

## ANNUAL SECURITY REPORT 2022

Updated September 29, 2022

CLERY CRIME STATISTICS 2019-2021 JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES & CAMPUS CRIME STATITICS ACT (20 U.S.C. § 1092(F))



## Table of Contents

PREPARATION OF THE ANNUAL SECURITY REPORT	3
REPORTING A CRIME	3
TIMELY WARNINGS	4
DAILY CRIME LOG	5
CAMPUS CRIME STATISTICS	5
SCHOOL CRIME PREVENTION	7
PROMPT AND ACCURATE REPORTING	8
REGISTERED SEX OFFENDERS	8
VIOLENCE AGAINST WOMEN ACT (VAWA)	8
Federal VAWA Definitions	9
State Definitions	10
BYSTANDER INTERVENTION	15
Risk Reduction and Ongoing Awareness	15
Sanctions	15
Preserving Evidence after a Sexual Assault	17
IF YOU HAVE BEEN SEXUALLY ASSAULTED:	17
Orders for Protection/No-Contact Orders	
Student Sexual Assault Survivor's Bill of Rights	
Investigatory Proceedings	19
Sexual Assault, Rape, or Misconduct	19
CONFIDENTIALITY	20
LIMITED EXCEPTIONS TO CONFIDENTIALITY	20
Important phone numbers for victims of sexual assault:	21
Sexual Harassment and Equal Educational Opportunity	21
Reporting of Incidents of Abuse or Harassment	23
Equal Opportunity Grievances by Students Involving Mayfield College Employees	

#### MAYFIELD COLLEGE

Invo	estigation and Informal or Formal Resolution	23
Forma	al Grievance Process	23
Mayfi	eld College Campus Safety and Security Programs for Students and Employees	23
1)	Informational Program for Students and Employees about Campus Security Procedures and Practices	24
2)	Campus Safety and Security Program	24
3)	Rape Awareness, Education, and Sexual Assault Prevention Program.	24
EMER	GENCY RESPONSE AND EVACUATION PROCEDURES	25
Bui I d	ing Emergency Evacuation Plan	26
Ove	erview	26
EM	ERGENCY DRILLS 2021	27
Em	ergency Evacuation Personnel	29
Gei	neral Evacuation Procedure	29
APPEI	NDIX A	33
Loc	al Authorities, non-emergency numbers	33
Cle	rks of the Court – surrounding counties	33



## PREPARATION OF THE ANNUAL SECURITY REPORT

Mayfield College prepares annual disclosure of crime statistics, which will address monitoring and recording, through local police, of criminal activity on campus and at non-campus locations.

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.

### **REPORTING A CRIME**

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.

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 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. Mayfield College does not have specific procedures that encourage both pastoral and professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the institution's annual security report and Web-based report to the Department.

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 regarding a location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Mayfield College.



## TIMELY WARNINGS

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.

Mayfield College will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to Campus President, Kevin Ha, occurred in a Clery defined geographical area, and a case-by-case analysis of pertinent facts known is completed and a determination is made an on-going or continuing threat to the community exists. The Campus President, considering all information from law enforcement personnel on the scene, is responsible for the decision to issue a timely warning. The Campus President will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and will determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued. If it is determined that all three factors are met, the Campus President will, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, determine the content of the timely warning bulletin, work with administration to disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the timely warning bulletin: posting a notice on the Mayfield College website at <u>www.mayfieldcollege.edu</u>, emailing a copy of the bulletin to all students and staff to their contact information on record, and providing a copy of the bulletin to all instructions to notify their students during class.

For clarity to the community when a timely warning is issued it will be titled "Timely Warning Crime Bulletin" and include the following:

• A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.

- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued

• A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate

• Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime The Timely Warning Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime. 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.



## 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.

See next page for statistics reported for the prior three years.



	0	N-CAMPL	JS	NC	ON-CAMP	US	PUB	LIC PROP	ERTY
Criminal Offenses	2019	2020	2021	2019	2020	2021	2019	2020	2021
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	1
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
Hate Crimes*	2019	2020	2021	2019	2020	2021	2019	2020	2021
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



	0	N-CAMPL	JS	NC	ON-CAMP	US	PUB	LIC PROPI	ERTY
VAWA Offenses	2019	2020	2021	2018	2020	2021	2019	2020	2021
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	0	0	0	0	0	0	0
Arrests	2019	2020	2021	2019	2020	2021	2019	2020	2021
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
Disciplinary Actions	2019	2020	2021	2019	2020	2021	2019	2020	2021
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.

Mayfield College does not have dormitories or other residential facilities for students on campus nor any officially recognized student organizations with non-campus locations.

Public property is defined as property within or immediately adjacent to and accessible from campus.

## 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.



## PROMPT AND ACCURATE REPORTING

Mayfield College Encourages accurate and prompt reporting of all crimes to the Campus President, Kevin Ha, and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. 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.

## **REGISTERED SEX OFFENDERS**

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

7 § 668.46(a). 8 Cal. Penal Code § 13700 (a), (b).



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:
  - 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-PetrisShort Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving 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. 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.

9§261.



(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.

(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>

10 § 243.4. 11 § 285.



(E) 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.

(F)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 or the safety or 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>

12 § 261.5. 13 § 646.9.



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.

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-coaliations)
- 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 any 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.

14 § 261.6. 15 § 261.7.



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.



## 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 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.



#### Orders for Protection/No-Contact Orders

Victims have a right to obtain an order of protection, a "no contact" order, a restraining order or a similar lawful order issued by a criminal court. Mayfield College does not issue orders of Protection nor can we comply or enforce those orders. If a student has already obtained an order of protection, a "no contact" order, or a restraining order, the student should contact Campus President, Kevin Ha. If the order involves another student, Mayfield College can discuss available options for attendance while the other party to the order is not on campus. If a student with or under such an order breeches the order, any Mayfield College administrator or the student should call the local authorities using the non-emergency numbers listed in Appendix A. In an emergency call 9-1-1 or 9-911.

To obtain an order of protection, a "no contact" order, or a restraining order, please contact the clerk of the court in your city or county to obtain the necessary forms for the protective order. Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Contact information for courts in an around campus can be found in Appendix A

#### Student Sexual Assault Survivor's Bill of Rights

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

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 simultaneously in writing 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, transportation, working situations, visa and immigration assistance, student financial aid and other protective measures regardless of whether the victim reports the incident to law enforcement.

The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available.

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.



#### **Investigatory Proceedings**

Regarding any investigations, both the accuser and the accused are entitled to the same opportunities to have others present. Proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result, be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The standards of evidence that will be used during an institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking are clear and convincing evidence based on written statements, testimony, and institutional investigation reports. Both the accuser and the accused will be informed simultaneously in writing of the outcome. Mayfield College does not have an appeal process for on campus investigatory proceedings.

## 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. 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 including which are criminal in nature or which violate other community standards.

Victims and witnesses of sexual offenses should be assured that care, confidentiality and consideration of the victim's wishes will be considered throughout the investigation. The administration is obligated to consider requests for changes in programs and/or class schedules if they are reasonably available. 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



## CONFIDENTIALITY

A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering an Institutional investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

Mayfield College will be unable to investigate a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a complaint with the Institution and a separate complaint with local police. If a victim insists on confidentiality, Mayfield College will likely not be able to fully assist the victim with academic support or accommodations or adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with Mayfield College or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested.

#### LIMITED EXCEPTIONS TO CONFIDENTIALITY

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct, Domestic Violence, and Dating Violence).

This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.



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 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 based on 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.



## EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Anyone with information warranting an emergency response 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.

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An "immediate" threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of your buildings.

In cases where evacuation is required, the notification will be via an alarm. The building evacuation procedures include responsible campus personnel, safe zones, and routes of egress are outlined on the next page. As Mayfield is one campus with no outbuildings or housing, the notification process will involve only those currently on campus. The President, or his designee, will also initiate a call to the appropriate authorities to report the emergency and request a response.

The President will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. As soon as the President has confirmed that a significant emergency or dangerous situation exists, he will consider the safety of the campus community, determine what information to release about the situation, and begin the notification process.

The only reason the President would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. For example, an alarm may not sound if there is an armed intruder and sounding an alarm would compromise the safety of students, employees, or bystanders.



## **Emergency Evacuation** Record

Drill	Date	Time
#1	08/17/2021	11:30am
#2	08/17/2021	2:15pm
#3	08/17/2021	6:00pm

Signature of Witnesses:

Drill #1

Witness (Print) Thompson Witness Signature 8/11/21 Date Julien Valda Witness Signature <u>8/1710</u> Date

Drill #2

<u>Analuera huging analuera huging</u> Witness (Print) Witness Signature

8/17/1000 Date

Denathon Ridybucz Witness (Print)

Witness Signature

8/17/2021 Date

Drill #3 Forana Vineno 4

Witness (Print)

Edubije Annet Witness (Print) Witness Signature

 $\frac{\sqrt{1}}{2021}$ Date



Revision Date: August 17th, 2021

#### **Building Emergency Evacuation Plan**

#### 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



Revision Date: August 17th, 2021

• 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.



Revision Date: August 17th, 2021

#### 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.



#### **Building Specific Information:**

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:** Christy Michel Alternative #1: Analicia Freyding Alternantive #2: Monica Fajardo-Briceno

#### **Primary 2:** Jonathan Rodriguez

Alternative #1: Gloria Maldonado

Alternantive #2: Michelle Rodriguez

Safe Areas:

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

Floor	Safe Areas
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	Primary Representatives	Alternate
First	Stephen Brawner	William Stanley
Second	Jonathan Rodriguez	Mike Borja

## **Floor Monitors**



#### 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.

Floor	Work Area Representatives	Alternatives	Department
First	Yolanda Soto	Angelica Maldonado- Torres	Financial Aid
	Julieta Valdez	Marybell Rodriguez	Medical Assisting Instructors
	Stephen Brawner	William Stanley	HVAC Instructors

Floor	Work Area Representatives	Alternatives	Department
Second	Diana Moreno	Jonathan Rodriguez	Medical Assisting Instructor & CS Admin Assistant
	Mike Borja	Christine Silva	Computer Support Technician Instructor & Medical Front Office Instructor
	Christy Michel	Analicia Freyding	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:

DEPARTMENT	EVACUATION ASSEMBLY POINTS
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 - KEEPI NG FIRE LANE CLEAR
HVAC	HVAC FRONT PARKI NG 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	Jonathan Rodriguez- Stairwell near Room202
Second Entrance	Julieta Valdez- Stairwell near Room241
Third Entrance	LaDwan Thompson- Stairwell near Elevator
Fourth Entrance	William Stanley- Stairwell near Room 136



# APPENDIX A

#### Local Authorities, non-emergency numbers

City	Police/Sheriff
Bermuda Dunes	760-863-8990
Cathedral City	760-770-0300
Desert Hot Springs	760-329-2904
Indian Wells	760-836-1663
Indio	760-347-8522
La Quinta	760-836-3215
Palm Desert	760-836-1600
Palm Springs	760-323-8116
Rancho Mirage	760-836-1600
Thousand Palms	760-836-1600
Twentynine Palms	760-367-9546

#### Clerks of the Court – surrounding counties

**Riverside Clerk of Court** Riverside County County Clerk and Clerk of Court **Clerk Address:** 4080 Lemon St, 1st Floor, Riverside, CA 92502 **Phone:** (800) 696-9144 or (951) 486-7000

San Diego Clerk of Court San Diego County Clerk and Clerk of Court Clerk Address: San Diego County Administration Center, 1600 Pacific Highway, Suite 2603, San Diego, CA 92101 Phone: (610) 227,0502

Phone: (619) 237-0502

**Orange Clerk of Court:** Orange County Clerk and Clerk of Court **Clerk Address:** 12 Civic Center Plaza, Room 101, Santa Ana, CA 92701 **Phone:** (714) 834-2500

Los Angeles Clerk of Court: Los Angeles County Registrar, Clerk of Court and Clerk Clerk Address: 12400 Imperial Highway, Norwalk, CA 90640 Phone: (800) 815-2666

San Bernardino Clerk of Court San Bernardino County Clerk and Clerk of Court Clerk Address: San Bernardino County Hall of Records Building, First Floor, 222 W. Hospitality Lane, San Bernardino, CA 92415-0022 Phone: (855) 732-2575



# I have received Mayfield College's 2022 Annual Security and Fire Safety Report.

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

School Official's Signature\_\_\_\_\_Date\_\_\_\_\_Date\_\_\_\_\_



# ANNUAL SECURITY REPORT 2022

TWENTYNINE PALMS CAMPUS

Updated September 29, 2022

CLERY CRIME STATISTICS 2019-2021 JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES & CAMPUS CRIME STATITICS ACT (20 U.S.C. § 1092(F))



# Table of Contents

PREPARATION OF THE ANNUAL SECURITY REPORT	3
REPORTING A CRIME	3
TIMELY WARNINGS	4
DAILY CRIME LOG	5
CAMPUS CRIME STATISTICS	5
ACCESS TO FACILITIES	8
PROMPT AND ACCURATE REPORTING	8
REGISTERED SEX OFFENDERS	8
VIOLENCE AGAINST WOMEN ACT (VAWA)	8
FEDERAL VAWA DEFINITIONS	9
STATE DEFINITIONS	10
BYSTANDER INTERVENTION	15
RISK REDUCTION AND ONGOING AWARENESS	15
PRESERVING EVIDENCE AFTER A SEXUAL ASSAULT	16
RESOURCES:	17
IMPORTANT PHONE NUMBERS FOR VICTIMS OF SEXUAL ASSAULT:	17
ORDERS FOR PROTECTION/NO-CONTACT ORDERS	17
STUDENT SEXUAL ASSAULT SURVIVOR'S BILL OF RIGHTS	18
INVESTIGATORY PROCEEDINGS AND DISCIPLINARY PROCEEDING	18
SANCTIONS	19
SEXUAL ASSAULT, RAPE, OR MISCONDUCT	19
CONFIDENTIALITY	20
LIMITED EXCEPTIONS TO CONFIDENTIALITY	20
SEXUAL HARASSMENT AND EQUAL EDUCATIONAL OPPORTUNITY	21
REPORTING OF INCIDENTS OF ABUSE OR HARASSMENT	22
EQUAL OPPORTUNITY GRIEVANCES BY STUDENTS INVOLVING MAYFIELD COLLEGE EMPLOYEES	22



11	VVESTIGATION AND INFORMAL OR FORMAL RESOLUTION	22
FOR	MAL GRIEVANCE PROCESS	. 23
MA	YFIELD COLLEGE CAMPUS SAFETY AND SECURITY PROGRAMS FOR STUDENTS AND EMPLOYEES	24
1	) Informational Program for Students and Employees about Campus Security Procedures and Practices.	.24
2	) Campus Safety and Security Program	.24
3	) Rape Awareness, Education, and Sexual Assault Prevention Program.	24
EM	ERGENCY RESPONSE AND EVACUATION PROCEDURES	.26
BUI	L DING EMERGENCY EVACUATION PLAN	. 27
0	VERVIEW	. 27
E	MERGENCY DRILLS	. 28
E	MERGENCY EVACUATION PERSONNEL	. 28
APP	PENDIX A	. 34
L	ocal Authorities, non-emergency numbers	.34
С	lerks of the Court – surrounding counties	.34
APP	ENDIX B	. 35



### PREPARATION OF THE ANNUAL SECURITY REPORT

Mayfield College prepares its annual disclosure of crime statistics, which will also address monitoring and recording, through local police, of criminal activity on campus and at non-campus locations along with programs of prevention. Preparation includes analyzing public records, reaching out to the property management companies managing Mayfield's buildings and contacting the local police departments for additional insight about crime statistics pertinent to Mayfield College.

Every year, Mayfield College will provide to students and employees the Drug and Alcohol Prevention Program and the Annual Security Report, which includes crime statistics for 73680 Buena Vista Drive, Twentynine Palms, California 92277 for calendar years 2019, 2020, and 2021. The information is compiled by Kevin Ha, President. Incoming students receive the Annual Security Report when they matriculate at Mayfield College. Employees receive the Annual Security Report as part of their onboarding documents when they are hired. Both students and employees receive the Annual Security Report annually via email before October 1 each year.

### **REPORTING A CRIME**

Any student, faculty member, or employee of Mayfield College should directly report any potential criminal act or other emergency to Jacob Lewis, Student Coordinator, at 760-255-7568 for any crimes committed during school hours. Jacob Lewis, Student Coordinator, will immediately call the local police/sheriff's offices. If any potential criminal act or emergency occurs after school hours, reports should be made directly to the local police/sheriff's offices as well as to the off-hours Mayfield College message board at 760-328-5554. If Jacob Lewis is not available, any student, faculty member, or employee of Mayfield College should directly report any potential criminal act or other emergency to Gavin Jordan, Program Head, at 760-255-7568 for any crimes committed during school hours. Gavin Jordan, Program Head, will immediately call the local police/sheriff's offices.

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 Jacob Lewis, Student Coordinator. 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 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 Jacob Lewis, Student Coordinator, who will report the crime to the Twentynine Palms Police Department for record keeping purposes. Mayfield College does not have pastoral or professional counselors nor do we have specific procedures that encourage both pastoral and professional counselors, at their discretion, to inform those they counsel of procedures for reporting crimes voluntarily and confidentially for inclusion in the institution's annual security report and Web-based report to the Department.



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 voluntary, 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 regarding a location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Mayfield College.

### TIMELY WARNINGS

A timely warning is made when a crime occurring on-campus or on public property is considered to represent a serious or continuing threat to students and employees. The crimes may include crimes identified in this report ("Clery crimes"). Anyone with information warranting a timely warning should report the circumstances to Jacob Lewis, Student Coordinator, by phone 760-255-7568 or in person at 73680 Buena Vista Drive, Twentynine Palms, CA 92277. Jacob Lewis will work with the local police in communicating information about crimes reported to them that require timely warning.

Mayfield College will issue a timely warning as soon as possible when a Clery reportable crime is reported to Student Coordinator, Jacob Lewis, occurred in a Clery defined geographical area, and a case-by-case analysis of pertinent facts known is completed and a determination is made of a serious or continuing threat to the community exists. The Campus President, considering all information from law enforcement personnel on the scene, is responsible for the decision to issue a timely warning. The Campus President will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and will determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued. If it is determined that all three factors are met, the Campus President will, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, determine the content of the Timely Warning Crime Bulletin, work with administration to disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the Timely Warning Crime Bulletin: posting a notice on the Mayfield College website at <u>www.mayfieldcollege.edu</u>, emailing a copy of the bulletin to all students and staff to their contact information on record, and providing a copy of the Bulletin to all instructors to notify their students during class.

For clarity to the community when a timely warning is issued, it will be titled "Timely Warning Crime Bulletin" and include the following:

• A statement that the Timely Warning Crime Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.

- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred



• The date the Timely Warning Bulletin is issued

• A description of the suspect, and name, if known, when the suspect is at-large and evading apprehension and/or law enforcement is seeking assistance from the public to locate

• Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

The Timely Warning Crime Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime. 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.

# 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 Kevin Ha, President. The President is responsible for preparing and publishing this Daily Crime Log. The Daily Crime Log contains records of criminal incidents by date reported and includes the nature of the crime, date, time the crime occurred, the general location of the crime, and the disposition of the complaint, if known. Entries to the Daily Crime Log will be made within two business days of the report of the information to Mayfield College. Mayfield College makes the most recent 60-day period open for public inspection during normal business hours. Any portion older than 60 days can be made available within two business days of the request. The Daily Crime Log is 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 Twentynine Palms Police Department. Mr. Ha has maintained a working relationship with the Twentynine Palms police department and the property management companies, and makes requests (written requests will be made going forward) for statistical information in the summer to obtain the statistics for the crimes occurring on campus or on public property.

There is no policy concerning monitoring and recording through local police agencies of criminal activity by students at non-campus locations of student organizations officially recognized by the institution because there are no student organizations.

See next page for statistics reported for the prior three years.

#### MAYFIELD COLLEGE

	0	N-CAMPL	JS	NC	ON-CAMP	US	PUB	LIC PROPI	ERTY
Criminal Offenses	2019	2020	2021	2019	2020	2021	2019	2020	2021
Criminal homicide: Murder/Non- negligent manslaughter	0	0	0	0	0	0	0	0	0
Criminal homicide: Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses: Rape	0	0	0	0	0	0	0	0	0
Sex offenses: Fondling	0	0	0	0	0	0	0	0	0
Sex offenses: Incest	0	0	0	0	0	0	0	0	0
Sex offenses: 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
Hate Crimes*	2019	2020	2021	2019	2020	2021	2019	2020	2021
Criminal homicide: Murder/Non- negligent manslaughter	0	0	0	0	0	0	0	0	0
Criminal homicide: Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses: Rape	0	0	0	0	0	0	0	0	0
Sex offenses: Fondling	0	0	0	0	0	0	0	0	0
Sex offenses: Incest	0	0	0	0	0	0	0	0	0



Sex offenses: 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
	C	N-CAMPL	JS	NON-CAMPUS			PUBLIC PROPERTY		
VAWA Offenses	2019	2020	2021	2019	2020	2021	2019	2020	2021
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	0	0	0	0	0	0	0
Arrests	2019	2020	2021	2019	2020	2021	2019	2020	2021
Illegal weapons possession	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
Disciplinary Actions	2019	2020	2021	2019	2020	2021	2019	2020	2021
Illegal weapons possession	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 are crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The categories of bias are: 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 not broken out on this year's report.

Mayfield College does not have dormitories or other residential facilities for students on campus.

The campus is defined as 73680 Buena Vista Drive, Twentynine Palms, CA 92277



Public property is defined as property within or immediately adjacent to and accessible from campus and includes the parking lot.

# ACCESS TO FACILITIES

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 coffee area during normal business hours. Any suspicious persons should be reported immediately to Jacob Lewis, Student Coordinator.

### PROMPT AND ACCURATE REPORTING

Mayfield College Encourages accurate and prompt reporting of all crimes to Jacob Lewis, Student Coordinator, and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. 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.

### **REGISTERED SEX OFFENDERS**

Students, faculty and staff of Mayfield College may contact the California Office of the Attorney General at their website <u>http://www.meganslaw.ca.gov/Search.aspx?lang=ENGLISH</u> 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). The final regulations went into effect July 1, 2015.

Each year, the campus reports 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 its institutional Crime Log and began reporting the information. All prospective and continuing students and new employees will be provided training programs including one covering the prevention of crimes at the time of hire and/or as part of new student orientation. Continuing employees will also participate in annual training programs. The training programs will cover campus security, drug and alcohol abuse prevention, risk reduction, safe and positive options for bystander intervention, the



definition of consent, the definition of dating violence, domestic violence, sexual assault, and stalking. The training programs will also include prevention of dating violence, domestic 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

2 Id.

5 Id.

<sup>1 34</sup> C.F.R. § 668.46(a).

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

<sup>4</sup> Definition from the NIBRS User Manual.



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>

7 § 668.46(a). 8 Cal. Penal Code § 13700 (a), (b).



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:
  - 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-PetrisShort Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving 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. 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.

9§261.



(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.

(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>

10 § 243.4. 11 § 285.



(E) 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.

(F)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 or the safety or 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>

12 § 261.5. 13 § 646.9.



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.

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-coaliations)
- 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 prospective 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. Continuing employees will also participate in annual training programs. The training programs will cover campus security, drug and alcohol abuse prevention, risk reduction, safe and positive options for bystander intervention, the definition of consent, the definition of dating violence, domestic violence, sexual assault, and stalking. The training programs will also include prevention of dating violence, domestic violence, sexual assault and stalking.

14 § 261.6. 15 § 261.7.



# IF YOU HAVE BEEN SEXUALLY ASSAULTED:

- Seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection.
- Report such acts to Jacob Lewis, Student Coordinator, and the 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 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.

### 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 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



#### **RESOURCES:**

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.

#### 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

#### ORDERS FOR PROTECTION/NO-CONTACT ORDERS

Victims have a right to obtain an order of protection, a "no contact" order, a restraining order or a similar lawful order issued by a criminal court. Mayfield College does not issue orders of protection, but we will make every effort to comply with the order. If a student has already obtained an order of protection, a "no contact" order, or a restraining order, the student should contact Student Coordinator, Jacob Lewis. If the order involves another student, Mayfield College can discuss available options for attendance while the other party to the order is not on campus. If a student with or under such an order breeches the order, any Mayfield College administrator or the student should call the local authorities using the non-emergency numbers listed in Appendix A. In an emergency call 9-1-1 or 9-911.

To obtain an order of protection, a "no contact" order, or a restraining order, please contact the clerk of the court in your city or county to obtain the necessary forms for the protective order. Restraining orders must be



obtained from a court in the jurisdiction where the incident occurred. Contact information for courts in an around campus can be found in Appendix A.

#### STUDENT SEXUAL ASSAULT SURVIVOR'S BILL OF RIGHTS

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

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 simultaneously in writing 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, living, transportation, and working situations.
- Victims shall be notified about existing counseling, health, mental health, 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.

The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available.

When a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student's or employee's rights and options.

#### INVESTIGATORY PROCEEDINGS AND DISCIPLINARY PROCEEDING

Regarding any investigations, both the accuser and the accused are entitled to the same opportunities to have others present. Proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result, be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The standards of evidence that will be used during an institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking are clear and convincing evidence based on written statements, testimony, and institutional investigation reports. Both the accuser and the accused will be informed



simultaneously in writing of the outcome. Mayfield College does not have an appeal process for on campus investigatory proceedings.

### SANCTIONS

Students found responsible for violating any 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 are 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.

# 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. 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.

Victims and witnesses of sexual offenses should be assured that care, confidentiality and consideration of the victim's wishes will be considered throughout the investigation. The administration is obligated to consider requests for changes in programs and/or class schedules if they are reasonably available. Individuals who feel that they are victims of any sexual offense are urged to file a complaint with the Twentynine Palms Police Department and the Office of the President.

Victims should seek immediate medical assistance from Hi-Desert Medical Center (15 minutes away from campus).

Hi-Desert Medical Center, 6601 White Feather Rd, Joshua Tree, CA 92252, Ph: 760-366-3711

### CONFIDENTIALITY

A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering an Institutional investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

Mayfield College will be unable to investigate a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a complaint with the Institution and a separate complaint with local police. If a victim insists on confidentiality, Mayfield College will likely not be able to fully assist the victim with academic support or accommodations or adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with Mayfield College or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested.

#### LIMITED EXCEPTIONS TO CONFIDENTIALITY

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct, Domestic Violence, and Dating Violence).



This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

### SEXUAL HARASSMENT AND EQUAL EDUCATIONAL OPPORTUNITY

Mayfield College provides an equal educational opportunity to all students and does not discriminate based on 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 Jacob Lewis, Student Coordinator and may be reported to the 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 Jacob Lewis, Student Coordinator.

### INVESTIGATION AND INFORMAL OR FORMAL RESOLUTION

If the reported incident is not of a serious nature or in situations where miscommunication is occurring, Jacob Lewis may attempt to resolve the matter through discussion and mediation with the alleged harasser's supervisor. In situations where serious misconduct is reported, Jacob Lewis 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.

It is a policy of Mayfield College to maintain a drug and alcohol-free workplace and campus. The illegal possession, use or distribution of drugs or alcohol by students, staff, and faculty members is a violation of Mayfield College rules as well as State and Federal law. The Board of Directors at Mayfield College has directed employees to report drug and alcohol abuse with State and Federal agencies. Mayfield College upholds high standards of conduct for both employees and its students which prohibit the following acts:

- Use, possession, manufacture, distribution or sale of illegal drugs or drug paraphernalia on campus premises or while on off-campus field trips either during or after working hours.
- Unauthorized use or possession or manufacture, distribution, or sale of a controlled substance while on campus premises, or while engaged on school business or attending school activities either during or after working hours.
- Unauthorized use, manufacture, distribution, possession, or sale of alcohol on campus premises or while on school activities either during or after working hours.
- Storing in a locker, desk, vehicle, or other place on school premises, any unauthorized controlled substances, drug paraphernalia or alcohol.
- Use of alcohol off school premises that adversely affects an employee's or student's work or academic performance, or an employee's or student's safety or the safety of others.
- Possession, use, manufacture, distribution or sale of illegal drugs off campus premises that adversely affects the employee's work performance or the student's academic performance, or an employee's or student's safety or the safety of others.



- Violation of State or Federal laws relating to the unauthorized use, possession, manufacture, distribution or sale of alcohol, controlled substances or drug paraphernalia.
- For employees, failure to notify an employee's supervisor of an employee's arrest or conviction under any criminal drug statute as a result of a violation of law which occurs at Mayfield College.

# MAYFIELD COLLEGE CAMPUS SAFETY AND SECURITY PROGRAMS FOR STUDENTS AND EMPLOYEES

Upon matriculation for students and 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. All prospective and continuing students and new employees will be provided training programs including one covering the prevention of crimes at the time of hire and/or as part of new student orientation. Continuing employees will also participate in annual training programs. The training programs will cover campus security, drug and alcohol abuse prevention, risk reduction, safe and positive options for bystander intervention, the definition of consent, the definition of dating violence, domestic violence, sexual assault, and stalking. The training programs will also include prevention of dating violence, domestic violence, sexual assault and stalking.

- 2) Campus Safety and Security Program. This program will inform students and employees about the prevention of crimes. The students and employees 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 encourages 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. All prospective and continuing students and new employees will be provided training programs including one covering the prevention of crimes at the time of hire and/or as part of new student orientation. Continuing employees will also participate in annual training programs. The training programs will cover campus security, drug and alcohol abuse prevention, risk reduction, safe and positive options for bystander intervention, the definition of consent, the definition of dating violence, domestic violence, sexual assault, and stalking. The training programs will also include prevention of dating violence, domestic violence, sexual assault and stalking.
- 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. All prospective and continuing students and new employees will be provided training programs including one covering the prevention of crimes at the time of hire and/or as part of new student orientation. Continuing employees will also participate in annual training programs. The training programs will cover campus security, drug and alcohol abuse prevention, risk reduction, safe and positive options for bystander intervention, the definition of consent, the definition of dating violence, domestic violence, sexual assault, and stalking. The training programs will also include prevention of dating violence, domestic violence, sexual assault and stalking.



# EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Anyone with information warranting an emergency response should report the circumstances to Jacob Lewis, Student Coordinator, by phone 760-255-7568 or in person at 73680 Buena Vista Drive, Twentynine Palms, CA 92277.

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An "immediate" threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of your buildings.

In cases where evacuation is required, the notification will be via an alarm, postings to the website and email/text notifications. The building evacuation procedures include responsible campus personnel, safe zones, and routes of egress are outlined on the next page. As Mayfield is in one building sharing the same roof with no outbuildings or housing, the notification process will involve only those currently on campus. The President, or his designee, will also initiate a call to the appropriate authorities to report the emergency and request a response.

The President will, without delay, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The President's determination will be based upon:

- Personal observation of the event (sight or sound);
- Responses from the police, fire department, city agencies, faculty, staff, students, administrators, or visitors to the campus;
- Information from an outside reliable source, such as local police or fire, news media, or government entity;
- Other means that might be available.

As soon as the President has confirmed that a significant emergency or dangerous situation exists, he will consider the safety of the campus community, determine what information to release about the situation, and begin the notification process and immediately contact the local police department.

The only reason the President would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. For example, an alarm may not sound if there is an armed intruder and sounding an alarm would compromise the safety of students, employees, or bystanders.



# BUILDING EMERGENCY EVACUATION PLAN

#### 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.

- outbreak of meningitis, norovirus or other serious illness;
- approaching tornado, hurricane or other extreme weather conditions;
- earthquake;
- gas leak;
- terrorist incident;
- armed intruder;
- bomb threat;
- civil unrest or rioting;
- explosion; and
- nearby chemical or hazardous waste spill;

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.
- 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.

#### EMERGENCY DRILLS – Announced for June 8, 2021

We conduct emergency drills annually at three times during the drill. The drills are announced. Three drills were conducted on June 8, 2021 at 11:30 a.m., 2:15 p.m., and 6:00 p.m. These drills were announced and conducted during the morning, afternoon, and evening classes to assure all students, faculty, and employees were included. An alarm was sounded to start the drill.

#### EMERGENCY EVACUATION PERSONNEL

#### WORK AREA REPRESENTATIVES

Administration personnel will serve as the Work Area Representative. Work Area Representatives 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 to a safe area
- 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

#### FLOORMONITORS

Floor Monitors are expected to:

- Monitor corridors and ensure personnel are moving toward exits
- Check restrooms to ensure they have been evacuated
- Make sure fire doors are closed and not blocked open
- Assist and/or direct occupants with limited mobility to safe areas
- 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.

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).

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



#### **Building Specific Information:**

Building Name: Mayfield College

#### **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: Jacob Lewis

Alternative #1: Lawrence Meath

Alternative #2: Daniella LaRosa

Primary 2: Gavin Jordan

Alternative #1: Gus Hernandez

Alternative #2: Luis Oyola

Safe Areas:

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

Safe Areas
Parking Lot
Sidewalk in front of the building



#### **Floor Monitors:**

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

Primary Representatives	Alternate			
Jacob Lewis	Lawrence Meath			

#### Work Area Representatives:

The following individuals have been selected as the Mayfield College 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.

Work Area Representatives	Alternatives	Department
Luis Oyola	Gavin Jordan	Education

#### **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:

DEPARTMENT	EVACUATION ASSEMBLY POINTS
Main Office	PARKING LOT - KEEPING FIRE LANE CLEAR
Education	PARKING LOT - KEEPING FIRE LANE CLEAR

See attached "Evacuation Assembly Points Map" showing location of all building assigned assembly points. Please see map in Appendix B

#### **Assigned Building Entrances:**

The Mayfield College has one front entrance. This entrance 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.

Entrance	Monitors
Main Entrance	Jacob Lewis



### APPENDIX A

#### Local Authorities, non-emergency numbers

City	Police/Sheriff
Bermuda Dunes	760-863-8990
Cathedral City	760-770-0300
Desert Hot Springs	760-329-2904
Indian Wells	760-836-1663
Indio	760-347-8522
La Quinta	760-836-3215
Palm Desert	760-836-1600
Palm Springs	760-323-8116
Rancho Mirage	760-836-1600
Thousand Palms	760-836-1600
Twentynine Palms	760-367-9546

#### Clerks of the Court – surrounding counties

**Riverside Clerk of Court** Riverside County County Clerk and Clerk of Court **Clerk Address:** 4080 Lemon St, 1st Floor, Riverside, CA 92502 **Phone:** (800) 696-9144 or (951) 486-7000

San Diego Clerk of Court San Diego County Clerk and Clerk of Court Clerk Address: San Diego County Administration Center, 1600 Pacific Highway, Suite 2603, San Diego, CA 92101 Phones ((10) 227 0502

Phone: (619) 237-0502

**Orange Clerk of Court:** Orange County Clerk and Clerk of Court **Clerk Address:** 12 Civic Center Plaza, Room 101, Santa Ana, CA 92701 **Phone:** (714) 834-2500

Los Angeles Clerk of Court: Los Angeles County Registrar, Clerk of Court and Clerk Clerk Address: 12400 Imperial Highway, Norwalk, CA 90640 Phone: (800) 815-2666

San Bernardino Clerk of Court San Bernardino County Clerk and Clerk of Court Clerk Address: San Bernardino County Hall of Records Building, First Floor, 222 W. Hospitality Lane, San Bernardino, CA 92415-0022 Phone: (855) 732-2575

#### MAYFIELD COLLEGE

# APPENDIX B





I have received Mayfield College's 2022 Annual Security and Fire Safety Report.