

2019

# Annual Security Report

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

## 2016-2018 Crime Statistics

### West Valley-Mission Community College District

*"Building Silicon Valley's future -One student at a time."*

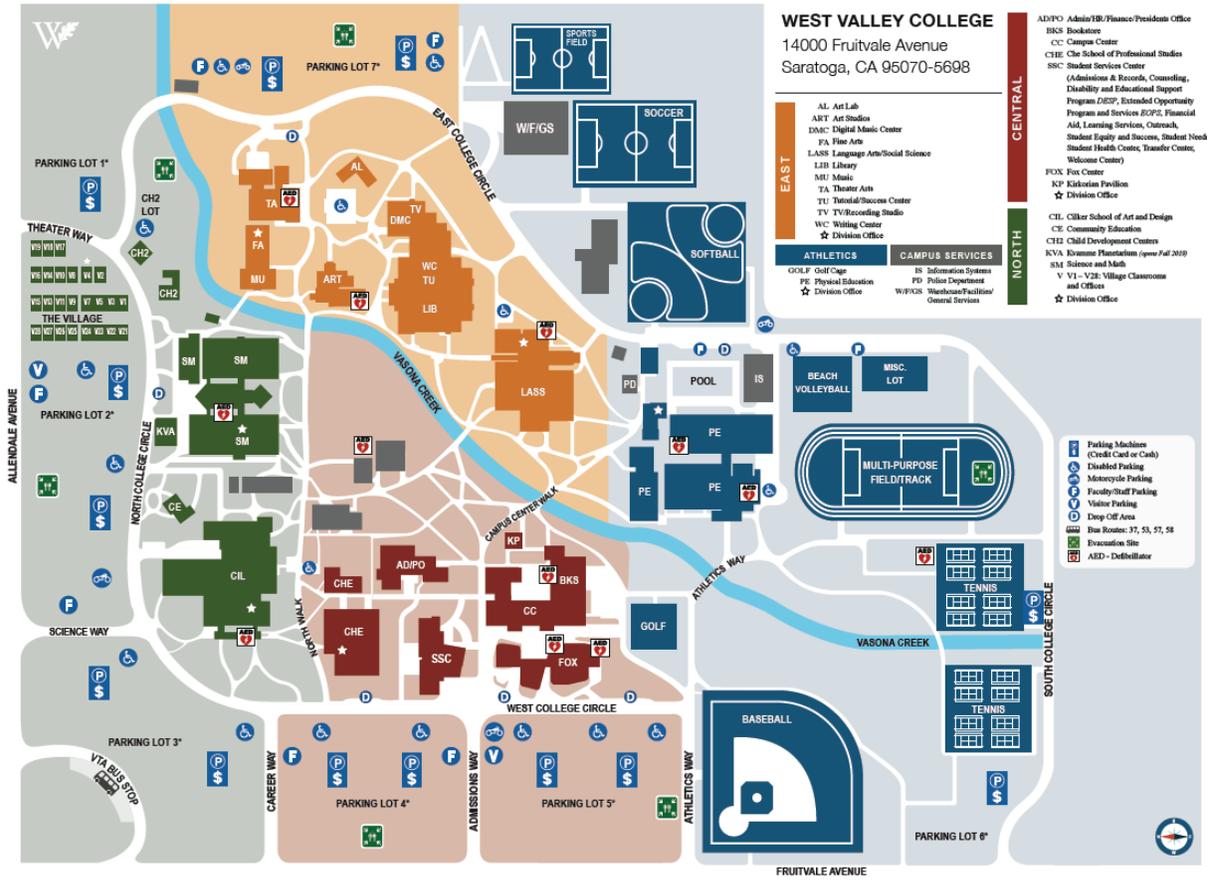


West Valley-Mission Community College District  
14000 Fruitvale Avenue, Saratoga, CA 95070



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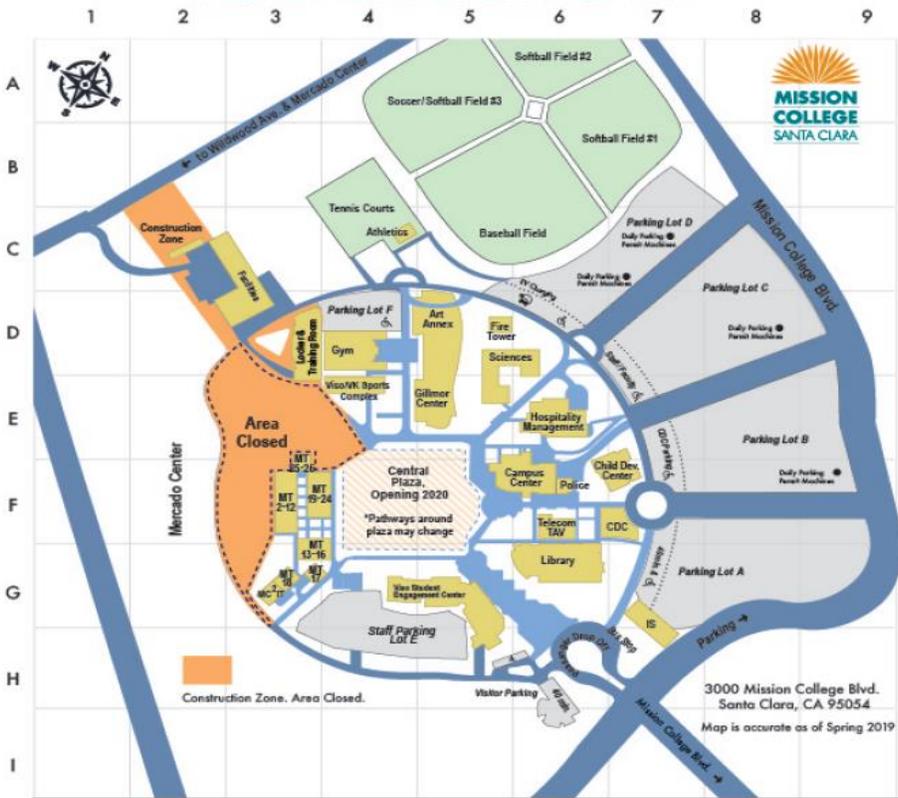
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14000 Fruitvale Avenue, Saratoga, CA 95070  
[www.westvalley.edu/](http://www.westvalley.edu/)



# MISSION COLLEGE CAMPUS MAP



Building	Grid	Room	Building	Grid	Room
Art Annex	D4	GC-A106-111	Police Station	F6	
Admission Office	H4	SEC-118	President's Office	H4	SEC-341
Assessment Center	H4	SEC-109	Duplicating Center	E4	GC-112
Bookstore	F5	CC	Saints Cafe	F5	CC
Counseling Center	H4	SEC-131-133	Student Leadership	F5	CC-215
Financial Aid	H4	SEC-118	Transfer Center	H4	SEC-139
Gym	D4		Tutoring Center	H4	SEC-154
Health Center	H4	SEC-106	Viso Sports Complex	E3	VK
Hospitality Management	E5/6		Vargas Gallery	E4	GC-102
KJ's Cafe	H4/EF	SEC & GC	VP Administrative Services	H4	SEC-331
Library	G5/6		VP Office of Instruction	H4	SEC-331
Music Room	D4	GC-127	VP Student Services	F5	CC-222
Part Time Faculty Center	E4	GC-114	Welcome Center	H4	SEC-101

3000 Mission College Boulevard Santa Clara, CA 95054-1897  
[www.missioncollege.org/](http://www.missioncollege.org/)



## A MESSAGE FROM THE CHIEF OF POLICE

On behalf of the men and women of the West Valley-Mission Community College District Police Department we hope your time on our campuses is safe, secure and enjoyable. This annual security report is in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. It is our goal to ensure that students, employees and visitors to our campuses have a safe and secure environment to work and learn.

This report is designed to provide you with important information about safety and security. In addition to outlining many of the policies and resources our institutions offer the campus community, this report also contains the required crime statistics for the previous three calendar years starting January 1, 2016 through December 31, 2018.

As students, staff, faculty, and visitors we all share the responsibility to keep our community safe and secure. For more information on District safety, emergency preparedness and prevention please visit our website: <http://www.wvm.edu/police/>

Please feel free to approach any of our officers and civilian personnel with questions or concerns. We are here to assist you!

Dalton C. Rolan  
Chief of Police  
West Valley-Mission  
Community College District



### **Administrators**

Chancellor **Brad Davis**  
Mission College President **Daniel Peck**  
Interim- West Valley College President **Charles Bullock**  
Vice Chancellor Administrative Services **Ed Maduli**  
Associate Vice Chancellor Human Resources **Albert Moore**

### **West Valley-Mission District Board of Trustees**

Adrienne Grey, Anne Kepner, Jack Lucas, Karl Watanabe, Susan Fish, Robert Owens, Randi Kinman

### **West Valley-Mission Community College District Offices**

14000 Fruitvale Ave.-Saratoga, CA 95070

## THE COLLEGE DISTRICT

West Valley-Mission Community College District has a devoted Board of Trustees and a dedicated faculty, staff and administrators that serve its two colleges. Both colleges offer a wide variety of community services and are on the cutting edge of higher education institutions in the Silicon Valley.

**West Valley College** is located at 14000 Fruitvale Ave in Saratoga. The campus is accessible from Saratoga-Los Gatos Road, Saratoga Avenue and Highway 85. The campus serves approximately 8,000 students each semester.

### **West Valley College**

Founding Date: 1963

Campus Size: 143 acres

No on-campus housing

**Mission College** is located at 3000 Mission College Blvd., just off Highway 101 at Great America Parkway in Santa Clara. The campus serves approximately 7,000 students each semester.

### **Mission College**

Founding Date: 1977

Campus Size: 164 acres

No on-campus housing

## WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT POLICE DEPARTMENT (WVMPD)

The West Valley-Mission Community College District Police Department (WVMPD) is a full-service law enforcement agency, employing police officers whose law enforcement authority is granted under Section 830.32 of the California Penal Code and Education Code, Section 72330. The authority of these officers extends anywhere within the State of California. West Valley-Mission Community College District Police Officers are vested with full law enforcement powers and responsibilities, similar to local police or sheriff departments. The District Police Department is a P.O.S.T certified law enforcement agency. Our officers are trained and certified through a local police academy. They receive additional on-going training in first aid/CPR, tactical communications, mental health, firearms, use-of-force, defensive tactics, legal updates, defensive driving, and campus specific policing. Our officers maintain their state certification through annual state mandated training.

The West Valley-Mission Community College District Police Department provides law enforcement services from 6:30 AM to 2:00 AM, seven days a week, 365 days a year at both the West Valley and Mission campuses. Note: (During our non-hours of operation from 2:00 AM through 6:30 AM, the Santa Clara County Sheriff's Department responds to calls for service at West Valley College and the City of Santa Clara Police Department responds to calls for service at Mission College). Officers are responsible for a full range of public safety services, including all crime reports, investigations, medical emergencies, fire emergencies, traffic accidents, traffic enforcement, vehicle code violations, enforcement of laws regulating underage drinking,

possession of alcohol on a campus, the use of controlled substances, weapons, gambling, and all other incidents requiring police assistance.

In addition to sworn police officers, WVM District employs Parking Service Officers who patrol the campus on foot and by vehicle. While not police officers, Parking Service Officers have radio contact with District Police and can summon assistance when necessary. These officers assist in non-emergency situations, aid motorists; provide campus information, issue parking citations and direct traffic.

Our mission is to provide outstanding service and safety through education and campus partnerships. This is achieved through community engagement and partnerships with both college campuses.

### **Jurisdiction**

The WVMPD primary jurisdiction includes the campuses, other grounds or properties owned, operated, controlled, or administered on behalf of the West Valley-Mission College District as outlined in the Education Code, Section 72330. WVMPD is committed to the safety and security of all students, staff, and faculty, as well as others visiting our campuses.

District police officers have complete police authority to apprehend and arrest anyone involved in illegal acts, pursuant to California Penal Code Section 830.32 and Education Code Section 72330.

WVMCCD maintains formal agreements with the Santa Clara County Sheriff's Department for the West Valley College campus and the Santa Clara Police Department for the Mission College campus. These agreements also clarify operational responsibilities for investigations of Part I violent crimes and delineates the specific geographical boundaries of each agency's operational responsibility.

### **WHAT IS THE JEANNE CLERY ACT?**

The Clery Act was championed by Howard & Connie Clery after their daughter, Jeanne, was murdered at Lehigh University in 1986.

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of Jeanne Clery, a 19-year-old Lehigh University freshman, was sexually assaulted and murdered in her dorm room in April 1986. The Jeanne Clery Act was enacted in the belief that crime awareness can prevent campus victimization. This is a federal law that requires colleges and universities to disclose information about campus crime activity and security policies in an annual report. It is generally referred to as the Clery Act.

The law requires colleges and universities receiving federal funding to prepare, publish, and distribute, by October 1 of each year, campus security policies and crime statistics. These campus security policies and crime statistics must be distributed through appropriate publications or mailings, to all current students and employees, and made available to any applicant for enrollment or employment upon request.

In 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus Save), which amends the Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking.

More information about the Clery Act can be found at: <https://clerycenter.org/policy-resources/the-clery-act/>

## PREPARING THE ASR

The District prepares this report annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the WVMPD, local law enforcement agencies surrounding our main campuses and alternate sites. Each reporting entity provides updated information to comply with the Act.

The statistics contained in this report, which includes specific on-campus crimes, in adjacent public areas, and some off campus locations, are collected by the WVMPD. In preparation for annual reporting, the neighboring law enforcement agencies are surveyed for knowledge of crimes that may not have been reported to WVMPD. These agencies include, but are not limited to the Santa Clara Police Department, Campbell Police Department, San Jose Police Department, Los Gatos-Monte Sereno Police Department, Foothill-DeAnza District Police Department and the Santa Clara County Sheriff's Office. WVM Campus Security Authorities (CSAs) report crimes to the District Police throughout the year to be included in this report and for timely warning consideration. These CSAs are designated campus staff and faculty with significant responsibility for student and campus activities and include, but are not limited to the Dean of Student, Athletics staff, Student Club advisors and Student Affairs personnel.

The presentation of the statistics in this report is designed to enable the reader to compare specific crimes committed during the past three years. Crimes reported as occurring at locations outside the physical boundaries of the Colleges are generally investigated by the agency having primary jurisdiction over the location. Crime statistics for non-campus buildings or property are requested by the WVMPD and are published when available; however external police agencies are not required by law to provide the requested information.

The federal definition of each crime may differ from the definition of comparable crimes under California statutes and District policy. The Clery Act also requires reporting of hate crimes where prejudice due to race, gender, religion, sexual orientation, ethnicity, national origin, gender identity or disability with evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. If a CSA has knowledge of a reportable crime that was not reported for investigation or disciplinary action, that person is required, in most instances, to report the crime to the WVMPD for inclusion in the statistics.

Under the Clery Act, a crime is "reported" when it is brought to the attention of a CSA, the WVMPD or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If a CSA receives a report, that person must include it as a crime report for consideration of inclusion into the Annual Security Report. It is not necessary for the crime to have been investigated by the police, nor must it have to be

prosecuted by the Santa Clara County District Attorney's Office, or other appropriate prosecutor, to be included in the report

Institutions of higher education must include four distinct categories of crime in their ASR crime data:

#### Criminal Offenses

- Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence
- Sexual assault: rape, fondling, incest, statutory rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

Hate Crimes (any of the above mentioned offenses, and any incidents of)

- Larceny-theft
- Simple assault
- Intimidation
- Destruction/damage/vandalism of property

#### VAWA Offenses

- Domestic violence
- Dating violence
- Stalking

Arrests and Referrals for Disciplinary Action

- Weapons law violations
- Drug abuse violations
- Liquor law violations

## REPORTING A CRIME

West Valley-Mission community members should file a report in a timely manner whenever they observe anything suspicious, believe they have discovered a crime, or come across a circumstance which could pose a safety hazard.

#### - Telephone

FOR **ALL EMERGENCIES** OR TO REPORT A **CRIME IN PROCESS** DIAL **9-1-1**. If you have an emergency and are using a **cellular phone** dial **408-299-3233** - Santa Clara County Communications Dispatch Center (24 hours-a-day) and ask for a WVMPD Police Officer to respond.

To report a **non-emergency** or a **prior criminal incident** that would require the assistance of a police officer contact the Santa Clara County Communications Dispatch Center by dialing **408-299-2311** (24 hours-a-day). Request a WVMPD Police Officer to respond.

When you call **9-1-1** or the non-emergency Santa Clara County Communications dispatch center telephone number at **408-299-2311**, dispatchers or call takers who answer the phone are not college employees. They only provide call taking and dispatching for the WVMPD.

The County Communications dispatch center is located in a remote off campus. When calling, request a WVMPD Police Officer.

**Non-Emergencies:**

Business, Records Office Phone: **408-741-2092** (West Valley campus)

Business, Parking & Traffic Office: **408-855-5435** (Mission campus)

Dispatch (24 hours) Santa Clara County Communications Non-Emergency **408-299-2311**

**- In Person**

**West Valley College**, 14000 Fruitvale Avenue, Saratoga, CA 95070

Campus Center Walk at East College Circle next to the PE Building/Aquatics Center

408-741-2092

The Business and Records Office is located at the West Valley College office.

**Regular Hours:**

Monday - Friday

9:00 A.M. - 5:00 P.M.

**Call for current hours of operation**

**Live Scan Hours:**

Monday through Friday 9:30 A.M. - 12:30 P.M.

and 2:30 P.M. – 4:30 P.M.

Evening available by appointment only.

408-741-2685 / [livescan@wvm.edu](mailto:livescan@wvm.edu)

**Call for current hours of operation**

**Mission College**, 3000 Mission College Boulevard, Santa Clara, CA 95054

Campus Center Building (1st Floor)

408-855-5435

The Parking Services Office is located at the Mission College office.

**Regular Hours:**

Monday - Thursday

8:00 A.M. - 8:30 P.M.

Friday 8:00 A.M. - 4:00 P.M.

The police business and parking offices are closed on Saturdays, Sundays, and all college district observed holidays. Our office staff can assist you with non-emergency general police business, lost property, campus safety escorts, and parking information.

**Anonymous Tips - TipNow**

TipNow allows anyone to send anonymous tips about criminal activity, suspicious circumstances or safety issues to the campus police via a secure text based system. This is accomplished by using one of the TipNow links or phone numbers assigned to each campus (See below). More information about the service can be seen at: <http://www.tipnow.com/> .

**West Valley College**

Anonymous Tip  
 email: westvalley@tipnow.com  
 Anonymous voice mail:  
 Text: 408-414-7908

**Mission College**

Anonymous Tip  
 email: mission@tipnow.com  
 Anonymous voice mail:  
 Text: 408-550-7982

As part of its commitment to provide a safe and secure campus, each Office of Student Services encourages students to report any sexual assaults, domestic violence, or stalking, both on and off campus. Reports can be made confidentially to the following entities on each campus:

- WVMPD Department
- Campus Health Services
- Office of Student Services
- Campus Counseling Services

**Local Law Enforcement**

*Reference: California Education Code Section 67381*

*Each college or center of the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.*

*The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.*

The West Valley-Mission Community College District maintains written agreements with the Santa Clara County Sheriff's Office and the City of Santa Clara in compliance with the Education Code and the Kristen Smart Campus Safety Act.

**KRISTIN SMART CAMPUS SAFETY ACT of 1998**

This interagency operations and protocol agreement, between the WVMPD and neighboring agencies is to clarify agency jurisdiction and response responsibility as required by the Kristin Smart Campus Safety Act of 1998.

The California Legislature under this Act also reaffirms that campus law enforcement agencies have primary authority for providing law enforcement service on their campus.

This Act also requires law enforcement agencies to designate operational responsibility and define specific geographical boundaries of response for the investigation of Part I violent crimes of homicide, forcible rape, robbery and aggravated assaults on campus property and property controlled by the college.

The WVMPD has primary responsibility for law enforcement response and investigations of criminal activity on District property.

The WVMPD and the Santa Clara County Sheriff and Santa Clara Police have Memorandums of Understanding (MOU) that the WVMPD may request assistance from these agencies at any

time. Further, these agencies may assume control over investigations for serious violent Part I crimes that may be beyond the resources/expertise of the WVMPD in accordance with existing MOU's procedures.

## EDUCATION AND PREVENTION

The District Police encourages members of the community to assist in preventing crime by minimizing opportunities to become a victim by using good judgment and safety practices. On the District web page there are links found under District Services for both crime prevention and emergency preparedness.

The District Emergency Services program maintains a web site on the WVM District page <http://www.wvm.edu/emergency/> and on the WVM web portal for students and staff. On this page you will find a series of educational links for classes and information regarding current emergency preparedness and procedures along with free training classes offered to the campus communities.

### **Emergency Response and Evacuation Procedures**

The District maintains an Emergency Operations Plan (EOP) that identifies roles and responsibilities and outlines emergency responses to all hazards that could affect the campuses. This plan provides that if there is an immediate or potential threat to the health and safety of students or employees, occurring on campus, the college presidents or District administrators may implement the EOP operational protocols. This plan is reviewed and revised annually to remain current to the evolving environment of the individual college campus. For more information visit: <http://www.wvm.edu/emergency/>

## EMERGENCY NOTIFICATION

As an effort to provide notice to the West Valley-Mission community, in the event of a serious incident, which may pose an ongoing threat to members of the WVM community, an emergency notification would be distributed to the campus community. As circumstances allow, the decision to distribute an emergency notice will be based on the judgment of the Chief of Police, Chancellor, each College President or designee.

An emergency notification is triggered by an event that is currently occurring on or imminently threatening the campus. Such as any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus

Any of the following may be used to issue immediate warnings about serious emergencies on campus:

- Text message alerts (WVM Alert)
- Classroom Emergency Telephones
- Broadcast email and voicemail.
- Fire Alarm
- Building Safety Team members

## TIMELY WARNINGS

As required by federal law (20 U.S.C. § 1092(f)), the District will issue a Timely Warning to the affected college community when a Clery reportable crime occurs on campus or in an area surrounding the campus, and the Chief of Police (or designee) determines that the situation represents a serious or continuing threat to the campus community. The decision to issue a Timely Warning will be made on a case-by-case basis. Persons authorized to initiate and send Timely Warnings will do so in a timely manner. The persons authorized to send Emergency Notifications are the individuals authorized to send Timely Warnings.

The level of detail included in a Timely Warning will vary depending on the type of crime. The name(s) of a victim(s) will not be published in the Timely Warning. Where possible, information that might identify the victim will also be excluded. Other details may be excluded from a Timely Warning if, in the professional judgment of responsible authorities, the information would compromise law enforcement's efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

Timely Warnings will most often be distributed via email; however, additional messaging methods may be employed. Timely warnings may also be distributed via the Emergency Notifications methods.

The decision to issue a Timely Warning for sex offenses involving persons who are acquaintances will be made on a case-by-case basis. Factors which will be considered when making this decision include: the level of force and violence used to commit the crime, the potential use of a drug to commit the crime, and the existence of multiple crimes of a similar nature occurring in close proximity, either in time or location. The District Chief of Police and the affected college president and or District Title IX Coordinator are responsible for determining if a Timely Warning will be issued for non-stranger sexual assaults; either may make this determination. Consultation with other college staff persons may occur on a need-to-know basis.

Timely warnings are triggered by crimes that have already occurred but may represent an ongoing threat. Timely warnings are for any Clery crime committed or reported to your campus security authorities or a local law enforcement agency and is considered by the institution to represent a serious or continuing threat to students and employees.

Any of the following may be used to issue timely warning notices.

- Postings on the District, West Valley or Mission College websites,
- District or College email,
- Student and staff web portals,
- Fliers and other informational materials may also be posted on campus buildings to inform students, faculty, and staff of ongoing safety concerns.

Mass Notifications: Emergency Notification or Timely Warning?		
	Emergency Notification	Timely Warning
Recipients	The entire campus	The entire campus
Triggering incident	Any situation thought to pose an immediate threat to the safety and security of the campus community	Clery-reportable crimes believed to present an ongoing threat to the
Timeline for sending a message	As soon as first responders confirm significant emergency or dangerous situation	As soon as pertinent information is available
Follow-up message required?	Yes	No

## SAFETY OF BUILDINGS AND GROUNDS

The District buildings and property are patrolled by officers of the WVM District Police Department. The District Police regularly patrols each campus and reports malfunctioning lights and other unsafe physical conditions to District Facilities for service or correction. Possession and use of **all** weapons are prohibited on both West Valley and Mission campuses (*5.19 Student Conduct Policy & District Administrative Procedure 3530*)

### **AP 3530 WEAPONS ON CAMPUS**

**References:**

Penal Code Sections 626.9, 626.10, 16780 and 17230

Firearms, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife, or explosive, are prohibited on any District campus or at any District center, or in any facility of the District. Activities involving firearms or other weapons conducted under the direction of District officials must be authorized by the District Police Department before taking place.

Guns of any type are not allowed on the campus, unless an individual is a duly appointed peace officer or honorably retired peace officer. Knives with a fixed blade length of more than 2½ inches are not allowed on campus. Employees of the District or college who are engaged in official duties are exempt from the knives with fixed blades of 2 ½ inches while on District property.

Any person who believes that he/she may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the District Police prior to bringing the item to campus.

Any person who, without the written permission of the college president or Chancellor or his/ her designee, brings or possesses a less lethal weapon, as defined in Section 16780, or a stun gun, as defined in Section 17230, upon the grounds of, or within, a public or private college campus is guilty of a misdemeanor.

**Date Approved: January 18, 2012**

**Date Revised: April 11, 2016**

### **Access to Campus Facilities**

During business hours (generally 6 AM to 11 PM), the District will be open to the public. During non-business hours access to all District facilities is by key and or access card. In the case of

periods of extended closing, the District will determine access controls. Some facilities may have individual hours, which may vary at different times of the year. Examples include, Physical Education facilities, Theater, and Hospitality Management. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Notification of extended or adjusted hours should be directed to District Facilities and District Police. During the academic year, the Facilities Safety Committee on each campus will meet to discuss campus security, safety and access issues of pressing concern such as: general safety issues, alarms, locks, landscaping, lighting, and communications. Emergencies may necessitate changes or alterations to any posted schedules.

### **Campus Security for Satellite Location and Occasional Instruction Sites Non-Campus Locations**

The District Police does not patrol at off-campus locations but does work cooperatively with the local law enforcement agency on any report of an incident or crime. The District maintains a facility in the City of Campbell, Campbell Educational Development Center, 1 West Campbell Av. Suite J-66, which is served by the Campbell Police Department.

As of Fall Semester 2016 the District maintains a facility in the city of Sunnyvale, Foothill Sunnyvale Center located at the Moffett Business Park 1070 Innovation Way, which is served by the Foothill-DeAnza CCD Police Department.

The District also holds some classes at:

- Los Gatos High School in the City of Los Gatos, which is served by Los Gatos-Monte Sereno Police Department
- Saratoga High School in the City of Saratoga, which is served by the Santa Clara County Sheriff's Department.
- Lynbrook High School and Leigh High School both located in the City of San Jose, which is served by San Jose Police Department.

### **VIOLENCE AGAINST WOMEN ACT (VAWA)**

<https://www.federalregister.gov/documents/2014/10/20/2014-24284/violence-against-women-act>

On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. L. 113-4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports.

On July 22, 2015, the Department of Education issued a Letter providing an overview of the final regulations to the Clery Act, released in October 2014.

Every post-secondary institution participating in Title IV financial aid programs will be required to:

- compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities
- include within its Annual Security Report a statement of policy regarding:
  - its programs to prevent domestic violence, dating violence, sexual assault, and stalking
  - the procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from the report
  - educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty.

## DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

The West Valley-Mission CCD does not discriminate on the basis of sex in its educational programs and sexual harassment nor tolerate sexual violence, which is a type of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether gender based or not and include dating violence, domestic violence, and stalking. The West Valley-Mission District informs the community of our plan addressing sexual misconduct; educational programs and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus, and how these events are reported to a college official. The West Valley-Mission District prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community. District Administrative Procedure 3540 specifically prohibits these acts.

### AP 3540 SEXUAL AND OTHER ASSAULTS

#### References:

Education Code Section 67385 and 67386; 20 U.S. Code Section 1092(f);

34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 titled Standards of Student Conduct)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

"Dating violence" means 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 a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with or has cohabitated with the victim as a spouse;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person’s acts under California law.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her safety or the safety of others, or to suffer substantial emotional distress.

It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500, 3510, and 3515)

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the District Human Resources Office, the District Police Department, and/or Health Services on each campus, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Associate Vice Chancellor of Human Resources is authorized to release such information.

The Associate Vice Chancellor of Human Resources shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following:

- A copy of the District’s policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents; The District Police Department, the Associate Vice Chancellor of Human Resources (employees), and the Vice President of Student Services (students);
- Information about the importance of preserving evidence, and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - Transportation to a hospital, if necessary (Student Services, Human Resources or the Police Department);
  - Counseling by Health Services or referral to a counseling Center (Student Services, Human Resources or the Police Department);
  - Notice to the police, if desired (Student Services or Human Resources);
  - A list of other available campus resources or appropriate off-campus resources (Student Services, Human Resources or the Police Department);
- A description of each of the following procedures:
  - criminal prosecution;
  - civil prosecution (i.e., lawsuit);
  - District disciplinary procedures, both student and employee;
  - modification of class schedules;
  - tutoring, if necessary.

The Associate Vice Chancellor of Human Resources should be available to provide assistance to District law enforcement to employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of domestic violence, dating violence, sexual assault or stalking on District property shall be kept informed, through the Human Resources Department (employees), and/or Vice President of Student Services (students) of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

The District shall maintain the identity of any alleged victim or witness, or third-party reporter of domestic violence, dating violence, sexual assault or stalking on District property, as defined above, in confidence unless the alleged victim, or witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults or stalking on District property shall be referred to the Associate Vice Chancellor, who shall work with the Vice President of Student Services appropriate campus officials to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense or stalking, including a clear statement that:

- o The accuser and the accused are entitled to the same opportunities to have others present during a

disciplinary proceeding; and

- The complainant was asleep or unconscious.
- The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- The complainant was unable to communicate due to a mental or physical condition.

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- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense or stalking, including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

#### **Education and Prevention Information**

The Health Services Program shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with District Police Department, and campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies, including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.  
Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking

**Date Approved: January 18, 2012**

**Date Revised: April 11, 2016**

**Sexual Assault:** Sexual assault occurs when a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the victim's consent.

### **Consent**

Consent must be informed, freely given and mutual. If coercion, intimidation, threats or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent: this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence does not necessarily constitute consent. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

**Rape:** Is penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. Rape also occurs when a person engages in sexual intercourse with a person by forcible compulsion or the threat of forcible compulsion that would prevent resistance by a person of reasonable resolution, or when a person is unconscious or where the person knows that the victim is unaware that the act is occurring.

- Is an act of sexual intercourse accomplished with a person, whether or not they are 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.
- 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.
- 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.
- Where a person is at the time unconscious of the nature of the act, and this is known to the accused. "Unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
  - Was unconscious or asleep.
  - Was not aware, knowing, perceiving, or cognizant that the act occurred or of the essential characteristics of the act due to the perpetrator's fraud in fact.

Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. When the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. "Threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

**Domestic Violence Resources:**

Victims of domestic violence have a right to go to Superior Court and File a petition requesting orders for relief. Victims have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses. The victim has the right to ask the landlord to change the locks with 24 hours. The victims should report incidents to their local law enforcement agency. The agency will file a report with the District Attorney's Office so a charging decision can be made of criminal charges. The victim is entitled to a free copy of the police report from the agency taking the report.

For further information and assistance for victims of domestic violence call the **Victim Witness Assistance Center in Santa Clara County at 408-295-2656** or the **California Victims of Crime Program at 1 800 777-9229**.

**Definition Domestic Violence:** (42USC / 13925) includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

## TITLE IX

**What is Title IX?**

Title IX requires that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..." As such, Title IX of the Education Amendments of 1972 prohibits discrimination based on the gender of students and employees of educational institutions that receive federal financial assistance. West Valley-Mission Community College District ("WVMCCD" or "the District") is governed by Title IX.

### TITLE IX COORDINATOR FOR WVMCCD

**The Title IX Coordinator at Mission College is:**

Omar Murillo, Vice President of Student Services

Mission College Student Services

3000 Mission College Blvd

Santa Clara, CA 95054

Phone: 408-855-5195

Email: [omar.murillo@missioncollege.edu](mailto:omar.murillo@missioncollege.edu)

**The Title IX Coordinator at West Valley College is:**

Stephanie Kashima, Vice President of Student Services  
West Valley College Student Services  
14000 Fruitvale Avenue  
Human Resources Department  
Saratoga, CA 95070  
Phone: 408-741-2438  
Email: [Stephanie.kashima@westvalley.edu](mailto:Stephanie.kashima@westvalley.edu)

**The District Title IX Compliance Officer at WVMCCD is:**

Paul Williams, District-Director, Compliance, Training & Employee Relations  
Human Resources Department  
14000 Fruitvale Avenue  
Saratoga, CA 95070  
Phone: 408-741-2194 Fax: (408) 867-9059  
Email: [paul.williams@wvm.edu](mailto:paul.williams@wvm.edu)

**MARSY’S LAW- VICTIM BILL OF RIGHTS**

On November 4, 2008, the voters of the State of California approved Proposition 9, the Victims’ Bill of Rights Act of 2008: Marsy’s Law, a measure to provide all victims with rights and due process. Additional information can be found at: [http://oag.ca.gov/victimservices/marsys\\_law](http://oag.ca.gov/victimservices/marsys_law)

*Resources – Santa Clara County*

**VICTIMS' BILL OF RIGHTS ACT OF 2008**

On November 4, 2008, the voters of California voted Proposition 9 into law. This measure amends the California Constitution. The amendment contains victims' rights now known as Marsy's Law. The Santa Clara County District Attorney's Office will implement policies and procedures which are in legal accord with these rights.

**MARSY'S RIGHTS**

California Constitution, Article I, Section 28 (b)

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

- (1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
- (2) To be reasonably protected from the defendant and persons acting on behalf of the defendant.
- (3) To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant

(4) To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.

(5) To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.

(6) To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.

(7) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.

(8) To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.

(9) To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

(10) To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.

(11) To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

(12) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.

(13) To restitution.

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

(14) To the prompt return of property when no longer needed as evidence.

(15) To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.

(16) To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.

(17) To be informed of the rights enumerated in paragraphs (1) through (16).

## MISSING STUDENT NOTIFICATION

If a person has not returned home, failed to appear for work, class, an appointment as anticipated, or there is a belief that something is suspicious about his or her presence, report the situation to law enforcement.

You need not and should not wait 24+hours to report a missing person. Anyone can file a missing person report, but Campus Officials who become aware of a potentially missing student must report information immediately to WVM District Police.

Pursuant to California Penal Code 14205(a), a law enforcement agency must take a missing person report without delay. When a report is filed with WVM District Police, a complete and thorough investigation surrounding the incident will be conducted by the appropriate jurisdiction.

In compliance with federal law, during registration, students have the option to specify contact(s) to be notified in the event the police determine someone is a missing person. This contact information is kept confidential and only accessible by authorized college officials for disclosure to law enforcement personnel during a missing person investigation.

Federal law also requires the college to inform students that an emergency contact will be notified within 25 hours of a person being determined as missing. For non-emancipated minors, a custodial parent or guardian will be notified in addition to any listed emergency contact(s).

The college may make additional notifications as necessary, and as provided for by FERPA, to resolve a safety emergency, including notifying parents or guardians, even when they were not specifically listed by a student as an emergency contact.

**13700 PC Domestic Violence - Defined**

Abuse committed against an adult or fully emancipated minor who is the spouse, former spouse, cohabitant, former cohabitant, who has a dating relationship, former dating relationship, engagement relationship, former engagement relationship, or parties having a child in common.

**273.5 PC Spousal Abuse or Cohabitant Abuse**

- Willfully inflicts corporal injury upon
- Spouse or Cohabitant or Parties with a Child in Common
- Results in a Traumatic condition
- Verifiable Injury (Officer's observation or Medical exam)

**243(e) (1) PC Battery**

- Willfully and unlawfully use force or violence against,
- Spouse, cohabitant, parties with a child in common, non-cohabiting former spouse or fiancé/fiancée or a person with whom the defendant currently has or has previously had a dating relationship regardless of sexual orientation
- Visible injury not necessary

**422 PC Terrorist Threats**

- Threat to commit a crime which will result in Death or Great Bodily Injury
- Must be unequivocal, unconditional, immediate and specific
- Causes sustained fear for safety
- To a person or their immediate family

**646.9 PC Stalking**

- Willfully, maliciously and repeatedly follows or harasses
- Makes a credible threat (Pattern of conduct by suspect, taken in totality, so that a reasonable person would fear for their safety or that of their immediate family)

**591 PC Malicious Destruction of Phone Lines**

- Unlawfully and maliciously
- Takes down, removes, injures or obstructs
- Any telephone, telegraph or cable TV line, or any other line used to conduct electricity.

**273.6 PC Violation of Domestic Violence Protective Order**

- Intentionally and knowingly violate a Domestic Violence Protective Order (including Emergency Protective Order, Temporary Restraining Order and Restraining Order)

**Dating Violence:** Means violence committed by a person-(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship will be determined based on a consideration of the following factors:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

**Stalking:** (42USC/13925) Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress. A person commits the crime of stalking when the person either:

- ( 1) engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which

- demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- (2) engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**California Penal Code 646.9** (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

## SEXUAL ASSAULT AWARENESS AND PREVENTION

These programs consist of guest speakers, films, and printed materials. To obtain further information please contact the WVMPD, Health Services, or Student Services. Counseling assistance is available through Health Services and Counseling Department. The West Valley-Mission Community College District will vigorously prosecute and discipline persons identified as responsible for sexual assaults. In addition to criminal prosecution, the College District will impose discipline against students, student organizations, college faculty or staff identified as committing or participating in sexual assaults. College discipline includes: expulsion from the college; suspension for a specific time period; or probation for a specific time period.

Discipline proceedings involving students will be processed through the Office of the Vice President of Student Services. Discipline proceedings involving faculty or staff members will be processed through the District Human Resources Office. Both the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding. Both the accuser and the accused shall be informed of the outcome of any campus proceeding alleging a sexual assault.

### **Reporting Sexual Assault**

As soon as possible, the victim should report incidents of sexual assault, including date or acquaintance rape to the WVMPD, the local police (if the victim is unable to make contact with the WVMPD), or a College faculty or staff member who can aid in contacting the proper authorities. The Counseling Department and Health Services can also help in contacting the proper authorities. The victim should make every attempt to preserve any physical evidence of the assault. This may include not showering or bathing, not cleaning the scene of the incident, and not disposing of any damaged clothing, or other items. The WVMPD will immediately initiate a criminal investigation into on-campus sexual assaults.

The victim will be given information on counseling and support groups. If the victim wishes to change an academic schedule, the appropriate steps will be taken to accommodate the victim to the full extent possible. The Colleges also encourage persons reporting to seek the support and assistance of friends or family when needed, in presenting their concerns. Santa Clara County offers 24 hour counseling for victims of crimes. The *Santa Clara County Valley Rape Crisis Center* may be reached at 1-408-287-3000.

## **Confidential reporting may also be made to Campus Security Authorities (CSA)**

**What is a CSA?** A CSA is a person referred to as a campus security authority by the Clery Act. CSA's are a vital part of data collection for the annual safety and security report. The Clery Act requires each college to provide an annual safety and security report. In addition to input from law enforcement, certain staff positions are designated as Campus Security Authorities (CSA) for the purpose of providing information for this report. CSAs are usually found in departments responsible for, but not limited to, student and campus activities, safety/security, discipline, housing, athletics, health services, human resources or judicial proceedings. This designation also includes any individual who has been specified by the colleges to receive and report offenses. CSA's are responsible for reporting the number of crimes and incidents as described in the Clery Act that occur in their department to the District Police Department. These numbers are then included in the federally mandated Clery Report, which is distributed every year in the beginning of October.

### **VOLUNTARY CONFIDENTIAL REPORTING**

If crimes are never reported, little can be done to help prevent other members of the community from also being victimized.

If you are the victim of a crime and do not want to pursue action within the District's System or through the criminal justice system, you may still want to consider making a confidential report. With your permission, the Human Resources Department (employees) or the Vice President of Student Services (students) 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, the District can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the Annual Security Report. In limited circumstances, the police department may not be able to assure confidentiality and will inform you in those cases.

The WVMPD encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the WVMPD cannot hold every crime report in confidence. The identity of victim information involving particular crimes such as sexual assault can be protected upon request of the victim. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified below. Confidential reports of crime may also be made to the District Human Resources Department (employees), Vice President of Student Services (students) or Health Services on either campus.

### **PREVENTION AND EDUCATIONAL AWARENESS**

A comprehensive institutional approach to address prohibited Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking ensures appropriate education as well as support services and creation of an environment that does not tolerate Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking.

Trained facilitators provide presentations, workshops, and other educational events and programs to the WVM community. Multi-week awareness programs, training, primary prevention programs, bystander intervention training, and ongoing prevention and awareness campaigns are offered during the course of the Academic Year for the campus community. Some are voluntary and others are mandatory.

Staff and faculty are required by the WVM District to complete various trainings to identify, prevent, and report sexual harassment and sexual misconduct, which includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Primary prevention and awareness training programs are required to be completed by all new employees and annually by all employees via an on-line course. In addition, Title IX office provides Sexual Misconduct training available to all faculty and staff throughout the year.

Descriptions of some of these programs offered to the campus community are:

<b>Program Type</b>	<b>Audience</b>	<b>Number of Programs Held (frequency)</b>	<b>Description</b>
Student Health 101 Mission College Web Based <a href="https://missioncollege.campuswell.com/">https://missioncollege.campuswell.com/</a>	Student, Staff, Faculty & Community	12 volumes ( One per Month)	Education on sexual assault, drugs and alcohol, bystander intervention, hate & bias, diversity and inclusion, sexual assault prevention, and hazing prevention education. Ongoing awareness on dating violence, mental health, domestic violence related to gender, and stalking.
FERPA Adjudication Workshop	Staff & Faculty	Twice- Spring Semester	Education on FERPA a Federal law that protects the privacy of student education records.
New Student Convocation for Students	Incoming Students	Once – Fall Semester	All students and parents who attend receive information on consent, safety & resources. A presentation on Sexual Assault/Dating Violence, Academic Stress and Success Strategies are presented. Title IX info is provided.
Suicide Prevention Presentations <a href="https://qprinstitute.com/">https://qprinstitute.com/</a>	Student, Staff, Faculty & Community	Ongoing	75 Minute Suicide Prevention Training Sessions by arrangement
Dating Violence Presentations <a href="https://www.joinone.org/act/escalation-workshop/">https://www.joinone.org/act/escalation-workshop/</a>	Student, Staff, Faculty & Community	Ongoing	85 Minute Training Sessions on dating violence by arrangements

Program Type	Audience	Number of Programs Held (frequency)	Description
Women of Wonder (WOW)	Student, Staff, Faculty & Community	Ongoing	Training on how to be empowered regarding relationships, social competencies, attitude and personal development.
Personal Safety and Awareness	Student, Staff, Faculty & Community	Ongoing	Provide trainings on primary prevention and best practices for response and creating an informed environment.
Mental Health First Aid	Student, Staff & Faculty	Ongoing	8 hr course teaches participants how to help someone who is developing a mental health problem or experiencing a mental health crisis
Suicide Prevention Week	Student, Staff, Faculty & Community	Annual	National Suicide Prevention Week is an annual week-long campaign in the United States to inform and engage health professionals and the general public about suicide prevention and warning signs of suicide.
Domestic Violence Awareness Month	Student, Staff, Faculty & Community	Annual	Topics that our covered during workshop sessions: -What is Domestic Violence -What is gender difference -How to recognize the signs -What can a person do to get out of a DV situation -What are the available resources
Alcohol and Drug Awareness	Student, Staff, Faculty & Community	Ongoing	Alcohol and Drug Information & Prevention Workshops
Human Resource Trainings	Onboarding PT/FT Faculty, Administrators & Classified Employees	Ongoing	These are mandatory training programs that must be completed by all new employees. Orientation materials include: campus safety, Clery, VAWA training materials

West Valley-Mission Community College District 2018 Year-Round Online Staff Training			
Training Topic	Type	Format	Targeted Staff Type
FERPA	Orientation	Online	All Employees
Mandated Reporting	Orientation	Online	All Employees
VAWA / Clery	Orientation	Online	All Employees
Sexual Harassment: Staff to Staff	Orientation	Online	Supervisors, Managers & Administrators
Sexual Harassment: Policy and Prevention	Orientation	Online	Supervisors, Managers & Administrators
Title IX	Orientation	Online	All Employees
Legal Compliance & Best Practices in the Area of Bullying & Title IX	One Session	Classroom	Supervisors, Managers & Administrators
Title IX Compliance- Putting it into Practice	One Session	Classroom	Supervisors, Managers & Administrators
Association of Title IX Administrator Level One Certificate	One Session	Classroom	Administrators

## THE FEDERAL CAMPUS SEX CRIMES PREVENTION ACT

### (Megan's Law)

The Federal Campus Sex Crimes Prevention Act requires the WVM District to inform the campus community where to find information on registered sex offenders. California law requires sex offenders to register with their local police or sheriff, which places their names in a state-wide database.

The State of California Registered Sex Offenders database can be accessed at <http://www.meganslaw.ca.gov>

### Sex Offender Registration

California Penal Code Section 290.01 requires every person who was convicted of a sex offense to register with the Campus Police Department of a College or University within Five (5) days where he/she is:

1. Enrolled as a Full-time student.
2. Enrolled as a Part-time Student.
3. Employed as a Full-time Staff, Faculty, or Instructor.
4. Employed as a Part-time Staff, Faculty, or Instructor.
5. Employed as a Full-time or Part-time Classified employee.
6. Employed as a volunteer.
7. A contractor who is contracted by the College or University to work on campus.
8. A carrier driver who delivers to that College or University more than 14 consecutive days or 30 days in a calendar year (i.e. Water delivery, Mail, VTA drivers, Outreach drivers, Armored car drivers, Telephone, Gas, and Electricity technicians, Computer technicians, Office supply drivers, and others).

This section does not relieve the person to register as a Sex Offender with the jurisdiction where he/she is residing. The registrations as a Sex Offender with a College or University Police Departments are in addition to the registration with the local police and sheriff's departments.

Anyone needing to register per Section 290 of the California Penal Code must call the Records Office to make an appointment at 1-408-741-2092.

## ASSISTANCE AND SAFETY ESCORTS

The WVMPD will provide you with assistance in unlocking your vehicle, providing jumper cables, or summoning a tow truck or locksmith to assist you. In general we will not attempt to open vehicles which have electric locks or windows. We will also assist family members in contacting students who are in class if there is a serious family emergency.

There is an escort service at both colleges from Monday through Thursday evenings. Escorts can be reached by dialing 2092 on the **West Valley College** campus or 1- 408-741-2092 from a non-campus line. Escorts can be reached by dialing 5435 on the **Mission College** campus or 1-408-855-5435 from a non-campus line. After 5 PM call County Communications, 1-408-299-2311 and ask for a WVM PD Police Officer and request an escort on campus. Times can be arranged in advance so the escorts can meet students at their classes. We do not provide escorts to off campus locations.

### Alcoholic Beverages

The possession, sale, or furnishing of alcohol on West Valley-Mission district property is governed by District Policy and California state laws. Violators are subject to disciplinary action and criminal prosecution. West Valley-Mission prohibits the possession of open containers of alcoholic beverages on any district property, with the exception for those circumstances outlined in WVM Administrative Police 3560.

### Drug Free Campus

- Both the abuse and moderate use of alcohol and illegal drugs can result in injury and death. While chronic problems are associated with long-term abuse, damage can occur from moderate or even a single experimental use of a substance. Alcohol and drug use seriously impair learning and motivation; disrupts the classroom; jeopardizes our physical and mental health; subjects us to criminal penalties; injures our families; erodes our relationships; and inhibits our ability to benefit from an education. West Valley-Mission Community College District therefore asks you to support, maintain, and promote actively a drug-free learning environment by being aware and informing others of college policies, referral sources for help, and the substantial legal, personal, and health consequences associated with use. If you or someone you know is having problems with alcohol or drugs, seek out confidential assistance on-campus, or from one of the community agencies listed on this sheet. (WVM District Policy BP 3550)

### BP 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM

#### References:

Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g; 34 Code of Federal Regulations Sections 86.1 et seq.; Drug Free Workplace Act of 1988, 41 U.S. Code Section 702

The District shall be free from all drugs and shall prohibit the unlawful use, possession, sale, or distribution of alcohol, narcotics, dangerous or illegal drugs, or other controlled substances, as defined in California statutes, on District property or at any function sponsored by the District or Colleges.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

The Chancellor shall assure that the District distributes annually to each student and employee the information required by the Drug Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

The Colleges will provide information pertaining to the health risks and effects associated with alcohol and narcotics or other dangerous or illegal drugs. Students may be referred to various on campus programs or outside agencies for support, information, and/or enrollment in a drug recovery program.

**Date Adopted: January 17, 2012**

Item 5.19 *Student Conduct Policy* prohibits the use, distribution, sale or possession of controlled substances on college property or at events sponsored by the college. All state and federal laws pertaining to unlawful use and possession of drugs and alcohol are enforced on the campuses.

### Health Consequences

Even experimental use of a substance may result in:

- Impaired learning due to poor concentration, fatigue, drowsiness, anxiety, altered perception, confusion, indifference, depersonalization, memory loss, panic attacks, and drug-induced psychiatric problems.
- Impaired judgment leading to driving under the influence of alcohol/drugs,
- The intravenous use of drugs can result in hepatitis, tetanus, abscesses, and AIDS.
- The use of stimulants can lead to cardiac fibrillation, heart attack, seizures, respiratory cardiac arrest and death.

The most common negative health consequences from occasional drinking are:

- Trauma-related (i.e., auto accidents, violent and abusive acts) and involve both the drinker and non-drinking victims.
- Long-term alcohol abuse can cause brain damage, cirrhosis of the liver, hepatitis, permanent in coordination, ulcer disease, gastritis, pancreatitis, heart disease, stroke, anemia, sexual dysfunction, cancers, and many other health problems.
- The Health Services Office provides drug and alcohol abuse education programs and confidential assistance.

## **SMOKING AND THE USE OF E-CIGARETTE DEVICES ON CAMPUS**

References:

- WVM District Policy BP 3570
- Government Code Sections 7597.1

The District shall provide a safe learning and working environment for students and employees. It is the intent of the District to provide a smoke-free and vapor-free environment to the greatest extent possible. This policy applies to, without limitation, traditional tobacco-based products, such as cigarettes, cigars, and pipe tobacco, and to electronic devices, such as e-cigarettes, e-pipes, and e-hookahs that deliver vapor for inhalation.

Smoking and the use of e-cigarette devices are prohibited in all indoor locations within the District. Smoking and the use of e-cigarette devices are prohibited in any enclosed place of employment on campus, including lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of any building that is a place of employment. Smoking and the use of e-cigarette devices are prohibited in all areas of the Mission and West Valley campuses except in parking lot areas that are at least twenty-five (25) feet away from buildings and pathways.

### **Legal Sanctions**

As a College student or employee you are subject to both college rules and regulations and the laws and penalties of the State of California for alcohol/drug offenses. As a student, if you are under the influence of alcohol and/or drugs, or if you are discovered selling, or dispensing drugs on campus or at any college function, you can be suspended, expelled and criminally prosecuted. If you are an employee or volunteer at WVM District you may be placed on probation, terminated, and criminally prosecuted for the use, sale or possession of illegal drugs and/or alcohol on campus, or at college-sponsored events.

## DISTRICT & COLLEGE SERVICE OFFICES

The following listing provides telephone numbers of campus units that deal with issues of personal health, safety, and empowerment; substance abuse prevention, assessment, and treatment; and student legal assistance.

### FOR FREE CONFIDENTIAL ASSISTANCE

Contact the following services on campus:

- Mission College Student Health Services 1-408-855-5140  
**Location:** SEC - 104  
(across from the Welcome Center)
- West Valley College Student Health Services 1-408-741-2027  
**Location:** Student Services Center
- Mission College Counseling Services 1-408-855-5555  
**Location:** Student Engagement Center SEC 139
- West Valley College Counseling Services 1-408-741-2009  
**Location:** Student Services Center

For assistance off-campus, call:

- Alcoholics Anonymous 1-408-374-8511
- Narcotics Anonymous 1-408-998-4200
- National Council on Alcoholism, Bay Area 1-415-296-9900

For a more comprehensive list of off-campus referrals contact the Campus Health Services.

## CRIME STATISTICS - INFORMATION

The crime statistics were compiled by WVM District, campus officials having responsibility for oversight of student activities, and relevant local agencies. Crime definitions are from the Uniform Crime Reporting (UCR) Handbook and sex offense definitions are from the National Incident Based Reporting System (NIBRS) edition of the Uniform Crime Reporting Program. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to surrounding jurisdictions that surround the two college campuses.

All of the statistics are gathered, compiled, and reported to the WVM District community via this report. This information is available at the WVM Police Department website at: <http://wvm.edu/police/>. WVM campus authorities submit the annual crime statistics published in this report to the United States Department of Education (DOE). The statistical information gathered by the United States Department of Education is available to the public through the DOE website.

## DEFINITIONS OF CLERY ACT CRIMES

*(Crime Definitions from the Uniform Crime Reporting Handbook and Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program)*

**Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another. NOTE: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.

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

**Sex Offenses–Forcible:** Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Such as forcible rape (date/acquaintance), forcible sodomy, sexual assault with an object, forcible fondling.

**Sex Offenses–Non-forcible:** Unlawful, non-forcible sexual intercourse. Such as incest, or statutory rape.

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

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Burglary:** The unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned and recovered – including joy riding).

**Arson:** The willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.

**Liquor Law Violations:** The violation of laws or ordinance prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

**Drug Abuse Violations:** Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances

include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

**Weapon Law Violations:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

## HATE CRIMES - DEFINITIONS

**Hate Crimes:** Crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin or disability. West Valley-Mission College District is required to report statistics for hate (bias) related crimes by the type of bias as defined below for the following classifications: murder/non-negligent manslaughter, negligent manslaughter, sex offenses (forcible and non-forcible), robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug violations and/or illegal weapons possession and larceny, vandalism, intimidation, and simple assault, and any crimes involving bodily injury to any person.

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

**Vandalism:** To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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

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

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.

Non-Campus crime is defined as crime that occurred on property owned or operated by the college.

Public Property Crime is defined as crime occurring on property immediately adjacent to the college.

**Hate Crimes** There were no reported hate crimes for the years, 2016, 2017 and 2018 on either campus.

WVM campus authorities submit the annual crime statistics published in this report to the United States Department of Education (DOE).

The statistical information gathered by the United States Department of Education is available to the public through the DOE website: <http://www.ed.gov/>.

**COMPARISON: FEDERAL (CLERY) AND STATE CRIME DEFINITIONS**

Crime definitions provided by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and the Violence Against Women Act are based upon the FBI Uniform Crime Reporting guidelines. These definitions, can differ from the California Penal Code statutes that are enforced by California agencies. The following table compares the federal definitions, codified for Clery Act purposes in C.F.R 668.46(c)(7), with the California statutes for similar crimes.

CleryAct/VAWA	CA Penal Code
<p><b>Aggravated Assault</b> is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. <i>(The criminal act need not result in injury when a gun, knife, or other weapon is used in the commission of the crime.)</i></p>	<p><b>§ 245(a) - “Assault with a deadly weapon or by force likely to cause great bodily injury”</b>            (1) Any person who commits an assault upon the person of another with a deadly weapon or instrument other than a firearm [...].            (2) Any person who commits an assault upon the person of another with a fir earm [...].            (4) Any person who commits an assault upon the person of another by any means of force likely to produce great bodily injury [...].</p>
<p><b>Arson</b> is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, vehicle or aircraft, or personal property of another.</p>	<p><b>§ 451</b> - A person is guilty of <b>arson</b> when he or she willfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels, or procures the burning of, any structure, forest land, or property.</p>
<p><b>Burglary(structure)</b> is the unlawful entry into a building or other structure with the intent to commit a felony or theft.</p>	<p><b>§ 459</b> - Every person who enters any house, room, apartment, tenement, shop, warehouse, store, [...] vehicle as defined by the Vehicle Code, [...] with the intent to commit a grand or petit larceny or any felony is guilty of a <b>burglary</b>.</p>
<p><b>Dating Violence:</b> Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where 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; Dating Violence is not limited to sexual or physical abuse or the threat of such abuse. If an act of violence meets the definition of domestic violence (below), then the act is classified as Domestic Violence rather than dating violence.</p>	<p><b>§ 242</b> - A <b>battery</b> is any willful and unlawful use of force or violence upon the person of another.</p> <p><b>§ 243(e)(1)</b> - A <b>battery</b> committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant’s child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship.</p> <p><b>§ 273.5(a)</b> - Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony [...].</p> <p>(b) Subdivision (a) shall apply if the victim is or was one or more of the following:            (1) The offender’s spouse or former spouse.            (2) The offender’s cohabitant or former cohabitant.            (3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.</p>

Clery Act/VAWA	CA Penal Code
<p><b>Domestic Violence:</b> A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of California.</p>	<p><b>§ 13700(b) - "Domestic violence"</b> means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.</p>
<p><b>Fondling</b> is the touching of 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.</p>	<p><b>§ 243.4(b)</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 <b>sexual battery</b> [...].</p> <p><b>§ 243.4(e)(1)</b> - 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 <b>sexual battery</b> [...].</p>
<p>A <b>hate crime</b> is any crime involving bodily injury, theft, intimidation, assault or destruction/damage/vandalism reported to the police or a campus security authority in which the victim is intentionally selected because of the actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability of the victim.</p>	<p><b>§ 422.55(a) - "Hate crime"</b> means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:</p> <ol style="list-style-type: none"> <li>(1) Disability.</li> <li>(2) Gender.</li> <li>(3) Nationality.</li> <li>(4) Race or ethnicity.</li> <li>(5) Religion.</li> <li>(6) Sexual Orientation.</li> <li>(7) Association with a person or group with one or more of these perceived or actual characteristics.</li> </ol>
<p><b>Incest</b> is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.</p>	<p><b>§ 285</b> - 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.</p>
<p><b>Murder</b> is the willful killing of one human being by another.</p>	<p><b>§ 187(a) - Murder</b> is the unlawful killing of a human being, or a fetus, with malice forethought.</p>
<p><b>Negligent Manslaughter</b> is the killing of another person through gross negligence.</p>	<p><b>§ 192 - Manslaughter</b> is the unlawful killing of a human being without malice.</p> <p><b>§ 192(b) Involuntary</b> - in the commission of an unlawful act, not amounting to a felony; or in a commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection.</p>

Clery Act/VAWA	CA Penal Code
<p><b>Sexual Assault:</b> a forcible or non-forcible sex-offense that meets the (Clery/federal) definition of rape, fondling, incest, or statutory rape.</p>	<p><b>Sexual Assault</b> is generally considered to be an act or attempt in violation of any of the following:</p> <p><b>§ 220-</b> Assault with intent to commit mayhem or specified sex offenses; assault of a person under 18 years of age with intent to commit specified sex offenses</p> <p><b>§ 261-</b> Rape</p> <p><b>§ 261.5-</b> Unlawful Sexual Intercourse with a minor</p> <p><b>§ 262-</b> Spousal Rape</p> <p><b>§ 264.1-</b> Punishment for aiding or abetting rape</p> <p><b>§ 266c-</b> Inducing consent to a sexual act by fraud or fear</p> <p><b>§ 269-</b> Aggravated sexual assault of a child</p> <p><b>§ 285-</b> Incest</p> <p><b>§ 286-</b> Sodomy</p> <p><b>§ 288-</b> Lewd or lascivious acts involving children</p> <p><b>§ 288.5-</b> Continuous sexual abuse of a child</p> <p><b>§ 288a-</b> Oral Copulation</p> <p><b>§ 289-</b> Penetration by foreign object</p> <p><b>§ 647.6-</b> Annoying or molesting children</p>
<p><b>Statutory Rape</b> is sexual intercourse with a person who is under the statutory age of consent.</p>	<p><b>§ 261.5(a)- Unlawful intercourse</b> is an act of sexual intercourse accomplished with someone who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.</p>
<p><b>Stalking:</b> Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.</p> <p>For the purposes of this definition—</p> <p><b>Course of conduct</b> means two or more acts, including, but not limited to, acts 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.</p> <p><b>Reasonable person</b> means a reasonable person under similar circumstances and with similar identities to the victim.</p> <p><b>Substantial emotional distress</b> means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.</p>	<p><b>§ 646.9(a)-</b> 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 <b>stalking</b>...</p>

## LOCATIONS- CLERY DEFINITIONS

**Campus:** “Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and “Any building or property that is within or reasonably contiguous to paragraph (1) of this definition that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.” (34 CFR 668.46(a))

**Non-campus:** “Any building or property owned or controlled by a student organization that is off campus and recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution” (34 CFR 668.46(a)).

**Public property:** “All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus” (34 C.F.R. 668.46(a)). These statistics were provided by the law enforcement agency having jurisdiction where the property is located and Campus Security Authorities, where applicable.



**WEST VALLEY COLLEGE 2018 CRIME STATISTICS: CLERY DATA**

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f)

WEST VALLEY COLLEGE				2016			2017			2018		
OFFENSES	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus			
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0			
Negligent Manslaughter	0	0	0	0	0	0	0	0	0			
Robbery	0	0	0	0	0	0	0	0	0			
Aggravated Assault	2	0	0	2	0	0	0	0	0			
Burglary	4	0	0	4	0	0	1	0	0			
Motor Vehicle Theft	2	0	0	0	0	0	0	0	0			
Arson	0	0	0	1	0	0	1	0	0			
<b>Sex Offenses Non-forcible</b>	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus			
Fondling	0	0	0	1	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			
<b>Sex Offenses - Forcible</b> (including sodomy, sexual assault, w/object, oral copulation)	0	0	0	0	0	0	2	0	0			
<b>VAWA OFFENSES</b>												
Domestic Violence	0	0	0	1	0	0	0	0	0			
Dating Violence	0	0	0	0	0	0	1	0	0			
Stalking	1	0	0	0	0	0	1	0	0			
<b>ARREST</b>												
Weapons	1	0	0	1	0	0	0	0	0			
Drugs	2	0	0	7	0	0	9	6	0			
Alcohol	3	0	0	4	1	0	3	0	0			
<b>REFERRALS</b>												
Weapons	1	0	0	0	0	0	0	0	0			
Drugs	0	0	0	1	0	0	1	0	0			
Alcohol	0	0	0	1	0	0	1	0	0			
<b>HATE CRIMES</b>												
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0			
Negligent Manslaughter	0	0	0	0	0	0	0	0	0			
Sex Offenses - Forcible	0	0	0	0	0	0	0	0	0			
Sex Offenses - Non-forcible	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			
Larceny	0	0	0	0	0	0	0	0	0			
Simple Assault	0	0	0	0	0	0	0	0	0			
Intimidation	0	0	0	0	0	0	0	0	0			
Vandalism	0	0	0	0	0	0	0	0	0			

Statistics in this table for years 2016 - 2018 are based upon the definitions stated in the reauthorizations of the Higher Education Opportunity Act and Violence Against Women Act in 2013

**MISSION COLLEGE 2018 CRIME STATISTICS: CLERY DATA**

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f)

MISSION COLLEGE	2016			2017			2018		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
<b>OFFENSES</b>									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	1	0	0
Aggravated Assault	0	0	0	0	0	0	1	0	0
Burglary	5	0	0	4	0	0	9	0	0
Motor Vehicle Theft	1	0	0	3	0	0	1	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>Sex Offenses Non-forcible</b>	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Fondling	0	0	0	1	0	0	2	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
<b>Sex Offenses – Forcible</b> (including sodomy, sexual assault, w/object, oral copulation)	1	0	0	0	0	0	1	0	0
<b>VAWA OFFENSES</b>									
Domestic Violence	0	0	0	0	0	0	1	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	3	0	0	4	0	0
<b>ARREST</b>									
Weapons	1	0	0	2	0	0	0	0	0
Drugs	2	3	0	5	0	0	5	1	0
Alcohol	1	0	0	2	0	0	0	0	0
<b>REFERRALS</b>									
Weapons	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	1	0	0
Alcohol	0	0	0	0	0	0	0	0	0
<b>HATE CRIMES</b>									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses - Forcible	0	0	0	0	0	0	0	0	0
Sex Offenses - Non-forcible	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
Larceny	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0

*Statistics in this table for years 2016 - 2018 are based upon the definitions stated in the reauthorizations of the Higher Education Opportunity Act and Violence Against Women Act in 2013*

# Community Resources

<p><b>Asians Americans for Community Involvement (AACI)</b></p> <p>2400 Moorpark Ave., Suite 300 San Jose, CA 95128 Phone: 408-975-2730 HOTLINE <a href="http://www.aaci.org/">http://www.aaci.org/</a> email: <a href="mailto:info@aaci.org">info@aaci.org</a> AACI is Santa Clara County's largest community-based organization focused on the Asian American community</p>	<p><b>Mothers Against Drunk Driving (MADD)</b></p> <p>7027 Dublin Blvd, # 110 Dublin, CA 94568 Phone: 925-452-8752 FAX 925-452-8738 <a href="http://www.madd.org/">http://www.madd.org/</a> email: <a href="mailto:bayarea.ca@madd.org">bayarea.ca@madd.org</a> MADD provides victim assistance, case watching, education, public awareness and monitoring legislation issues as they apply to drinking and driving. "If you drink, don't drive - Stay Alive..."</p>
<p><b>Next Door - Solutions to Domestic Violence</b></p> <p>Address: 234 E. Gish Road, Suite 200, San Jose, CA 95112 Office phone: 408-501-7550 email: <a href="mailto:info@nextdoor.org">info@nextdoor.org</a></p> <p><b>24-HOUR Crisis Hotline: 408-279-2962</b> <a href="http://www.nextdoor.org">www.nextdoor.org</a> Next Door provides counseling, emergency shelter, legal assistance, a 24-hour hotline, and other services for victims of domestic violence.</p>	<p><b>Parents of Murdered Children</b></p> <p>215 Liberty Street Santa Cruz, CA 95060 Phone: 831-426-0874</p> <p>Parents of Murdered Children is a self-help organization that provides on-going professional support to survivors of homicide victims through meetings, peer counseling, telephone friends and a newsletter.</p>
<p><b>Santa Clara County (SART)</b> Sexual Assault Response Team Santa Clara Valley Medical Center 751 South Bascom Avenue Bldg. H12 San Jose, CA 95128 Phone: 408-885-6466</p> <p>SART provides emergency comprehensive medical / forensic victim examinations and expert witness testimony following allegations of adult sexual assault.</p>	<p><b>Santa Clara County District Attorney</b> 70 West Hedding Street San Jose, CA 95110 Phone: 408-299-7400 FAX: 408-286-5437 email: <a href="mailto:publicinformation@dao.sccgov.org">publicinformation@dao.sccgov.org</a> <a href="http://www.santaclara-da.org">www.santaclara-da.org</a> The DA's office has specialized teams to enhance services to victims, including Domestic Violence, Robbery, Assault, Vehicular Crime, Child Abduction, Elder and Child Abuse, Consumer Fraud, Homicide and Sexual Assault.</p>
<p><b>Santa Clara County Probation Restorative Justice Project</b> 840 Guadalupe Parkway San Jose, CA 95110 Phone: 408-278-5900 Santa Clara County Probation Department Web Site: <a href="https://www.sccgov.org/sites/probation/Pages/default.aspx">https://www.sccgov.org/sites/probation/Pages/default.aspx</a> The Restorative Justice Project works to implement a balanced approach to the justice system: Protection of primary/secondary victims, accountability for offenders, and increased competency for youthful offenders.</p>	<p><b>Santa Clara County Social Services Agency</b> Department of Child and Family Services 353 W Julian Street San Jose, CA 95110 (new address as of 10/28/2019) Phone 408-793-8800 <a href="https://www.sccgov.org/sites/ssa">https://www.sccgov.org/sites/ssa</a></p> <p>Child and Family Services provides intervention and advocacy to at-risk children and to families in danger of child abuse and neglect</p>

<p><b>Support Network for Battered Women (YWCA)</b>  375 South Third Street  San Jose, CA 95112  Phone: 408-295-4011  FAX: 408-295-0608  24-hr Hotline: (800) 572-2782  <a href="https://ywca-sv.org/school-based-prevention-programs">https://ywca-sv.org/school-based-prevention-programs</a>  The Support Network provides assistance to victims of Domestic Violence through crisis counseling, emergency shelter service, a 24-hour bilingual hotline, legal services and children's services.</p>	<p><b>SV FACES/Victim Witness Assistance Program</b>  1401 Parkmoor Avenue  San Jose, CA 95126  Phone: 408-286-9663  FAX 408-287-8061   <a href="http://www.svfaces.org">www.svfaces.org</a>  Help for Crime Victims and Witnesses - Crisis Counseling, follow-up care, assistance in court, recovery of loss services and assistance.</p>
<p><b>U.S. Attorney's Office, Victim &amp; Witness Assistance</b>   US Attorney's Office  150 Almaden Blvd., Suite 900  San Jose, CA 95113   Main Office: 408-535-5061  FAX 408-535-5066   Victims and Witnesses of federal crimes receive direct services including notification, referrals, court accompaniment and other assistance.</p>	<p><b>Violence Intervention Program (VIP)</b>   Santa Clara Valley Medical Center   751 South Bascom Avenue  Bldg. H12  San Jose, CA 95128   Phone: 408-885-6466   VIP provides emergency, comprehensive medical/forensic victim examinations and expert witness testimony following allegations of domestic violence.</p>
<p><b>YWCA Valley Rape Crisis Center</b>   Phone: 408-287-3000 or 650-493-7273  24-hr Hotline: 408-287-3000   <u>YWCA of Silicon Valley</u>   The Valley Rape Crisis Center provides a 24-hr crisis line, in-person counseling, accompaniment to hospitals, police departments and court, support groups, self-defense, and prevention programs.</p>	<p><b>Santa Clara County Office of Women's Policy – Restraining Orders</b>   2460 North First Street, Suite 220  San Jose, CA 95131   Phone: 408-678-1499  Fax: 408-609-5994</p>

## RELEVANT STATE AND FEDERAL WEBSITES

U.S. Department of Education – Campus Security

<http://www2.ed.gov/admins/lead/safety/campus.html>

U.S. Department of Education – Higher Education Center

<http://www2.ed.gov/admins/lead/safety/campus.html>

Safety and Security Data Analysis Cutting Tool

<http://ope.ed.gov/security/>

U.S. Department of Justice – Office on Violence Against Woman

<https://www.justice.gov/ovw>

U.S. Department of Education – Family Educational Rights and Privacy Act (FERPA)

<http://www2.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

California Codes Education Code – Sections 67380-67385.7

<http://leginfo.legislature.ca.gov/>

State of California Department of Justice – Megan’s Law Home

<http://www.meganslaw.ca.gov/>

California Community Colleges Chancellor’s Office

<http://www.cccco.edu/>

California Community Colleges Emergency Preparedness

<https://www.cccco.edu/About-Us/Chancellors-Office/Divisions/College-Finance-and-Facilities-Planning/Emergency-Preparedness>

Security on Campus – Information regarding the Clery Act

<https://clerycenter.org>

### IMPORTANT DISTRICT TELEPHONE NUMBERS

(Recommend programing into cell phones)

EMERGENCY: **9-1-1**

CELL PHONES FOR EMERGENCIES:

**408-299-3233**

(County Communications)

District Police Department Business / Records:

408-741-2092

District Police Department Live Scan (Fingerprinting):

408-741-2685

District Police Department Parking Services:

408-855-5435

COUNTY COMMUNICATIONS 24 HOUR NON-EMERGENCY:

408-299-2311

(Request a West Valley-Mission Community College District Police Officer)

### REPORTING CRIMES AND EMERGENCIES

Potential criminal actions and other emergencies on or near campus can be reported to the District Police by any student, faculty, staff or visitor by dialing **9-1-1**. Cell phones for emergencies:

**408-299-3233.**

When reporting an emergency let the dispatcher know where you are and the nature of the emergency. These numbers are usable 24 hours a day.



**SANTA CLARA COUNTY LAW ENFORCEMENT AGENCIES**

Non-Emergency Numbers

WEST VALLEY-MISSION CCD POLICE	408-741-2092 408-855-5435 408-299-2311	Business Office <b>West Valley</b> Business Office <b>Mission</b> Dispatch Non-Emergency
CALIFORNIA HIGHWAY PATROL	707-551-4100	Dispatch
CHP-San Jose Office	408-467-5400	Business Office
CAMPBELL POLICE	408-866-2101	Dispatch
FOOTHILL-DE ANZA CCD POLICE	650-949-7313 408-924-2222	Business Office Dispatch
GILROY POLICE	408-846-0350 408-846-0300	Dispatch Business Office
LOS ALTOS POLICE	650-947-2770	Dispatch
LOS GATOS-MONTE SERENO POLICE	408-354-8600	Dispatch
MILPITAS POLICE	408-586-2400	Dispatch
MORGAN HILL POLICE	408-779-2101	Dispatch
MOUNTAIN VIEW POLICE	650-903-6395	Dispatch

**SANTA CLARA COUNTY LAW ENFORCEMENT AGENCIES**

SANTA CLARA POLICE	408-615-5580	Dispatch
SANTA CLARA COUNTY SHERIFF Headquarters	408-808-4900	Business Office
West Valley Cupertino Station	408-868-6600	Business Office
SANTA CLARA DISTRICT ATTORNEY'S OFFICE – INVESTIGATIONS	408-792-2888	Business Office
STANFORD UNIVERSITY POLICE	650-723-9633	Dispatch
PALO ALTO POLICE	650-329-2413	Dispatch
SAN JOSE-EVERGREEN CCD POLICE	408-270-6468	Dispatch
SAN JOSE POLICE	408-277-8900	Dispatch
SAN JOSE STATE UNIV POLICE	408-924-2222	Dispatch
SUNNYVALE, DEPT. OF PUBLIC SAFETY	408-730-7100	Dispatch



West Valley-Mission Community College District  
14000 Fruitvale Avenue, Saratoga, CA 95070