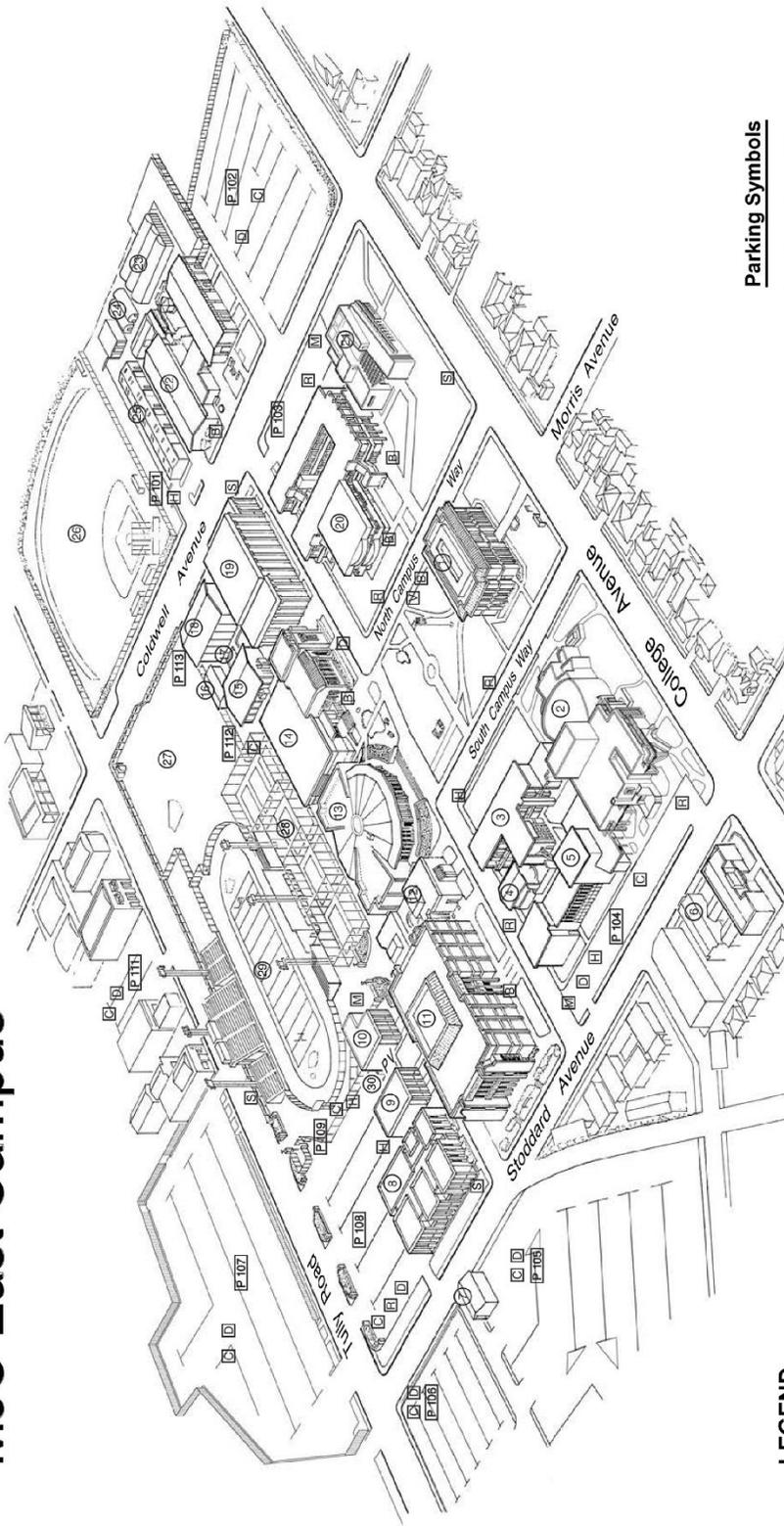
Reported Fires at MJC Calendar Year 2015	Total Fires in Each Bldg.	Fire Number	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire	Case Number
Unit 1	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 2	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 3	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 4	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 5	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 6	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 7	0	0	N/A	N/A		N/A	N/A	N/A	

### 2016 Reported Fires by Unit for MJC Student Housing—West Campus

All MJC housing units are located at MJC West Campus, 2201 Blue Gum Avenue

Reported Fires at MJC Calendar Year 2016	Total Fires in Each Bldg.	Fire Number	Date	Time	Cause of Fire	Number of Injuries that Required Treatment at a Medical Facility	Number of Deaths Related to Fire	Value of Property Damage Caused by Fire	Case Number
Unit 1	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 2	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 3	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 4	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 5	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 6	0	0	N/A	N/A		N/A	N/A	N/A	
Unit 7	0	0	N/A	N/A		N/A	N/A	N/A	

# MJC East Campus



## LEGEND

- 1 Administration (Morris Memorial)
- 2 Performing & Media Arts Center
- 3 Art
- 4 Art Gallery
- 5 Music
- 6 Stoddard Annex

- 7 Facilities Operations
- 8 Electronics
- 9 Journalism/ Campus Safety & Disability Services
- 10 Classroom Annex
- 11 Founders' Hall
- 12 Forum
- 13 Student Center
- 14 Library & Learning Center

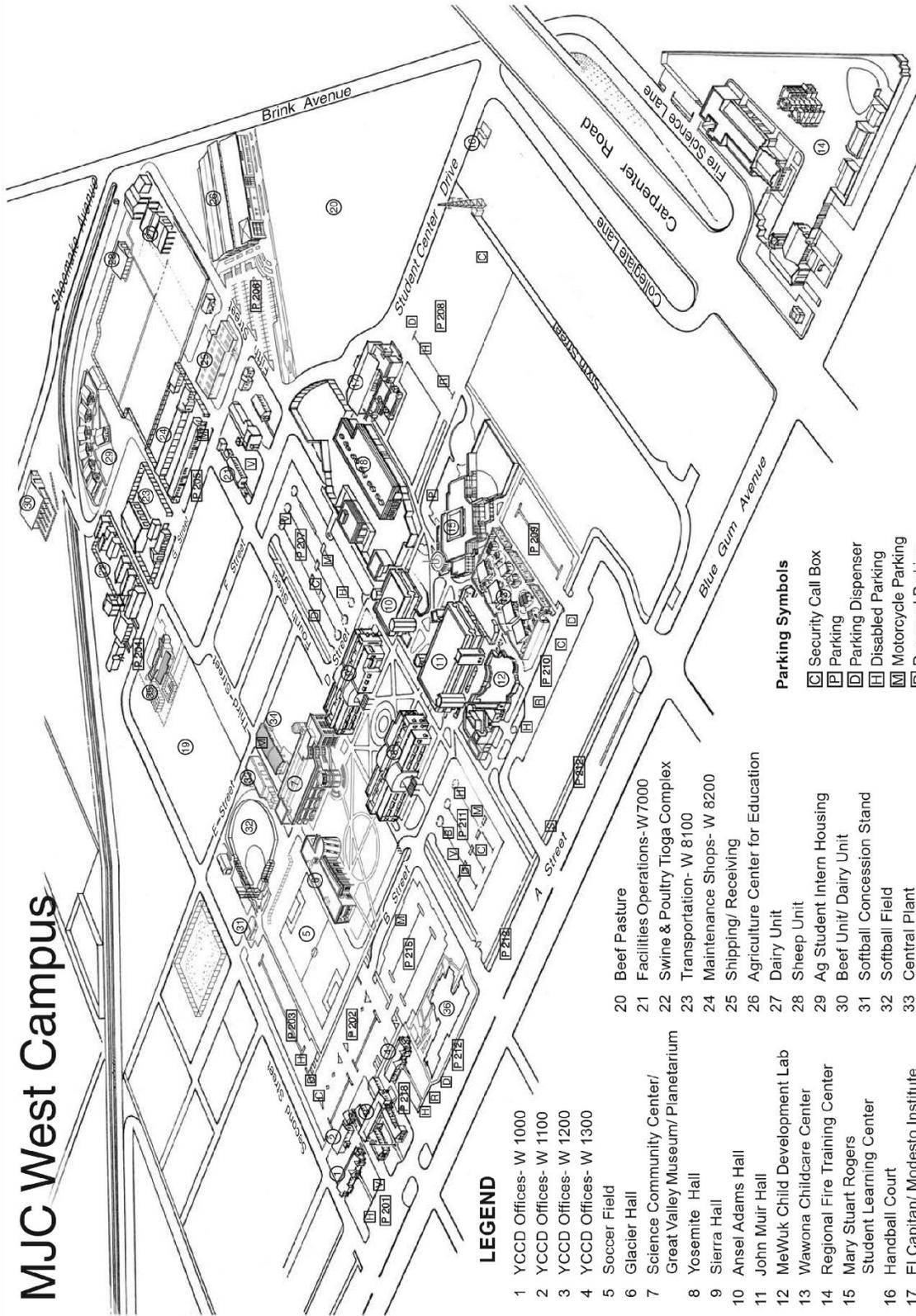
- 15 Physical Education- Men
- 16 Physical Education Offices
- 17 Swimming Pool
- 18 Physical Education- Women
- 19 Gymnasium
- 20 Center for Advanced Technologies
- 21 Student Services
- 22 Agriculture

- 23 Greenhouse
- 24 Propagation House
- 25 Ag Storage
- 26 Athletic Field #2
- 27 Athletic Field #1
- 28 Tennis Courts
- 29 Stadium
- 30 Pirates' Village

## Parking Symbols

- Security Call Box
- Parking 101-113
- Parking Dispenser
- Disabled Parking
- Motorcycle Parking
- Reserved Parking
- Visitor Parking
- Bicycle Parking
- Prime Shine -
- Pirate Express Shuttle

# MJC West Campus



## LEGEND

- |    |   |    |   |
|----|---|----|---|
| 1  | YCCD Offices- W 1000  | 20 | Beef Pasture  |
| 2  | YCCD Offices- W 1100  | 21 | Facilities Operations- W7000                          |
| 3  | YCCD Offices- W 1200  | 22 | Swine & Poultry Trioga Complex                        |
| 4  | YCCD Offices- W 1300  | 23 | Transportation- W 8100                                |
| 5  | Soccer Field  | 24 | Maintenance Shops- W 8200                             |
| 6  | Glacier Hall  | 25 | Shipping/ Receiving                                   |
| 7  | Science Community Center/<br>Great Valley Museum/ Planetarium   | 26 | Agriculture Center for Education                      |
| 8  | Yosemite Hall   | 27 | Dairy Unit  |
| 9  | Sierra Hall   | 28 | Sheep Unit  |
| 10 | Ansel Adams Hall  | 29 | Ag Student Intern Housing                             |
| 11 | John Muir Hall  | 30 | Beef Unit/ Dairy Unit                                 |
| 12 | MeWuk Child Development Lab                                     | 31 | Softball Concession Stand                             |
| 13 | Wawona Childcare Center   | 32 | Softball Field  |
| 14 | Regional Fire Training Center                                   | 33 | Central Plant   |
| 15 | Mary Stuart Rogers  | 34 | Great Valley Museum<br>Education Demonstration Center |
| 16 | Student Learning Center   | 35 | Data Center   |
| 17 | Handball Court  | 36 | Future District Office Building                       |
| 18 | El Capitlan/ Modesto Institute<br>for Continued Learning (MICL) |    |   |
| 19 | Cabaret West  |    |   |
|    | Tenaya Complex  |    |   |
|    | Wildlife Production   |    |   |

## Parking Symbols

- ☐ Security Call Box
- ☐ Parking
- ☐ Parking Dispenser
- ☐ Disabled Parking
- ☐ Motorcycle Parking
- ☐ Reserved Parking
- ☐ Visitor Parking
- ☐ Bicycle Parking
- ☐ Prime Shine - Pirate Express Shuttle

**Sexual Assault in the state of California is defined under the following California Penal Code Sections:**

**Sexual Battery**

**243.4. (a)** Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=243.4](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=243.4).

**Rape**

[http://leginfo.legislature.ca.gov/faces/codes\\_displayText.xhtml?lawCode=PEN&division=&title=9.&part=1.&chapter=1.&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=9.&part=1.&chapter=1.&article=)

**261. (a)** Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

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

execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

**(7)(6)** 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.

**(A)** 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.

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

### **Statutory Rape**

**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.

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

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

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

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

**(A)** Was unconscious or asleep.

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

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

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

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

**(A)** 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.

- (B)** As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.
- (C)** If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:
- (1)** That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000).
  - (2)** That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

### **Sodomy**

**286. (a)** Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.  
[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=286](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=286).

### **Oral Copulation**

- 288. (A)** Except as provided in subdivision (i), any person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1, upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.
- (B) (1)** Any person who commits an act described in subdivision (a) by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, is guilty of a felony

### **Rape by Foreign Object**

- 289. (a) (1) (A)** Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
- (k)** As used in this section:
- (1)** "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.
  - (2)** "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.
  - (3)** "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body

### **Domestic Violence**

**273ab. (a)** Any person, having the care or custody of a child who is under eight years of age, who assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child's death, shall be punished by imprisonment in the state prison for 25 years to life. Nothing in this section shall be construed as affecting the applicability of subdivision (a) of Section 187 or Section 189.

**(b)** Any person, having the care or custody of a child who is under eight years of age, who assaults the child by means of force that to a reasonable person would be likely to produce great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature, shall be punished by imprisonment in the state prison for life with the possibility of parole. As used in this subdivision, "paralysis" means a major or complete loss of motor function resulting from injury to the nervous system or to a muscular mechanism.

**273d. (a)** Any person who willfully inflicts upon a child any cruel or inhuman corporal punishment or an injury resulting in a traumatic condition is guilty of a felony and shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 for two, four, or six years, or in a county jail for not more than one year, by a fine of up to six thousand dollars (\$6,000), or by both that imprisonment and fine.

- (b)** Any person who is found guilty of violating subdivision (a) shall receive a four-year enhancement for a prior conviction of that offense provided that no additional term shall be imposed under this subdivision for any prison term or term imposed under the provisions of subdivision (h) of Section 1170 served prior to a period of

10 years in which the defendant remained free of both the commission of an offense that results in a felony conviction and prison custody or custody in a county jail under the provisions of subdivision (h) of Section 1170.

**(c)** If a person is convicted of violating this section and probation is granted, the court shall require the following minimum conditions of probation:

- (1)** A mandatory minimum period of probation of 36 months.
- (2)** A criminal court protective order protecting the victim from further acts of violence or threats, and, if appropriate, residence exclusion or stay-away conditions.
- (3) (a)** Successful completion of no less than one year of a child abuser's treatment counseling program. The defendant shall be ordered to begin participation in the program immediately upon the grant of probation. The counseling program shall meet the criteria specified in Section 273.1. The defendant shall produce documentation of program enrollment to the court within 30 days of enrollment, along with quarterly progress reports.  
**(b)** The terms of probation for offenders shall not be lifted until all reasonable fees due to the counseling program have been paid in full, but in no case shall probation be extended beyond the term provided in subdivision (a) of Section 1203.1. If the court finds that the defendant does not have the ability to pay the fees based on the defendant's changed circumstances, the court may reduce or waive the fees.
- (4)** If the offense was committed while the defendant was under the influence of drugs or alcohol, the defendant shall abstain from the use of drugs or alcohol during the period of probation and shall be subject to random drug testing by his or her probation officer.
- (5)** The court may waive any of the above minimum conditions of probation upon a finding that the condition would not be in the best interests of justice. The court shall state on the record its reasons for any waiver.

**273.5. (a)** Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000) or by both that fine and imprisonment.

- (b) Subdivision (a) shall apply if the victim is or was one or more of the following:
  - (1) The offender's spouse or former spouse.
  - (2) The offender's cohabitant or former cohabitant.
  - (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.
  - (4) The mother or father of the offender's child.
- (c) Holding oneself out to be the husband or wife of the person with whom one is cohabiting is not necessary to constitute cohabitation as the term is used in this section.
- (d) As used in this section, "traumatic condition" means a condition of the body, such as a wound, or external or internal injury, including, but not limited to, injury as a result of strangulation or suffocation, whether of a minor or serious nature, caused by a physical force. For purposes of this section, "strangulation" and "suffocation" include impeding the normal breathing or circulation of the blood of a person by applying pressure on the throat or neck.
- (e) For the purpose of this section, a person shall be considered the father or mother of another person's child if the alleged male parent is presumed the natural father under Sections 7611 and 7612 of the Family Code.

**CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] (Chapter 5 enacted 1872.)**

- 288a.** (a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.
- (b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.
  - (2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.
  - (c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.
  - (2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
  - (B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.
  - (C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

- (D)** This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
- (3)** Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
- (d) (1)** Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- (2)** Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.
- (3)** Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.
- (4)** This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
- (e)** Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.
- (f)** Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
- (1)** Was unconscious or asleep.
- (2)** Was not aware, knowing, perceiving, or cognizant that the act occurred.
- (3)** Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

- (4)** Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.
- (g)** Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
- (h)** Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
- (i)** Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
- (j)** Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.
- (k)** Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

- (l)** As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (m)** In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section, with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

### **Dating Violence**

**13700.** As used in this title:

- (a)** "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.
- (b)** "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 of time, 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 husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.
- (c)** "Officer" means any officer or employee of a local police department or sheriff's office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32.
- (d)** "Victim" means a person who is a victim of domestic violence.

### **Stalking**

- 646.9.** **(a)** Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.
- (b)** Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.
- (c)** **(1)** Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.
- (2)** Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.
- (d)** In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.
- (e)** For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- (f)** For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."
- (g)** For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of "credible threat."
- (h)** For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers.  
"Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
- (i)** This section shall not apply to conduct that occurs during labor picketing.
- (j)** If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.
- (k)(1)** The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or

her immediate family. **(2)** This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

- (l)** For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.
- (m)** The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

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