



## CAMPUS SECURITY POLICY

### *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics*

Any student, faculty member, or employee of Mayfield College should directly report any potential criminal act or other emergency to Kevin Ha, President, at 760-328-5554 for any crimes committed during school hours. Kevin Ha, President, will immediately call the local police/sheriff's offices. If any potential criminal act or emergency occurs after school hours, reports should be made to the local police/sheriff's offices as well as to the off-hours Mayfield College message board at 760-328-5554.

<b>City</b>	<b>Police/Sheriff</b>	<b>City</b>	<b>Police/Sheriff</b>
Bermuda Dunes	760-863-8990	La Quinta	760-836-3215
Cathedral City	760-770-0300	Palm Desert	760-836-1600
Desert Hot Springs	760-329-2904	Palm Springs	760-323-8116
Indian Wells	760-836-1663	Rancho Mirage	760-836-1600
Indio	760-347-8522	Thousand Palms	760-836-1600

Upon receipt of a call, officers are dispatched to the site, an investigation is conducted and appropriate action taken. Please be as detailed as possible when providing a physical description of a suspect or perpetrator to the police and to Kevin Ha, President. Along with describing a person's height, weight and build, try to include information pertaining to facial hair, skin complexion, jewelry and tattoos (where applicable). Vehicle descriptions should include, make, model, color and approximate year of manufacture. When possible, try to record marker plate, state of origin, and any notable damage to the vehicle. It is also imperative that crime scenes not be disturbed so as to preserve any physical evidence that may exist.

Mayfield College does not have its own campus security or enforcement authority nor does it possess the arrest authority needed to halt a perpetrator. The campus is under 24-hour camera surveillance. All crimes on campus should be reported to Kevin Ha, the President, who will report the crime to the Cathedral City and/or Twentynine Palms Police Department for record keeping purposes.

If you are the victim of a crime and do not want to pursue action with Mayfield College or the criminal justice system, you may still want to consider making a confidential report. With your permission, Kevin Ha, President, can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, Mayfield College can keep accurate records of the number of incidents

involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for Mayfield College.

### *Timely Warnings*

In the event a serious situation arises, either on or near campus, which constitutes an ongoing or continuing threat to students and employees, a campus wide “timely warning” will be issued. The warning will be issued to students, faculty, and staff.

The decision to notify the campus community will be based on a case by case basis unless issuing the notification would compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. The initial recommendation will be made by law enforcement personnel at the scene. The law enforcement personnel at the scene will request notification of the campus community based on their professional judgment. This recommendation can be made to any senior administrator, but is typically made to the President. In the event of an incident that would require the larger community to be notified, information will be sent through the internet, local media, and local cable channels if appropriate. Mayfield College will take the actions described above without delay.

Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the President, Kevin Ha, will immediately notify the campus community by posting a notice on the Mayfield College website at [www.mayfieldcollege.edu](http://www.mayfieldcollege.edu). In addition, a copy of the announcement will be emailed to all students and staff to their contact information on record. All instructors will be provided a copy of the announcement to notify their students during class. Anyone with information warranting a timely warning should report the circumstances to Kevin Ha, President, by phone 760-328-5554 or in person in Suite 101, 35-325 Date Palm Drive, Cathedral City, CA 92234. Kevin Ha will work with the local police in communicating information about crimes reported to them that require timely warning.

### *Daily Crime Log*

While the college does not have an on-campus security or enforcement department, Mayfield College tracks all crime reports on campus that are reported to the administration. The President, Kevin Ha, is responsible for preparing and publishing this report. The log contains records of criminal incidents by date reported and includes the nature of the crime, date and time the crime occurred, the location of the crime and the disposition of the complaint if known. Copies of the log are available upon request in the administration office in Suite 101.

### *Campus Crime Statistics*

Mayfield College believes a community that is well informed about the nature of its crimes is a safety conscious public. Not only is it your right to know the information included in this document--it is to your advantage to act on it by developing personal routines that enhance your own safety and becoming actively involved in the reporting of crimes and suspicious/unusual activities. The crime statistics in this document are compiled by Kevin Ha, President. The statistics are based on crimes reported to the President of Mayfield College and/or the Cathedral City and Twentynine Palms Police Department.

Mayfield College does not have dormitories or other residential facilities for students on campus. Public property defined as property within or immediately adjacent to and accessible from campus.

	ON-CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2014	2015	2016	2014	2015	2016	2014	2015	2016
<b>Criminal Offenses</b>									
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>Hate Crimes*</b>									
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic violence	0	0	0	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	1	0	0	0	0	0	0
<b>Arrests</b>									
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>									
Weapons: carrying, possessing, etc.	0	0	0	0	0	0	0	0	0
Drug abuse violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0

\*Hate Crimes category of bias: Race, Religion, Sexual orientation, Gender, Gender Identity, Disability, Ethnicity, National origin. As there were no Hate Crimes reported in this three-year cycle, the categories are no broken out on this year's report.

### *Annual Security Report*

Every year, Mayfield College will provide to students and employees crime statistics for 35-325 Date Palm Drive Suite 101, Cathedral City, California 92234 and 73680 Buena Vista, Twentynine Palms, California 92277. The information is compiled by Kevin Ha, President.

### *School Crime Prevention*

Students, faculty and employees of Mayfield College have access to academic and administrative facilities on campus Monday through Thursday, 8am – 10pm and Friday from 8am – 5pm. Access to some facilities is restricted to selected students, faculty members, or staff members. For example, certain classroom facilities at Mayfield College are open only to students, faculty members, and staff members involved with classes taught there or in the operation of those facilities. Other facilities are open to all students, faculty members, staff members, and the general public. An example of this type of facility would be the computer lab and the student services/dining area during normal business hours. Any suspicious persons should be reported immediately to Kevin Ha, President.

### *Timely Reports of Crime*

Mayfield College follows all applicable policies and laws regarding confidentiality of records and reserves the right to provide police any information obtained as a result of a criminal investigation. We strongly encourage anyone who is the victim or witness to any crime to promptly report the incident to Kevin Ha, President who will notify local enforcement agencies. It is the right of any member of our community to contact the local police department to investigate any crime. Assistance in contacting the local police department will be provided by Kevin Ha, President.

### *Registered Sex Offenders*

Students, faculty and staff of Mayfield College may contact the California Office of the Attorney General at their website <http://www.meganslaw.ca.gov/Search.aspx?lang=ENGLISH> for information concerning registered sex offenders.

### *Violence Against Women Act (VAWA)*

On March 17, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). After negotiated rulemaking committee reached consensus, the final regulations went into effect July 1, 2015.

Each year, the campus will report statistics for domestic violence, dating violence, sexual assault and stalking in accordance with the definitions used in section 4002 (a) of the Violence Against Women Act of 1994. Beginning in 2014, the campus has added VAWA to our institutional crime log and will begin reporting the information. All perspective and continuing students and employees will be provided a training prevention program at the time of hire and/or as part of new student orientation.

Mayfield College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking.

### Federal VAWA Definitions

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking under the Clery Act as amended by VAWA.

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition –

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

(B) Dating violence does not include acts covered under the definition of domestic violence.<sup>1</sup>

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 from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.<sup>2</sup>

Sexual Assault - An offense that meets the definition of rape, fondling, incest, or statutory rape.

- 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.<sup>3</sup>
- 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.<sup>4</sup>
- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.<sup>5</sup>
- Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.<sup>6</sup>

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

1 34 C.F.R. § 668.46(a).

2 Id.

3 Definition from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program.

4 Definition from the NIBRS User Manual.

5 Id.

6 Id.

For the purposes of this definition –

(A) “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.

(B) “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

(C) “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.<sup>7</sup>

### State Definitions

The following definitions reflect California state law and may be different from the federal definitions above. The federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence - Included within the definition of domestic violence as set forth in California Penal Code § 13700.

Domestic Violence - “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 spouses,
- (5) the continuity of the relationship, and
- (6) the length of the relationship.

“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.<sup>8</sup>

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or statutory rape):

- Rape – 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.

<sup>7</sup> § 668.46(a).

<sup>8</sup> Cal. Penal Code § 13700 (a), (b).

2. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
  3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
  4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
    - a. Was unconscious or asleep.
    - b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
    - d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
  5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
  6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
  7. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to 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.<sup>9</sup>
- Sexual Battery (Fondling) –
    - (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.

(B) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

(C) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.

(D) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.

(E)

(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(F) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(G) As used in this section, the following terms have the following meanings:

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.<sup>10</sup>

Incest - Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.<sup>11</sup>

Statutory Rape –

(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.

(B) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

<sup>10</sup> § 243.4.

<sup>11</sup> § 285.



(C) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(D) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.<sup>12</sup>

#### Stalking –

(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

(B) 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.

(C) 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.”

(D) 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.”

(E) 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.

(F) This section shall not apply to conduct that occurs during labor picketing. . . .

(G) 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.<sup>13</sup>

Consent in reference to sexual activity is defined under California law as the following: In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

12 § 261.5.

13 § 646.9.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.<sup>14</sup> In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.<sup>15</sup>

### *Bystander Intervention*

If you are the bystander to domestic violence, dating violence, sexual assault or stalking, below are some options for the bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone.
- Practice with friends and family about what you would say and how you would say it.
- When intervening, be respectful, direct and honest.
- Contact your local sexual assault center to see if they offer resources or training on bystander intervention ([www.nsvrc.org/organizations/state-and-territory-coalitions](http://www.nsvrc.org/organizations/state-and-territory-coalitions))
- If you see or hear something and you do not feel safe, contact the police.

### *Risk Reduction and Ongoing Awareness*

Mayfield College provides risk reduction and ongoing awareness through orientation of new staff and perspective and ongoing students. In our orientation program, staff and students are provided information on general crime prevention, how to interrupt situations of harm and the appropriate notification system when an act occurs.

### *Sanctions*

Students found responsible for violating and of the College's policies may receive disciplinary sanctions. The fundamental principle guiding the imposition of sanctions in the student discipline system is founded in the College's effort to balance upholding community standards with the educational development of its students in addressing individual behavior.

The sanctioning regimen is designed to reestablish order while considering the common good, which sometimes necessitates the temporary or permanent removal of the offender. The mechanism within which offenders can reflect upon their actions and their impact on both themselves and restoration of the offender to good standing within the community provided the safety of the community is not jeopardized by the individuals' presence or return. The sanctions listed below is not meant to be exhaustive.

- Suspension from campus
- Dismissal from the College

The final determination of the appropriate sanction is done by the Campus Leadership.

Employees found responsible for violating the College's policies may receive disciplinary sanctions that could include a written warning, final written warning and/or dismissal from employment depending on the specific violation of the College's policies. The final determination for employees is decided by the Human Resources department.

<sup>14</sup> § 261.6.

<sup>15</sup> § 261.7.

### *Preserving Evidence after a Sexual Assault*

Evidence of a sexual assault should be preserved as soon as possible after the incident, even if the reporting student is unsure about reporting or filing criminal charges. A Sexual Assault Forensic Examination (SAFE) will preserve evidence and may be done up to 84 hours after an assault. A SAFE may be done regardless of whether or not the student receiving the examination wants to pursue criminal charges or may be helpful in obtaining a protection order. The student does not need to provide his/her name to police to have the exam and for the evidence to be preserved. Preserving evidence, including from a SAFE, does not obligate the student to pursue criminal charges or appear in court. Steps to preserve evidence:

- Do not shower or douche
- Try not to urinate. Urinating may reduce the ability to detect “date rape” drugs
- If there was oral contact, do not smoke, eat, or brush teeth
- Do not change clothes. If you have already changed your clothes, place them in a paper bag (plastic may destroy evidence) If you haven’t changed, keep the original clothes on and bring an extra set to wear home from the hospital
- Go to a hospital with the capability of providing a SAFE exam and request the exam. The cost of a SAFE examination is paid for from a state fund

### **IF YOU HAVE BEEN SEXUALLY ASSAULTED:**

There are many resources for victims who are unsure what to do when dealing with domestic violence, relationship abuse and stalking. One option is the criminal justice system. Do not be afraid to call the police if you have been abused. The goal of the police and legal system is to provide some measure of safety for victims of violence and to provide information about additional resources, such as temporary living accommodations if necessary. One immediate alternative is to obtain a Temporary Restraining Order. If you have been recently threatened, hurt, or abused, or are being stalked by your current or former intimate partner, call 9-1-1 or 9-911. Tell the dispatcher that you are in danger and that you need help immediately.

The police are required to write an incident report for all domestic violence calls, even if the batterer has already left the scene. Although it is best to make the report as soon as possible, you may call the police anytime, even days or months, after you have been abused. Alternatively, you can contact a domestic violence and dating violence hotline at any time at 800-799-SAFE.

Mayfield College encourages individuals to report a sexual assault to the police having jurisdiction where the assault occurred. Additionally, victims are encouraged to seek guidance and support from professional resources.

### *Student Sexual Assault Survivor’s Bill of Rights*

Federal law entitles sexual assault victims to the following rights. The accuser and the accused have the same opportunity to have others present throughout disciplinary proceedings. Both parties shall be informed of the outcome of any disciplinary proceeding. Victims shall be informed of their options to notify law enforcement. Victims shall be notified in writing of health and mental health counseling services available on and off campus. Victims shall be notified in writing of options for changing academic and living situations, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other protective measures regardless of whether the victim reports the incident to law enforcement.

### *Sexual Assault, Rape, or Misconduct*

Any behavior that constitutes a sexual offense under this policy will subject the offender to disciplinary action and sanctions by Mayfield College, up to and including dismissal, whether or not criminal charges are filed and without regard to whether the conduct occurred on or off campus. Prohibited conduct includes sexual assault, rape, attempted sexual assault or rape, indecent exposure, voyeurism, or possession or distribution of illegal pornography. With regard

to any disciplinary proceedings, both the accuser and the accused are entitled to the same opportunities to have others present and both the accuser and the accused will be informed of the outcome. In addition, sexual assault, rape and other sexual offenses are illegal under California criminal statutes and may be prosecuted in a court of law.

Sexual assault occurs when a person performs or compels another person to perform any sexual act or to have any form of sexual contact without consent. Rape is a specific kind of sexual assault that involves any vaginal, oral, sodomy, anal, or urethral penetration with any body part or object without consent. Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in the proposed sexual act. Lack of consent may result from inability because of mental impairment of the victim (due to, for example, intoxication), or physical helplessness of the victim (due to, for example, being asleep). Lack of consent may also result from intimidation (due to, for example, the aggressor's language, size, or threatened or actual use of force) that silences the victim. Attempted sexual assault or rape occurs when a person intends to commit the offense and engages in conduct that would lead to it.

Students will also be disciplined for other sexual offenses which are criminal in nature or which violate other community standards. After the alleged sex offence, Mayfield College will change the academic situation of all parties involved during the school's investigation.

Victims and witnesses of sexual offenses should be assured that care, confidentiality and consideration of the victim's wishes will be taken into account throughout the investigation. The administration will consider requests for changes in programs and work with victims to reach available and reasonable solutions. Individuals who feel that they are victims of any sexual offense are urged to file a complaint with the Cathedral City Police Department and the Office of the President. Victims should seek immediate medical assistance from Eisenhower Hospital (10 minutes away from campus), Desert Regional Hospital (20 minutes away from campus) or other medical facilities in the Twentynine Palms vicinity.

Desert Regional Medical Center  
1150 N Indian Canyon Dr  
Palm Springs, CA 92262  
Ph: 760-323-6511

Eisenhower Medical Center  
39000 Bob Hope Drive  
Rancho Mirage, CA 92270  
Ph: 760-340-3911

Victims of sexual assault should:

- Seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection.
- Report such acts to Kevin Ha, President and the Cathedral City and/or Twentynine Palms Police Department. At the victim's request, officers or administrators will assist in the notification of local law enforcement. Mayfield College's disciplinary system may proceed against any alleged violator of institutional policy, whether or not state or federal criminal proceedings exist or are pending.
- Preserve any evidence of the assault for proof of a criminal offence.
- If necessary, seek counseling and/or emotional assistance and support. Speaking with a trained counselor can be critical to the emotional or mental well-being of the victim.

Important phone numbers for victims of sexual assault:

Coachella Valley Sexual Assault Services	760-568-9071
Cathedral City Police Department	760-770-0300
Eisenhower Medical Center	760-340-3911
Desert Regional Medical Center	760-323-6511
Twentynine Palms Police Department	760-367-9546

#### *Sexual Harassment and Equal Educational Opportunity*

Mayfield College provides an equal educational opportunity to all students and does not discriminate on the basis of race, color, sex, sexual orientation, marital status, veteran's status, religion, national or ethnic origin, age, or disability in the administration of educational programs, admission and employment policies, scholarship and loan programs, and other school-administered programs. Mayfield College is dedicated to the mission that all human beings possess an inherent dignity. Mayfield College strongly condemns any unlawful or wrongful discrimination against the rights of others. Throughout the year, Mayfield College requires students to attend awareness programs for the prevention of rape, acquaintance rape, and other forcible and non-forcible sexual offences.

Mayfield College does not condone or tolerate any behavior (verbal, electronic, or physical) by an employee, student, or visitor that would constitute sexual harassment. Such behavior will subject the harasser to appropriate sanctions, including, but not limited to, counseling, suspension, expulsion, or civil or criminal action. Sexual harassment is a form of illegal discrimination referring to a wide range of inappropriate behaviors and/or unwanted conduct of a sexual nature that effectively denies the victim of the harassment the opportunity to work and/or study in a non-threatening, stress-free environment.

Mayfield College defines sexual harassment in the following ways: Sexual harassment shall include, but not be limited to, unwelcome sexual advances, direct or indirect sexual demands, requests for sexual favors, sexual comments, gestures, or other physical actions of a sexual nature when:

- Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's educational success.

- Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive educational environment.

Furthermore, Mayfield College considers it a violation of an individual's rights to retaliate against a person who has initiated an inquiry or complaint having to do with abuse or harassment, and/or to instigate any other person to participate in such activity.

#### *Acts of Intolerance, Racism, or Harassment*

Mayfield College is committed to maintaining a multicultural academic community in which the dignity and worth of each of its members is respected. It is the policy of the college that acts of intolerance, abuse, or harassment by students, faculty, staff and visitors, will not be tolerated. Any individual who violates this policy will be subject to appropriate action, including, but not limited to, counseling, suspension, expulsion, termination from the campus, or civil or criminal action.

Acts of intolerance and abuse are defined as any offensive verbal, written, or physical conduct directed at a person or group based upon race, color, national and/or ethnic origin, gender, sexual orientation, disability, religion, veteran's status, age, or association with persons different from oneself where such behavior is intimidating, hostile, demeaning, or could or does result in emotional or physical harm, embarrassment, or fear of one's personal safety.

Abuse and harassment include offensive behavior that interferes with a person or group's educational status or participation in campus activities, or which creates a hostile academic or social environment. Prohibited behaviors include threatening or offensive letters, use of threatening or demeaning language, vandalism, or graffiti to campus property, and stalking or aggression relating to dating relationships.

#### *Reporting of Incidents of Abuse or Harassment*

Any incident of criminal misconduct, such as physical assault or destruction of property, should be promptly reported to Kevin Ha, President and may be reported to the Cathedral City and/or Twentynine Palms Police Department. Any incident of abuse or harassment by a student or an unidentified perpetrator should be promptly reported to Kevin Ha, President. If appropriate, the student disciplinary process will be initiated.

#### *Equal Opportunity Grievances by Students Involving Mayfield College Employees*

Students who feel that they have been discriminated against or subjected to harassment by a Mayfield College employee in violation of the above policies are urged to promptly report the matter to Kevin Ha, President.

#### *Investigation and Informal or Formal Resolution*

If the reported incident is not of a serious nature or in situations where miscommunication is occurring, Kevin Ha may attempt to resolve the matter through discussion and mediation with the alleged harasser's supervisor. In situations where serious misconduct is reported, Kevin Ha will investigate and determine the appropriate action. The complainant and the alleged perpetrator will be notified of the disposition within 45 days.

### *Formal Grievance Process*

If the student is not satisfied with the above resolution, the student may submit a written grievance within 30 days to Kevin Ha stating the nature of the complaint, a description of the incident(s) and any possible witnesses, and the remedy sought. Kevin Ha will seek a resolution of the grievance. If it cannot be resolved, Kevin Ha will convene a resolution committee consisting of representatives of the executive management team. The committee will consider the evidence presented, determine the facts, and recommend a decision to Kevin Ha.

All Mayfield students and Employees read and sign the Drug Free and Alcohol Abuse Prevention Policy, which outlines the policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws, the policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws, and include a description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989.

### *Mayfield College Campus Safety and Security Programs for Students and Employees*

Upon matriculation for students or annually for employees, students and employees will undergo an orientation which requires the student/employee's participation in the following three crime prevention programs.

- 1) *Informational Program for Students and Employees about Campus Security Procedures and Practices.* This program will inform students and employees about campus security procedures and practices. This program will also inform students and employees about Drug Free and Alcohol Abuse prevention education programs available at Mayfield College.
- 2) *Campus Safety and Security Program.* The student and employee will learn safety tips while on or off campus. This program focuses on using one's instinct, common sense, and action to reduce a criminal's opportunity. This program focuses students and employees to be responsible for their own security and the security of others. This program covers general personal safety while on campus, protecting individual and school property and equipment, personal safety while on campus, and safety while driving.
- 3) *Rape Awareness, Education, and Sexual Assault Prevention Program.* Students and employees will learn about what constitutes rape, unlawful sexual contact, sexual assault and what males and females should know about these crimes and that "No means No." This program also focuses on date rape and role playing as an important part of the program. Students and employees will learn about procedures to follow if sexually assaulted, including procedures on whom to contact, importance of preserving evidence, and to whom the offense should be reported.

## **Building Emergency Evacuation Plan**

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### **Overview**

Purpose of this plan is to ensure complete evacuation of campus buildings in case of an emergency; all occupants are responsible to adhere to the following procedure.

The following are emergencies for which a total or partial evacuation of a building is necessary.

- Earthquake
- Fire
- Explosion
- Bomb threats
- Release of hazardous chemical substances, in quantities or toxicity, which threaten human health
- Building Air contamination
- Severe Weather

Whenever you hear the building alarm or are informed of a general building emergency,

- Do not panic
- Do not ignore alarm.
- Leave the building immediately, in an orderly fashion.
- Do not use elevators.
- Classes in session must be dismissed and students directed to leave.
- Follow quickest evacuation route based on your location

(Refer to floor evacuation diagram/map).

- Do not go back to your office area for any reason.
- Proceed to the designated emergency assembly point for your area. If the designated assembly point/area is unsafe or blocked due to the emergency, proceed to the alternate assembly point.
- Report to your Work Area Rep at the assembly point to be checked off as having evacuated safely; also report any knowledge you may have of missing persons.
- Return to the building only after emergency official give the all-clear signal. Silencing the Alarm doesn't mean the emergency is over.

\*This plan will be updated and exercised by conducting evacuation drill at least annually.



## **Emergency Evacuation Personnel**

### ***Work Area Representatives***

Department Directors will serve as the Work Area Representative. Work Area Reps. are expected to promote health, safety and fire prevention in the workplace in case of an

Emergency:

- Sound the alarm, even for a small fire
- Ensure area occupants leave the building in cases where there is word of an emergency but the building alarm didn't sound
- Inform occupants of their responsibility to report to your assembly point
- Assist or direct occupants with limited mobility either to a safe area or downstairs if they are able to descend the stairway
- Check off co-workers who safely reported to the assembly point from the occupant list
- Collect information on missing personnel known, or suspected to still be in the building, and report to emergency personnel and the Emergency Coordinator

### ***Floor Monitors***

Floor Monitors are expected to:

- Monitor corridors on assigned floor and ensure personnel are moving toward exits
- Check restrooms on assigned floor to ensure they have been evacuated
- Make sure fire doors on enclosed stairways and exits are closed and not blocked open
- Assist and/or direct occupants with limited mobility, either to safe areas, or down stairs if able to negotiate stairway
- Leave the building as soon as possible and go to assigned entryway. Report presence of anyone still on your floor
- Prevent re-entry into the building until emergency responders or the emergency coordinator announces the all-clear signal
- Fill out building evacuation observation report form

### ***Emergency Coordinators***

Emergency Coordinators are expected to:

- Collect information on building occupants known or suspected to still be in building from Work Area Reps
- Meet emergency responders at building entrance
- Report information on occupants needing assistance to evacuate and other personnel suspected to still be in the building to emergency responders
- Transmit the 'All-Clear signal' to floor monitors and emergency evacuation personnel

## **General Evacuation Procedure**

At the sound of the Emergency Alarm, it is the responsibility of all building occupants to evacuate immediately and proceed to predetermined assembly points, away from the building.

Building occupants are also responsible for ensuring that their visitors/customers follow the evacuation procedure described herein, and leave the building along with all other occupants.

Faculty and Staff are responsible for dismissing students, and directing them to leave the building by the nearest building exit upon hearing the building alarm or being notified of an emergency.

Designated essential personnel needed to continue or shut down critical operations, while an evacuation is underway, are responsible for recognizing and/or determining when to abandon the operation and evacuate themselves.

Contract workers will be made familiar with the procedures outlined herein, and are expected to leave the building when the alarm sounds.

PLEASE NOTE: Assigned duties are to be carried out only if you are not putting yourself in danger or risking your personal safety.

## **Procedure for Individuals Needing Assistance during Evacuation**

Any person unable to use stairs, or need assistance to evacuate, should proceed to the nearest designated "safe area" or remain in his/her office if safe. Emergency evacuation personnel will check "safe areas", and ensure emergency response and rescue personnel are notified if someone has taken refuge there. They will also report any person taking refuge in offices in their areas.

### **Selecting Safe Areas:**

Safe Areas; unless otherwise specified are regular locations that are easily accessible to individuals with limited mobility, and are monitored by emergency personnel (Work Areas Reps, Floor Monitors).

Two areas per floor have been designated as "safe areas". These locations are for use as a refuge by individuals who cannot negotiate stairs during evacuation, until trained emergency rescue personnel arrive to assist in their safe evacuation if circumstances warrant.

Please note that when choosing safe areas you must consider all types of emergencies including severe weather.

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## **Building Specific Information:**

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**Building Name:** Mayfield College in the Esplanade

### **Emergency Evacuation Coordinators:**

The Primary Emergency Evacuation Coordinators and his/her alternative are listed below. In the event the primary coordinator is not available during an Emergency, alternate coordinators will assume responsibility in the order in which they appear and they will carry out their duties as directed in this plan.

**Primary 1:** Nancy Angulo

Alternative #1: L’Nisha Wilson

Alternative #2: Monica Briceno

**Primary 2:** Stephen Brawner

Alternative #1: Chuck Feldman

Alternative #2: Mitch Mennell

Safe Areas:

The following are "safe areas" for Mayfield College in the Esplanade.

<b>Floor</b>	<b>Safe Areas</b>
First Floor	Parking Lot
Second Floor	Stairway near the elevator

### **Floor Monitors:**

Primary Floor Monitors and Alternates are listed below, and will carry out their duties as described in this plan. In the event that the Primary Floor Monitor is not available at the time of the emergency, Alternate Monitors will assume those duties.

#### **Floor Monitors**

<b>Floor</b>	<b>Primary Representatives</b>	<b>Alternate</b>
First	Stephen Brawner	Patrick Walsh
Second	Nancy Angulo	Mike Borja

**Work Area Representatives:**

The following individuals have been selected as the Mayfield College in the Esplanade Work Area Reps, and will carry out their duties as listed in this plan under "Work Area Reps duties" Each Work Area personnel are responsible for designating a backup person in the event their primary Work Area Representative is unavailable at the time of an emergency.

<b>Floor</b>	<b>Work Area Representatives</b>	<b>Alternatives</b>	<b>Department</b>
First	Amber Barrios	Ben Eller	Admission
	Racquel Ruiz	Lorena Sanchez	Medical Assisting Instructors
	Stephen Brawner	Patrick Walsh	HVAC Instructors

<b>Floor</b>	<b>Work Area Representatives</b>	<b>Alternatives</b>	<b>Department</b>
Second	Daniella Mercado	Monica Colegio	Massage Therapy & Medical Assisting Instructors
	Mike Borja	Mary Uto	Computer Support Technician & Medical Front Office Instructors
	Nancy Angulo	Monica Briceño	Students Services and Career Services

**Evacuation Assembly Points:**

When the alarm sounds; all occupants within the building must evacuate and report to an assigned evacuation assembly point. The Evacuation Assembly Points are listed below:

<b>DEPARTMENT</b>	<b>EVACUATION ASSEMBLY POINTS</b>
Main Office	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
Student Services	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
Career Services	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
CST	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
MA / MFO	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
Computer Clinic	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
HVAC	HVAC FRONT PARKING LOT
MT	HVAC FRONT PARKING LOT

See attached "Evacuation Assembly Points Map" showing location of all building assigned assembly points. [Attach a map to this plan]

**Assigned Building Entrances:**

The Mayfield College in the Esplanade has 4 stairwells leading to the second floor. These entrances must be monitored during building evacuation to maximize building security, limit access to emergency personnel, and ensure unsuspecting employees and visitors do not enter the building, until the all-clear signal is given.

This task is delegated to the Floor Monitors. Floor Monitors who are assigned to monitor these entrances will ensure to delegate this responsibility to someone else in case of their absence during an emergency.

Stairwell Entrance	Monitors
First Entrance	Mike Borja - Stairwell near Room 202
Second Entrance	Monica Colegio - Stairwell near Room 241
Third Entrance	Danielle Mercado - Stairwell near Elevator
Fourth Entrance	Patrick Walsh - Stairwell near

I have received Mayfield College’s Annual Security and Fire Safety Report.

Student/Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

School Official’s Signature \_\_\_\_\_ Date \_\_\_\_\_