

# PERALTA COMMUNITY COLLEGE DISTRICT ANNUAL SECURITY REPORT 2021



<https://web.peralta.edu/>

*The Peralta Community College District (PCCD) Annual Security Report (ASR) is provided in accordance with the Crime Awareness and Campus Safety Act of 1990 and amendments that followed (renamed the Jeanne Clery Act in 1998).*

*The ASR informs you of the safety programs and services available in addition to the crimes that are reported to Marina Security Services, Inc. (previously Peralta Police Services), local police partners, and other campus security personnel. The ASR includes information on a variety of safety topics such as how to report a crime, what to do in an emergency, sexual assault, domestic violence, stalking information and resources, alcohol, and drug-abuse information, campus standards for student conduct, and descriptions of educational programs that are vital to your safety. Important phone numbers and contacts are provided for your information and to assist you with any serious campus issue or threat. Please keep report with you on campus, download it onto your personal electronic devices, and/or input important contacts to your phone. It's time to be proactive in maintaining a safe and secure campus for everyone.*



Knowledge Saves Lives, Inc.

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## **I. PREPARATION OF THE ANNUAL SECURITY REPORT & DISCLOSURE OF CRIME STATISTICS**

The District, in conjunction with the Colleges, prepares this report to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act using information maintained by the Marina Security Services, information provided by the District/Colleges offices including the Office of Student Life, Health Services, Mental Health Services, Business and Administrative Services, and information provided by local law enforcement agencies surrounding the District/Colleges. Each of these offices provides updated policy information and crime statistical data.

This report provides statistics for the previous three years concerning reported crimes, as defined by the Clery Act that occurred on the district's campuses. This report also includes institutional policies concerning campus security, such as policies regarding sexual assault, alcohol, and other drugs.

The Higher Education Opportunity Act (HEOA) requires institutions with residential housing to publish an annual safety report covering fire incidents and statistics and missing student information. The District has non-campus housing facilities. The HEOA requires policies and procedures related to emergency notification, response, and evacuation to be included. This report satisfies compliance obligations under both Federal Acts.

Federal law also requires District/College to notify annually all faculty, staff, and students of certain information pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol on its property as part of its activities. The information included in this report complies with the Drug-Free Schools and Campuses regulations' annual notification requirements.

The District/College is committed to protecting the safety and security of all students, staff, and faculty, as well as visitors to our campus, and to providing accurate and complete information regarding crimes committed in the campus community. We believe that our policies and programs for preventing and reducing crime, and our emergency notices, timely warnings, crime alerts and disclosure of crimes reported, promote a safer, more informed community. Please take time to read this information and keep the report in a place that is easily accessible to you. This report has relevant information pertaining to your safety. Being informed empowers you to make the best decisions and to be of assistance to others.

### **A. Policy for Distribution/Availability**

Copies are available at Marina Security Services and at each campus Welcome Center. The district has also changed the distribution of this report to October 1<sup>st</sup> annually to three times per year at every campus for the benefit of new students and employees. The district looks to expand the visibility of the report by designation other locations in the near future. Anyone including prospective students and employees, may request a copy be mailed to them by calling (510)466-7236.

### **B. Who was Jeanne Clery and What is the Clery Act?**

On April 5, 1986, 19-year-old student Jeanne Clery was raped and murdered in a college campus dormitory. Joseph M. Henry, also a student, was apprehended after he confessed to the murder to friends. Lehigh University did not have standards for crime reporting. No Federal laws or procedures were in place for college campuses in 1986.

In response to this, Jeanne Clery's parents, Connie and Howard lobbied the state legislature and congress and initiated new Federal laws. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 or "Clery Act" was established with 35 new laws concerning student safety. The safety laws provided a uniform

standard for the reporting of campus crimes and enacting security. It is also part of the Higher Education Act.

When crimes occur that indicate danger to students and employees, the Clery Act requires the campus Police Department to issue warnings "in a manner that is timely and will aid in the prevention of similar crimes." Campus Police must also maintain and permit the public to view daily crime log that contains specified information about any and all crimes that occur within the patrol jurisdiction of the campus Police and that is reported to the campus Police Department (UC Berkeley, University of California Office of the President, <https://www.ucop.edu/ethics-compliance-audit-services/compliance/clery-act/clery-act-details.html>)

## **II. THE CLERY CENTER DOCUMENTATION: THE ANNUAL SECURITY REPORT (ASR)**

The Clery Act is a consumer protection law that aims to provide transparency around campus crime policy and statistics.

The Clery Act requires colleges and universities that receive Federal funding to disseminate a public annual security report (ASR) to employees and students by October 1st. This ASR must include statistics of campus crime for the preceding 3 calendar years, plus details about efforts taken to improve campus safety.

ASRs must also include policy statements regarding (but not limited to) crime reporting, campus facility security and access, law enforcement authority, incidence of alcohol and drug use, and the prevention of/response to sexual assault, domestic or dating violence, and stalking.

The Clery Center: [https://clerycenter.org/policy-resources/the-clery-act/.](https://clerycenter.org/policy-resources/the-clery-act/))

### **A. Crime Categories**

Institutions of higher education must include the following four categories in their ASR crime statistics or data, and include all three categories of Clery Geography as outlined in Section B.

The campus Annual Security Report must include statistics on categories of crime reported to campus Police, Campus Security Authorities, and local police during the calendar year. Statistics for these crimes must be broken down by geographic area: on campus, in or on a non-campus building or property, and on public property adjacent to the campus.

The Annual Security Report must also include statistics on hate crimes, to be reported by category of prejudice. Note that Federal regulations prescribe specific definitions of the crimes, Campus Security Authorities, and the three categories of geographic location (UC Berkeley, UCOP, Ibid. (website).

**Note:** The Annual Security Report's crime statistics will not include any information that would reveal the identity of the victim, or the person accused of the crime. Nor will it be available in other sections of the Annual Security Report.

1. ASR. Criminal Offenses
  - Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence
  - Sexual assault: both forcible rape, fondling, incest, statutory rape and non-forcible
  - Robbery
  - Aggravated assault
  - Burglary
  - Motor vehicle theft

- Arson

## 2. Hate Crimes

(Categorized by descriptions of prejudice, which can include the above crimes.)

Due to amendments to the Clery Act in 2008, Hate Crimes may also include any incidents of:

- Larceny-theft
- Simple assault
- Intimidation
- Vandalism/ destruction of property

## 3. VAWA Offenses-Under the SaVE Act provisions

In March 2013, President Obama signed a bill that strengthened the Violence Against Women Act (VAWA). Included in the bill was the Campus Sexual Violation Elimination Act (Campus SaVE) that amends the Clery Act to include reporting the following effective 2014:

- Domestic violence
- Dating violence
- Stalking

## 4. Arrests and Referrals for Disciplinary Action

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

The crime statistics included in the Annual Security Report do not include any information that would identify the victim or the person accused of committing the crime. Your report to the Clery Act Coordinator should not include personally identifying information.

## **B. What is Defined as Clery Geography?**

### 1. Crime Reporting Geography and Availability

According to The Clery Center, Clery Act crime reporting is not strictly limited to events that occur on campus or within campus buildings and residences. Institutions must include statistics for crime that occur in any of these geographic areas:

- On-campus (anywhere)
- On-campus student housing
- Public property within campus bounds
- Public property immediately adjacent to the campus
- Non-campus buildings and property owned or controlled by the organization that are used for educational purposes and frequently used by students but not a part of the core campus, or those owned or controlled by a student organization officially recognized by the institution

Wherever crimes occur, campus police and public safety departments must maintain a daily crime log of all reported crimes that fall within their jurisdiction. This crime log must be made available to the public during daily business hours (*The Clery Center, Ibid.*).

A detailed description Clery Geography by UC Berkeley:

Clery Geography – The campus geographic areas, as defined by the Clery Act, for which Clery Crimes are required to be reported. The geographic categories include the following:

- a. **On-Campus** – Any building or property (i) owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls; (ii) that is within or reasonably contiguous to the campus that is owned by the University but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- b. **Public Property** – All public properties, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.
- c. **Non-Campus Property** - A. Building so property that are: 1. owned or controlled by the University; and 2. used in direct support of, or in relation to, the University’s educational purposes, and 3. frequently used by students, and 4. not within the same reasonably contiguous geographic area of the University campus; or b. Any building or properties owned or controlled by a student organization that is officially recognized by the University, or Any property outside of the United States if the property otherwise meets the definition of Non-Campus Property. (UC Berkeley, UCOP, Ibid)

### **C. What is Violence Against Woman Act (VAWA)?**

The Violence Against Women Act is a comprehensive legislative package designed to improve criminal justice responses to sexual assault, domestic violence, dating violence, and stalking and to increase the availability of services for victims and survivors. VAWA was first passed by Congress in 1994, and was reauthorized in 2000, 2005, and 2013. Each reauthorization has made the law stronger and more inclusive.

VAWA 2013 reauthorized critical grant programs established by the original law and creates innovative new programs. The reauthorization strengthens Federal laws by closing a jurisdictional gap that left many Native women without adequate protections and by banning discrimination against domestic violence survivors in public housing. Additionally, the law increases protections for immigrant women and ensures that LGBT Americans have equal access to the services many funded by VAWA (U.S. Department of Justice Office on Violence Against Women <https://www.justice.gov/file/29836/> .)

Note that the Campus SaVE Act are a series of additions to the VAWA enacted under the Obama Administration in March 2013 to strengthen the VAWA and the Clery Act as well. For more information, please go to sections IV for SaVE Act definitions and VII C concerning campus policies.



## 1. VAWA in Detail

Under VAWA, colleges and universities are required to: • Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates; • Adopt certain student discipline procedures, such as for notifying purported victims of the rights; and • adopt certain institutional policies to address and prevent campus sexual violence, such as to training of pertinent institutional personnel.

## 2. The Campus SaVE Act; Includes New Campus Obligations to the VAWA

According to the 111th Congress, the SaVE act is designed “to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, intimate partner violence, and stalking.”  
1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 3 SECTION 1. SHORT TITLE. 4 This Act may be cited as the “Campus Sexual Violence Elimination Act” or the “Campus SaVE Act”.

The Violence Against Women Reauthorization Act (“VAWA”), which President Obama signed into law on March 7, 2013, imposes new obligations on colleges and universities under its Campus Sexual Violence Act (“SaVE Act”) provision, Section 304.

- VAWA’s SaVE Act provision adds domestic violence, dating violence, and stalking to the category of reportable campus crimes as defined by the Clery Act and shall be added to the campus’ crime statistics.
- The provision adds “national origin” and “gender identity” to the hate crime categories, involving intentional selection of a victim based on actual or perceived characteristics that must be reported under the Clery Act.
- The provision requires, with respect to the “timely reports” the Clery Act mandates for crimes considered a threat to other students and employees, that victims’ names be withheld.
- The Campus SaVE Act takes effect with respect to the Annual Security Report that must be issued by each institution no later than October of that Fiscal Year. Until regulations are issued, the Department of Education expects institutions to “to make a good faith effort to comply” with the requirements.
- New Student Discipline Requirements: Current requirements in the Clery Act are that institutions inform students of procedures victims should follow, such as preservation of evidence and to whom offenses should be reported. VAWA adds that institutional policy must also include information on:
- Victims’ option to, or not to, notify and seek assistance from law enforcement and campus authorities.
- Institutional officials who conduct the proceeding must be trained on how to investigate and conduct hearings in a manner that “protects the safety of victims and promotes accountability.”
- Institutional policy must identify “sanctions or protective measures” the institution may impose following a

final determination of rape, acquaintance rape, domestic violence, dating violence, sexual assault or stalking.

- “[T]he accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.”
  - Accuser and accused must be notified “simultaneously” and “in writing” of: the outcome of the proceeding; appeal procedures; any change to the result before it becomes final; and when the result becomes final. The Office of Civil Rights (OCR) Guidance Letter, at page 13, merely “recommends” that the parties be provided the determination “concurrently.”
  - Institutional policy must address how victims' confidentiality will be protected, including record-keeping that excludes personally identifiable information on victims. The OCR's Guidance Letter encourages institutions to be cognizant of victims' confidentiality but does not mandate that institutional policy address it.
- A. New Requirements to Educate Students and Employees on Sexual Violence Under VAWA, new students and new employees must be offered “*primary prevention and awareness programs*” that promote awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The OCR Guidance Letter “*recommends*” that institutions implement preventive education programs; VAWA is more prescriptive in its requirements. The training programs must include:
- A statement that the institution prohibits those offenses.
  - The definition of those offenses in the applicable jurisdiction.
  - The definition of consent, with reference to sexual offenses, in the applicable jurisdiction.
  - Safe and positive options for bystander intervention an individual may take to “prevent harm or intervene” in risky situations.
  - Recognition of signs of abusive behavior and how to avoid potential attacks.
  - Ongoing prevention and awareness campaigns for students and faculty on all of the above.

Source: Items 3-13 American Council on Education.

#### **D. Save Act Procedures for Campuses Once an Offense Has Occurred**

The procedures followed once a sex offense or other intimate partner violence, including stalking, dating violence, sexual violence, or domestic violence offenses has occurred, which shall include:

1. ‘Providing, in writing, to each student or employee who reports to the institution that he or she has been a victim of a sex offense or other intimate partner violence.
2. An explanation of the right of victims of such offenses to notify proper law enforcement authorities, including on campus and local police, and the option to be assisted by campus authorities in notifying such authorities, if the student or employee so chooses.
3. An explanation of the right of victims of such offenses, when relevant, to obtain an order

of protection, no contact order, restraining order, or similar lawful order issued by a criminal or civil court or enforce an order already in existence; and

4. Contact information for advocacy, counseling, health, mental health, legal assistance and other services available to victims both on-campus and in the local community; and
5. The institution honoring any order of protection, no contact order, restraining order or similar lawful order issued by any criminal or civil court (CampusSaVEAct.pdf.)

### III. HOW TO REPORT A CRIME & OTHER EMERGENCIES

#### In the event of an emergency, call 911

##### A. What Constitutes an Emergency?

An emergency is defined as a situation that poses an immediate risk to health, life, property, or environment that requires urgent intervention and immediate action.

For non-emergencies, contact your campus police or security.

If there are additional witnesses who may be able to corroborate your information, or assist you in reporting, ask them to stay put, if it is safe to do so. If the crime you observe is still in progress, or you have been the victim of a crime, your first responsibility is to ensure your own safety before making the call. Please see the section entitled "What to do in an Emergency" for more information.

Please be ready to answer the following questions from the dispatcher:

- Where are you? Describe your location.
- Where did it happen? If not sure, include descriptions of what's around you.
- What happened? Include actions, dialogue, and what crime you believe occurred or is occurring.
- When did it happen? Try to report the most accurate time this took place.

In most cases, you may be asked to describe the suspect or suspects. While observing, try to take a visual scan of the suspect from head to toe. Try to first include what makes the suspect most easily identifiable, or any unusual traits. Make a note of this mentally or write it down quickly if you're able. This description can play a vital role in apprehension of the subject. Only report what you have accurately observed, and your best estimations of certain details. Do not attempt to fill in missing or possibly inaccurate information.

Helpful descriptions include:

- Sex or perceived gender
- Height- may compare to your own height Race or National origin
- Weight- estimated
- Build, such as slim, husky, fat, muscular, average Age-estimate
- Hair- color, length, etc. Glasses

- Clothing items such as a hat, description of shirt, coat, pants or skirt, shoes, socks, bag Facial hair- clean shaven, beard, mustache, goatee, sideburns?
- Eye color
- Facial features- try to describe forehead, eyebrows, eyes, nose, mouth, and chin Complexion- skin tone, if skin is smooth or wrinkled, if there is acne, scarring, or redness Weapon
- Anything else you may remember such as jewelry, tattoos, etc.
- Describe the suspect's speech, such as low or high-pitched voice, raspy, slurred, or rapid, accents, a lisp, broken English, or other language used.
- Gait- was the suspect moving quickly or slowly, was there a limp or something unusual you noticed while they were walking or running?

If there is a motor vehicle involved in the crime, or you have seen the suspect leave the scene in a vehicle, that description can lead to a more likely apprehension, and complete crime report.

### Suspect Vehicle

If a motor vehicle is involved in a crime report the following information:

- Activity of vehicle such as moving, parked, crashed, estimated speed Direction of travel- If not sure, can use landmarks, streets, exits, cities etc.
- License plate color
- make/model/year (or estimate)
- If not sure of the above- include general information such as compact car, sedan, SUV, truck, older or newer
- Unusual characteristics (e.g., dents, bumper stickers, graphics, wheels, tinted windows, lifted/lowered),
- Number of persons in the vehicle and their descriptions as stated above

## B. Why Should I Report a Crime?

Some might feel that it's "not their business" or "don't want to get involved". Even if you are not the victim of the crime, wouldn't you want someone to intervene on your behalf, or for a friend or family member? How would you feel if the crime you witnessed had dire consequences such as long-term injury or physical trauma, emotional trauma, or death? What if more people were victimized? Or what if a facility or service is no longer available because of property damage? If your car were damaged or stolen, wouldn't you want to know who may have committed the crime? If you are a victim of crime, value your own health and safety. Your rights have been violated. Put yourself first and make sure you use the care and services you need to recover.

These are some basic facts:

- Information about certain types of crime may affect the safety of others. Crimes such as rape, sexual assault (victim's identity is kept confidential), murder, burglary, robbery, and motor vehicle theft must be reported. Swift notifications about these crimes will be made to the campus community and information and awareness of the danger can make an impact.
- Your report will help your campuses police and security force to better serve and protect the campus community.
- Your report will help PCCD to maintain accurate records of the occurrences of different crimes on

campus as mandated by the Clery Act.

#### **IV. PERALTA DISTRICT'S POLICIES FOR REPORTING CRIMINAL ACTIVITIES & OTHER EMERGENCIES**

The District/College has several ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate District/College officials. Regardless of how and where individuals decide to report these incidents, it is critical for the safety of the entire District/College community that immediately report all incidents so that the Police Department can investigate the situation and determine if follow-up actions are required, including issuing a Timely Warning or Emergency Notification.

##### **A. Voluntary, Confidential Reporting**

We encourage District or College faculty, staff, and students to report crimes promptly and to participate in and support crime prevention efforts. If crimes are never reported, little can be done to help other members of the community from being victims. The District/College community will be much safer when all community members participate in safety and security initiatives. Marina Security Services and the various colleges encourage anyone who is the victim of a crime to report it directly to the police. Because police reports are public record under California law, confidentiality of reports cannot be guaranteed.

1. Exceptions exist for sexual assault and crimes where victims or witnesses would be at risk should their names be released to the public.
2. The campus and any support service also will keep as confidential any accommodations or protective measures provided to a victim.
3. Also, according to the National Center for Victims of Crime, "Schools must make accommodations or provide such safety measures if the victim requests them if they are reasonably available". For
4. examples of accommodation, please refer to Section VII that outlines Peralta District's Policies and Procedures in this ASR for victims of crime.
5. In addition, the National Center for Victims of Crime states, "Schools must provide victims with written information about options for, and available assistance..."

The National Center for Victims of Crime is an excellent source for more information. Here is the webpage address: <https://victimsofcrime.org/>

If you are the victim of a crime and do not want to pursue action within the District/College or the criminal justice system, you may still want to consider making a confidential report. This information will be disclosed in the annual report and used for statistical information to help prevent further crimes. Anyone may call the Marina Security Services at (510) 466-7236 to report concerning information. Callers may remain anonymous.

##### **B. Board Policies**

The following Peralta Board Policies can be found on the Board of Peralta Community College webpage / Trustees webpage: <http://web.peralta.edu/trustees/bps-aps/>

1. Board Policy 3515 - Reporting of Crimes:

*“The Chancellor shall assure that, as required by law, reports are prepared of all occurrences reported to Marina Security Services of arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Chancellor shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.”*

Reference: Education Code 67380, Administrative Procedures 3515 Replaces: Board Policy 2.45 Crime Awareness and Campus Security Approved by the Board of Trustees: June 26, 2012

2. Board Policy 3520 - Local Law Enforcement

*“The District, on behalf of each college or center, 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 written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request.*

*The Peralta Community College District encourages accurate and prompt reporting of all crimes to the Marina Security Services and/or the appropriate police agencies. The Chancellor shall establish procedures that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.*

Reference: Education Code Section 67381 and 67381. 1; 34 Code of Federal Regulations Section 668.46(b)(4) Approved by the Board of Trustees: November 15, 2016.

**C. The Monitoring and Recording of Off-Campus Student Organizations**

It should be clarified that the Peralta Community College District includes off-campus student organizations attended by students of the District as subject to the monitoring and recording of criminal activity. All crime categories and all offenses are included with no exception, as mandated by the Clery Act and listed by Peralta Crime Statistics and fully defined in this ASR. Furthermore, off-campus student organizations and the buildings in which they take place and qualify as Clery Geography that includes: “Any building or properties owned or controlled by a student organization that is officially recognized by the University” under the category of “Non-Campus Property”. It is advised that you call the nearest law enforcement agency immediately and follow up with Peralta’s Police Services if the campus police were not initially involved. Or, follow up with the Wellness Center and/or the Vice President of Student Services. Either way, the crime must be reported to campus authorities,

which will be documented in the Annual Crime Statistics. This will ensure greater safety for all off-campus student organizations. The victim/survivor of the crime will receive services and resources through Peralta, and any perpetrator guilty of the crime or offense will be subject to all of Peralta's policies and protocols. Please refer to this ASR for resources and information, especially for the crime victim. The victim/survivor is entitled to all confidential reporting options.

Peralta District's Code of Conduct is also in effect at these organizations. That includes the Federal guidelines and laws pertaining to drug and alcohol use. The use of any drugs or alcohol at these activities are strictly prohibited because they are college organizations and events.

**D. Marina Security Services, Inc. & Security Guard Services**

The Peralta Community College District contracts for police services to be provided by Marina Security Services, Inc. Marina Security Services is on duty 24-hours a day, seven days a week to assist with forwarding calls to the appropriate respondents.

Personnel are normally on patrol from 7:00 a.m. to 11:00 p.m. Monday through Friday at the Laney College campus and the District Administrative Center, and from 7:00am to 3:00pm at the Merritt College Campus. The District also contracts with private security guard companies to provide security services for Berkeley City College, College of Alameda, Laney College, and Merritt College. Security guard services also provide coverage for all four Colleges on weekends and holidays as well as graveyard coverage during the week for Laney College.

When Marina Security Services, Inc. is not on duty, the local Police Department is responsible for law enforcement investigations.

Local Police/Marina Security Services/Security Services and College Site of Jurisdiction

|                                | College of Alameda | Berkeley City College | Laney College | Merritt College | District Admin |
|--------------------------------|--------------------|-----------------------|---------------|-----------------|----------------|
| Marina Security Services, Inc. |                    |                       | X             | X               | X              |
| City of Berkeley Police        |                    | X                     |               |                 |                |
| City of Oakland Police         |                    |                       | X             | X               | X              |
| City of Alameda Police         | X                  |                       |               |                 |                |
| A-1 Protective Services        | X                  | X                     | X             | X               | X              |

1. Police/Security Agencies and Hours of Operation at the Various Colleges

| Police Department        | Time   | Location                  |
|--------------------------|--|---------------------------|
| Marina Security Services | 7:00 a.m. – 11:00 p.m., Mon. -Fri.                           | LAN, MER                  |
| City of Oakland          | 11:00p.m.–7:00a.m., Mon.-Fri.; Sat. & Sun.                   | LAN, MER perimeter only   |
| City of Berkeley         | 24 Hours   | BCC perimeter & emergency |
| City of Alameda          | 24 Hours   | COA                       |
| U. C. Berkeley           | 24 Hours   | BCC Emergency             |
| A-1 Protective Services  | 7:00a.m.–11:00p.m., Mon.-Fri.; Sat.<br>7:00 a.m. – 6:30 p.m. | BCC, LAN, MER             |

2. Security Guard Services and Hours of Operations at the Various Colleges

|   | Day                                  | Time  |
|---|--------------------------------------|---|
| Berkeley City College   | Monday - Friday<br>Saturday          | 7:00 A.M. to 11:00 P.M.<br><br>7:00 A.M. to 6:30 P.M. |
| College of Alameda<br>Merritt College<br>Laney College and the District<br>Administrative Center          | Saturday & Sunday                    | 7:00 A.M. until 11:00 P.M.                            |
| Laney College ONLY  | “Graveyard” shift<br>Monday – Sunday | 11:00 P.M. until 7:00 A.M.                            |
| Merritt College, Laney College, BCC and<br>College of Alameda including District<br>Administration Center | ALL HOLIDAYS.                        |   |

All crimes or suspected criminal activity occurring on the District/College campus should be reported to Marina Security Services during their listed hours of operation, by calling **(510) 466-7236**, or dialing **ext. # 7236** from any interior campus telephone.

During non-hours of operation by Marina Security Services, Inc., persons in need should call the local Police Department for incidents at any of the College locations or call **“911” for Police, Fire or medical emergencies. Sheriff’s Technicians are on duty 24 hours a day, seven days a week at Marina Security Services.** They can and will assist in forwarding your information to the appropriate authority.

3. Local Police Department and Non-Emergency Telephone Contact Information

| College                     | Police Department | Phone Number   |
|-----------------------------|-------------------|----------------|
| College of Alameda (COA)    | City of Alameda   | (510) 337-8340 |
| Berkeley City College (BCC) | City of Berkeley  | (510) 981-5900 |
| Laney College (LC)          | City of Oakland   | (510) 777-3333 |
| Merritt College (MC)        | City of Oakland   | (510) 777-3333 |



While law enforcement is being dispatched, do not hang up the telephone as questions which will give the responding personnel valuable information about your emergency. Initially, the information determines the swiftness of the police response and whether an ambulance, and/or fire department assistance will be needed.

5. Police Phone Contact Information in all the Campuses

| District/College               | Room  | Phone Number    |
|--------------------------------|---|-----------------|
| District Administrative Center | Patrol Station HQ   | (510) 466-7236  |
| College of Alameda (COA)       | Student Center, F-121, 1 <sup>st</sup> Floor              | (510) 748-2254  |
| Berkeley City College (BCC)    | Lobby, 2050 Center Street, Berkeley, CA                   | (510) 981-2975  |
| Berkeley Police Department     | 2100 Martin Luther King Jr. Way<br>(24hours, Emergencies) | (510) 981-5900  |
|                                | UCPD 1 Sproul Hall (basement)                             | (510) 642-3333  |
| Laney College (LC)             | Forum Building, Room 100 & 101                            | (510) 464 -3512 |
| Merritt College (MC)           | Student Center, 2 <sup>nd</sup> Floor, R-117              | (510) 436-2668  |

**E. Security Personnel & Power of Authority**

Alameda County Sheriff's Deputies assigned to the Peralta Community College District Police Services area have full powers and authority of a peace officer, pursuant to Section 830.1 of the California Penal Code. Each Deputy Sheriff has met all state standards and training requirements and has the same authority as municipal police officers. Marina Security Services, Inc. will request assistance from local police agencies for incidents which require resources that are not readily available at the Peralta College campuses.

Marina Security Services, Inc. personnel are not peace officers and they do not have the powers or authority of a peace officer. Their arrest authority is identical to that of any private citizen. Duties primarily include monitoring fire and security alarms, monitoring security cameras, keeping records and logs, answering telephones and handling radio communications. Individuals should be aware that security cameras are not a guarantee of your safety. Personnel carry radios and communication devices that have the ability to contact law enforcement to summon assistance, if necessary.

Campus Safety Aides (CSA) and Security Guards are also not peace officers. They are civilians that are contracted or employed by the Peralta Colleges, not the Sheriff's Office or Police Services. Their primary duties include providing escort services for students, staff, administrators and observing and reporting any suspicious activities. Campus Safety Aides also carry radios and have the ability to contact Police Services to summon assistance, if necessary.

Police Services provide escort services on campus. Escorts are either police personnel or Campus Safety Aides. For an escort, call the following numbers from your phone or any interior campus telephone.

|                       |                |                          |
|-----------------------|----------------|--------------------------|
| Laney College         | (510) 599-9411 | Campus Safety Aides      |
| Merritt College       | (510) 436-2546 | Campus Safety Aides      |
| Berkeley City College | (510) 981-2975 | Campus Security Services |

**F. Reporting to Campus Security Authorities (CSA's)**

While the College prefers that community members promptly report all crimes and other emergencies directly to the Police Department at (510) 465-3456 or 9-1-1, we also recognize that some may prefer to report to other individuals or College

offices. The Jeanne Clery Act recognizes certain College officials and offices as Campus Security Authorities (CSA). The act defines these individuals as “officials of an institution who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings”. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.” While the Colleges have identified a number of CSAs, we officially designate the following offices as places where campus community members may report crimes:

**District Administrative Center**

|                                |                            |   |
|--------------------------------|----------------------------|---|
| Marina Security Services, Inc. | HQ, District Admin. Center | Emergency: <b>(510) 465-3456</b> or <b>911</b><br>Non-Emergency: (510) 466-7236 |
|--------------------------------|----------------------------|---|

**College of Alameda**

| Official  | Location                           | Phone Number                                    |
|---|------------------------------------|---|
| Alameda Police Department<br>City of Alameda  | 1555 Oak Street,<br>Alameda, 94501 | Emergency: 911<br>Non-Emergency: (510) 337-8340 |
| Tina Vasconellos, PhD<br>Vice President of Student Services,<br>Office for the Prevention of<br>Harassment and Discrimination<br>(Title IX) | A- 103                             | (510) 748-2204                                  |
| Aja Butler<br>Director of Student Activities and<br>Campus Life   | A-148                              | (510) 748-5296                                  |

**Berkeley City College**

| Official   | Location  | Phone Number                                    |
|--|---|---|
| Berkeley Police Department<br>City of Berkeley   | 2100 Martin Luther<br>King, Jr. Way,<br>Berkeley, 94704 | Emergency: 911<br>Non-Emergency: (510) 981-5900 |
| Stacey Shears, Ed.D.<br>Vice President of Student Services<br>Office of the Prevention of<br>Harassment and Discrimination<br>(Title IX) | Room 242  | (510) 981-2820                                  |
| John Nguyen<br>Director of Student Activities and<br>Campus Life   | Room 151  | (510) 981-2877                                  |

**Laney College**

| Official  | Location                    | Phone Number   |
|---|-----------------------------|--|
| Marina Security Services, Inc.  | Forum Bldg., Room 100 & 101 | Emergency: 911<br>Emergency: (510) 466-7236<br>Non-Emergency: (510) 465-3512 |
| Vicki Ferguson<br>Vice President of Student Services & Title IX Coordinator | SC Room 413                 | (510) 464-3244   |
| Gary Albury<br>Director of Student Activities and Campus Life               | T-815                       | (510) 464-3234   |

**Merritt College**

| Official   | Location | Phone  |
|--|----------|--|
| Marina Security Services, Inc.   |          | Emergency: 911<br>Emergency: (510) 436-2668<br>Non-Emergency: (510) 466-7236 |
| Dr. Lilia Chavez<br>Vice President of Student Services,<br>Office of the Prevention of Harassment and Discrimination (Title IX), | R-113E   | (510) 436-2478   |
| Doris Hankins<br>Director of Student Activities and Campus Life  | R-113    | (510) 436-2501   |

**G. Pastoral and Professional Counselors**

According to the Clery Act, pastoral and professional counselors who are appropriately credentialed and hired by the District/College to serve in a counseling role are not considered Campus Security Authorities when they are acting in the counseling role. As a matter of policy, the District/College encourages professional counselors to notify those whom they are counseling of the voluntary, confidential reporting options available to them.

**H. Security Consideration for the Maintenance of Campus Facilities**

The District/College is committed to campus safety and security. Locks, landscaping and outdoor lighting are designed for safety and security. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds keeping personnel trim shrubs from sidewalks, walkways, and building entrances

to make sure routes to buildings are in good repair. All campus walkways are inspected regularly to ensure adequate lighting. Burned-out lights are replaced promptly.

We encourage community members to promptly report any security concern, including concerns about locking mechanism, lighting, or landscaping to the College Office of Business Services. Map showing campus buildings and pathways is available there.

## **I. Campus Business Hours**

The campus and parking lots are closed during non-business/work hours. The parking lot gates are locked and secured by 11:00 p.m. All buildings are equipped with intrusion alarm systems and/or live video cameras which notify Police Services when unauthorized persons have entered a building. Police Services responds to all alarms.

Peralta's Administrative Procedure 3501 – Campus Security and Access states:

"During business hours, the District will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours, access to all District facilities is by key, if issued, or by admittance via the District Police Services or College Security Service. In the case of periods of extended closing, the District will admit only those with prior written approval to all facilities. Emergencies may necessitate changes or alterations to any posted schedules."

## **J. Crime Prevention**

Crime Prevention is the responsibility of all staff and students. Members of the campus community should be aware of their surroundings and of circumstances, which seem out of the ordinary. Willingness to look out for each other and to report all suspicious individuals or activities to the police will help to ensure that the campus will be a safe, secure place to work and to study.

**DO NOT TAKE CHANCES!** Reporting suspicious individuals and activities allow the police to respond to the situation and often prevent a crime from occurring. Your reports help law enforcement to better identify specific problems and to allocate its resources accordingly.

Marina Security Services maintains safety, security and crime prevention information in the "Personal Safety Handbook". Copies of the handbook are distributed on each campus and also located at Marina Security Services (333 E. 8th St., Oakland, Ca.). Marina Security Services also maintains daily campus police logs of criminal activity known to be occurring on and about the Peralta college campuses. These logs are open for public viewing autopatrolled station (333 E. 8th St., Oakland, CA, and are included in the Peralta district (peralta.edu) and campus websites. The following includes safety tips for crime prevention, as referenced in the "Personal Safety Handbook" with additional safety measures:

## **K. Safety Tips on Campus**

- Never leave valuables inside your car that are visible from outside of your vehicle. Lock your car door after entering or leaving your vehicle.
- When returning to your vehicle, look around and also look inside your car to ensure entry is safe. Have your keys in your hand to speed your entry.
- Use well-lighted paths to and from the parking areas. If this is not possible, have a flashlight. If walking alone, carry a whistle.
- It is not recommended to sit in your car texting or making phone calls afterhours. It may make you a target. If

you must do so, make them brief.

- Avoid walking alone. Use the “Buddy System” or Request a Campus Safety Aide escort.
- Do not leave purses, wallets, tote bags, books, backpacks, etc. unattended, even momentarily. Lock your bicycle to the bike rack and loop chain/cable through the frame, tires and bike rack.
- When working afterhours, notify police services of your location. Lock all doors leading to the area you are in.
- Contact or visit your campus police or security regarding any safety concern you have on campus.
- Have your keys in your hand to speed your entry.
- Use well-lighted paths to and from the parking areas. If walking alone, carry a whistle. Pepper spray is allowed as a non-lethal weapon on California campuses. It is suggested that the spray be handy, so many choose to carry it on a keychain. Please follow safety precautions as directed by the manufacturer, and only use it as intended- for self-protection. See Weapons on campus for California statutes.

In addition, Marina Security Services issues Emergency Notifications and Clery Timely Warnings to campus officials, regarding crimes, incidents, and emergency situations which pose an on-going threat to other students or employees. Timely warnings or reports are normally in the form of a “Campus Safety Alert” flyer, produced by police services and distributed by campus officials or designee. The District and Colleges also have the capability to send Emergency Notifications or Clery Timely Warnings through text messages, emails and voice-recorded messages through its contract with Blackboard Connect, its mass communication system.

Note: These two types of alerts are separate and distinct. For more clarification, please refer to the comprehensive information provided in Section X., sub-section C:3. of the AS entitled “**Peralta Policies for Emergency Notifications and Timely Warnings.**”

In an effort to provide timely notice known as a Clery Timely Warning to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the Peralta Community College District issues “Crime Alerts” using Blackboard Connect. The purpose of these Crime Alerts is to notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents. PCCD will issue Crime Alerts whenever urgent matters such as bomb or terrorist threats or computer system threats. For additional information please refer to section X entitled “**WHAT TO DO IN AN EMERGENCY**” to staff and students throughout the school year regarding crime prevention, safety and security issues, as well as procedures and practices that encourage responsibility for personal and community safety on and about the Peralta campuses.

## **L. Definitions of All Reportable Crimes**

### **1. Crime Statistics (as disclosed in and defined by the Clery Act):**

- **Aggravated Assault:** Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether or not an injury occurred.) This type of assault usually is accompanied by the use of weaponry means likely to produce death or great bodily harm. However, it is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.
- **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud a dwelling house, public building, motor vehicle or aircraft, or personal property of another.
- **Burglary:** The unlawful entry of (or attempt to enter) a structure to commit a felony or theft. For reporting

purposes, this definition includes the following: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

- **Destruction/Damage/Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.
- **Fondling:** Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her rage or because of his/her temporary or permanent mental capacity. (It can be referred to as “sexual battery.”)
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.) Classify as Larceny: thefts of bicycles or automobile accessories; shoplifting; pocket-picking; stealing of property not taken by force, violence, or fraud; attempted larcenies.
- **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. This includes all cases in which automobiles are taken by persons not having lawful access, even though the vehicles are later abandoned—including joyriding.
- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.
- **Rape:** 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. This offense includes the rape of both males and females.
- **Robbery:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or violence and/or by putting the victim in fear.
- **Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
- **Simple Assault:** An unlawful physical attack by one person upon another where neither the offender displays a weapon, or 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.
- **Statutory Rape:** Sexual intercourse with a person who is under the age of consent (18 years old). Under California Penal Code 261 this is “unlawful intercourse.”

## 2. Clery Act VAWA Offenses

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; or the frequency of interaction between the persons involved in a relationship.
- **Domestic Violence:** Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person

to fear for her, his, or others' safety'; or to suffer substantial emotional stress.

### 3. Clery Act Hate Crimes

- **Hate Crimes:** Crimes reported to local police agencies or to a campus security authority that are CleryAct criminal or VAWA offenses, other than violations of liquor, drug, or weapons laws; as well as larceny-theft, simple assault, and intimidation; destruction, damage, or vandalizes property; and any other crimes involving bodily injury that manifest evidence that the victim was intentionally selected because of the perpetrator's actual or perceived bias against the victim's race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

### 4. Categories of Prejudice

- **Race** – a preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.
- **Religion** – a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation** – a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender** – preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity** – preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Ethnicity** – a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- **National Origin** – a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias maybe against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to associate with people of a certain national origin.
- **Disability** – a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Source, *Categories of Prejudice (a-h)*: (UC Berkeley 2017 Annual Fire Safety and Security Report, <https://ucpd.berkeley.edu/sites/default/files/uc-berkeley-annual-fire-safety-security-report.pdf>)

5. Clery Act Arrests and Disciplinary Action

**Drug Abuse Violation:** The violation of laws prohibiting the production distribution, and/or use of certain controlled substances and the equipment of devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance' arrests for violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Liquor Law Violation:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

*Source: (UC Berkeley 2017 Annual Fire Safety and Security Report,  
<https://ucpd.berkeley.edu/sites/default/files/uc-berkeley-annual-fire-safety-security-report.pdf>*

6. Senate Bill No. 967- (SB 967)

This bill is an act approved by the Governor of California on September 28, 2014, to add Section 67386 to the Education Code, concerning student safety. Also known as the "Yes Means Yes Act", this bill puts the issue of consenting to a sexual act in the forefront of California laws concerning sexual assault. This criterion clarifies the standard of consent to include these definitions and policies in the state of California as stated in the following:

- a. An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity."
- b. Definition of Affirmative Consent: "Affirmative Consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.
- c. 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.
- d. A policy that, 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:
  - o The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
  - o The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.
- e. A policy that the standard used in determining whether the elements of the complaint against the accused have been demonstrated is the preponderance of the evidence.
- f. A policy that, in the evaluation of complaints in the disciplinary process, it shall not be 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.
  - If the individual is under the age of 18 by law, he or she is unable to meet the criteria for consent. If both are under-age, there are additional standards under Penal Code 261 to consider.
- g. The California Penal Code 261 also includes in their definition of rape or any act of sexual assault the use of force and threats of violence producing reasonable fear in the victim.
- “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.”
  - “As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.”

Note: The California Penal Code 261 includes these standards of consent among others. These definitions simply amended and clarified the existing standards. It is important to include this additional information because the frequency and severity of these issues within the context of sexual assault.

- h. California Education Code (Section 67383) definition of sexual assault
- “Sexual assault “includes, but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these.

Note: A foreign object can include a finger. The assault can include either bodily opening, and sexual battery is another term for fondling or “the unwanted touching of an intimate part of another person for the purpose of sexual gratification”. Sexual battery or fondling are not limited to the touching of the genital area but include breasts and buttocks as intimate parts of another person. Incest and statutory rape are included asexual assault, and sexual assault always includes the issue of consent. Sometimes the term “sexual assault” is used interchangeably or to replace the term “rape”.

Forced intercourse or other unwanted sexual contact is defined as sexual assault whether the assailant is a stranger or an acquaintance of the complainant. Intoxication of the assailant shall not diminish the assailant’s responsibility for sexual assault.

## **M. Other Terminology, Definitions**

1. **Complainant:** A student, faculty, staff, administrator, visitor, or invitee of the District/College ‘who believes they have been a victim/survivor or sexual assault, dating or domestic violence or stalking who engages in the District/College complaint procedure. If the alleged perpetrator of sexual assault, dating or domestic violence or stalking is an employee of the District/College, the victim/survivor will have the option of initiating a complaint with the Peralta Community College District (PCCD).

2. **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 weapon or subjecting the victim to actual physical attack.
3. **Retaliation:** (According to Title IX, Section XII. (Prohibition Against Retaliation) "Retaliation exists when action is taken against a complainant or participant in the complaint process that adversely affects the individual's employment or academic status; and is motivated in whole or in part by the individual's participation in the complaint process.
4. **Title IX:** A Federal statute that prohibits sex discrimination at educational institutions that receive Federal funding (such as financial aid, etc.). This statute protects the student's civil rights by prohibiting sexual discrimination, such as inequalities of educational funding, programs and resources based on the sex of the recipients. It also clarifies that all forms of sexual harassment possibly resulting in a hostile environment on campus for the recipient, and all forms of sexual violence listed in the Violence Against Women Act and or any other sexual misconduct are prohibited and must follow said guidelines for reporting and remedies for the claimant.
5. **Title IX states the following:  
(Under Title IX of the Education Amendments of 1972)**

"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."

Note: Every campus has a Title IX coordinator, who is listed by name at the template at section IVF under Reporting to Campus Security Authorities (CSA's) Also listed is the location for Office of the Prevention of Harassment and Discrimination (Title IX) at all four campuses.

#### **N. The Campus SaVE Act (Includes New Campus Obligations to the VAWA)**

According to the 111th Congress, the SaVE Act is designed "to amend the Higher Education Act of 1965 to improve education and prevention related to campus sexual violence, intimate partner violence, and stalking. 1 Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, 3 SECTION 1. SHORT TITLE. 4 This Act may be cited as the "Campus Sexual Violence Elimination Act" or the "Campus SaVE Act."

The Violence Against Women Reauthorization Act ("VAWA"), which President Obama signed into law on March 7, imposes new obligations on colleges and universities under its Campus Sexual Violence Act ("SaVE Act") provision, Section 304. VAWA's SaVE Act provision adds domestic violence, dating violence, and stalking to the category of reportable campus crimes as defined by the Clery Act and shall be added to the campus' crime statistics.

#### **O. Additional Definition as Listed in the SaVE Act (CampusSaVEAct.pdf)**

1. Intimate Partner Violence: means any physical, sexual or psychological harm against an individual

by a current or former partner or spouse of the individual.

- Includes stalking, dating violence, sexual violence, or domestic violence offense.
  - Includes such harm against individuals in heterosexual and same sex relationships; and
  - Does not require sexual intimacy between the individual and such partner or spouse.
2. Stalking: means an individual willfully and repeatedly engaging in a knowing course of harassing conduct directed at another individual that reasonably and seriously alarms, torments, or terrorizes such individual.
  3. Primary Prevention: means programming and strategies intended to stop sexual and intimate partner violence before it occurs through the changing of social norms and other approaches.
  4. Awareness Programming: means any program designed to alert students to the prevalence of intimate partner violence, sexual violence, and stalking.
  5. Bystander Intervention: means safe and positive options that may be carried out by an individual to prevent or intervene when there is a risk of sexual violence against a person other than such individual.
  6. Risk Reduction: means options for recognizing warning signs of abusive personalities and how to fight back against potential attackers.

In addition to these definitions are standards for sexual violence education programs. More information concerning campus policies, standards, and procedures concerning sexual offenses resulting from the SaVE Act can be found in section VII D in this ASR.

## V. FOR VICTIMS OF SEXUAL ASSAULT, STALKING, DOMESTIC/DATING VIOLENCE

### A. What to Do if You are Assaulted/Raped

1. **Call 9-1-1**, especially if you are in an unsafe location. If you are able first to run to a safer more public location, then do so.
2. Pick up an emergency blue phone

| Location                                     | Emergency Number                             |
|--|--|
| College of Alameda:                          | (510) 337-8340                               |
| Berkeley City College                        | (510) 981-2975                               |
| Laney College                                | (510) 466-3512                               |
| Merritt College                              | (510) 436-2668                               |
| Peralta District:<br>(Administrative Center) | (510) 466-7236                               |
| After Hours/On or near Campus                | (510) 465-7236<br>(Marina Security Services) |
| <b>EMERGENCY</b>                             | <b>9-1-1</b>                                 |

|                                  |                       |
|----------------------------------|-----------------------|
| Peralta 24 Hour Crisis Hotline   | 1-800-273-TALK (8255) |
| Peralta 24 Hour Crisis Text Line | Text to-741741        |

| RAPE CRISIS HOTLINES                                      |  |
|---|--|
| Bay Area Women Against Rape (BAWAR)                       | (510) 845-7273                             |
| Rainn (Rape, Abuse & Incest National)                     | 1-800-656-Hope Network)                    |
| <b>STAND (Domestic Abuse Crisis Hotline)</b><br>referrals | <b>1-888-215-5555</b><br>Emergency Shelter |
| Highland Hospital Sexual Assault Center                   | (510) 534-9290                             |

1. Utilize the above numbers immediately. The Peralta district and or any police or security personnel will respect your right to decide what course of action you want to take following a sexual assault or any act of sexual or domestic violence. Contacting emergency services will ensure your immediate safety. You may choose to simply say "I've been attacked" to be assisted to a safer location.
2. Yet it is important to disclose what happened to you to ensure that you will receive the care and services needed after a traumatic experience. Contacting emergency services does not obligate you to make a report or press charges. Speaking to law enforcement or other officials can seem overwhelming, but they are trained professionals who know how to respond in crisis situations.
3. If you are in a safe location and feel unable to make the call to law enforcement, call a rape crisis hotline immediately. Do not delay. Their volunteers will provide immediate counseling, are trained to assist you in speaking to the police, and/ or accompany you to the station and to the hospital or medical center and can also help you weigh your legal options. Remember that the best legal recourse takes place if you report the crime immediately. You may speak to a friend or relative you trust about the assault but be sure to follow up with a professional who will assist you.
4. The campus must confidentially include the crime in their crime statistics for the safety and information of others.
5. Preserve Evidence: Do not wash yourself, shower or bathe, douche, brush your teeth, brush or comb hair, or change clothes. All evidence must be present for a medical exam. Even if you don't decide to press charges right away, or decide against it, this evidence will make prosecution much more likely and complete and can be compared to evidence if there are other victims of the alleged perpetrator. Remember that most perpetrators of sexual assault repeat the behavior, so there may be previous or future victims, especially if the perpetrator is not incarcerated.
6. As mentioned above, go to a hospital emergency department or the campus health clinic, if available, for medical exam. This will include testing for sexually transmitted diseases and emergency contraception if warranted. The police will take you to the hospital and follow-through with reports. You can ask for an advocate from a rape crisis hotline, a friend, or relative to accompany you if you choose.

7. Make sure you have a safe place to sleep. If the perpetrator knows where you live or can easily attain that information, it is best to go to a friend or relatives. It is also not recommended that someone is alone after a traumatic experience such as a sexual assault and having others around you increases your safety as well. If you don't have another safe location, go to an emergency shelter. The rape hotline number can assist you with this, the police can make referrals, or domestic abuse hotline such as STAND (see above number.)
8. Follow up with professional counseling. For counseling through Peralta colleges, refer to the chart for item J.
9. Make sure that you and/ or your counselor have a meeting set up with the Vice President of Student Services, or other designee if not available concerning any accommodations, especially considering your safety, academic, and legal concerns. These accommodations are crucial if the perpetrator is a Peralta student or staff member, or if you are concerned that his friends or colleagues are aware of the situation. An unsafe or hostile learning environment is unacceptable. Changing your class schedule, retaking of classes and class withdrawal without consequences, a campus no-contact order and/or an order of protection (restraining order), pressing charges, and/ or filing reports and complaints through the campus authorities can be the very steps that will ensure that you have important options and your rights are not further violated. The Peralta district counselors, campus police and student services are there to provide ongoing support. You may also immediately consider a campus safety aid or police escort to and from classes to your vehicle or transportation, or other locations on campus. Put your safety and well-being first and utilize whatever services the campus provides. See item J. concerning safety aids and police escorts.

## **B. Male Victims of Sexual Assault and Abuse**

The following information is from the 1in6.org website (<https://1in6.org/>) which provides an online chat feature to males who have experienced sexual assault or abuse. There is also an online support group. This resource is funded and supported by RAINN (Rape, Abuse & Incest National Network) 1-800-656-Hope.

Researchers have found that at least 1 in 6 men have experienced sexual abuse or assault, whether in childhood or as adults. And this is probably a low estimate, since it doesn't include noncontact experiences, which can also have lasting negative effects. If you've had such an experience, or think you might have, you are not alone.

1. What the research tells us:
  - A 2005 study conducted by the U.S. Centers for Disease Control, on San Diego Kaiser Permanente HMO members, reported that 16% of males were sexually abused by the age of 18.
  - A 2003 national study of U.S. adults reported that 14.2% of men were sexually abused before the age of 18.
  - A 1998 study reviewing research on male childhood sexual abuse concluded that the problem is "common, under-reported, under-recognized, and under-treated."
  - A 1996 study of male university students in the Boston area reported that 18% of men were sexually abused

before the age of 16.

- A 1990 national study of U.S. adults reported that 16% of men were sexually abused before the age of 18.
2. Why these statistics are probably underestimates:
- Males who have such experiences are less likely to disclose them than are females.
  - Only 16% of men with documented histories of sexual abuse (by social service agencies, which means it was very serious) considered themselves to have been sexually abused, compared to 64% of women with documented histories in the same study.
3. Men who've had such experiences are at much greater risk than those who haven't for serious mental health problems, including:
- Symptoms of post-traumatic stress disorder and depression.
  - Alcoholism and drug abuse.
  - Suicidal thoughts and suicide attempts.
  - Problems in intimate relationships.
  - Underachievement at school and at work.
4. Think about it, and about educating others
- In summary, the 1 in 6 statistic is supported by solid scientific research, including a study conducted by the U.S. Centers for Disease Control and is likely an underestimate of the actual prevalence. Furthermore, this widespread problem contributes to mental health, personal and work difficulties of many men.
  - Yet few people are aware that there are just as many men who experienced sexual abuse as children as there are who develop prostate cancer, the most common cancer among men and one of the leading causes of cancer death among men. And few know that the 21 million men with histories of childhood sexual abuse is more than 4 times the number with heart disease, the leading cause of death among men. Please consider helping to educate others by letting them know about this page, [1in6.org/statistic](https://1in6.org/statistic).

*References\**

*Dube, S.R., Anda, R.F., Whitfield, C.L., et al. (2005). Long-term consequences of childhood sexual abuse by gender of victim. American Journal of Preventive Medicine, 28, 430-438 - Source: <https://1in6.org/get-information/the-1-in-6>.*

**C. If Someone You Know was Assaulted/Raped**

The following are recommendations from BAWAR:

- Communicate that s/he is not responsible for being assaulted.
- Communicate unconditional caring and acceptance.

- Allow the survivor to make their own decisions about all events that affect their life- whether to report, go to trial, tell family and friends, etc.
- Support the decisions s/he makes.
- Don't expect or demand that s/he give you the details of the assault, but let the survivor know that you're there if s/he wants to talk.
- Call BAWAR if you have any questions or need support.

*Source: Brochure published by Bay Area women Against Rape and provided 3/05 to Ohlone College administration.*

*Note: Contact whichever rape crisis center, professional counseling on or off campus, and crisis line you choose that is most convenient and comfortable to you*

#### **D. About Fondling/Sexual Battery**

Fondling has been previously listed in the ASR's "Definitions of All Reportable Crimes" in section IV as: "Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity."

Note: This includes touching over clothing and can include other parts of the body if it brings the perpetrator sexual gratification. Another definition according to the Sexual Offenses Act of 2003 is as follows when listing the sexual assault referred to as fondling is a person:

- Intentionally touches another person
- The touching is sexual
- Does not consent to the touching, and
- Does not reasonably believe that (B) consents.

However, do not overemphasize what the perpetrator believes, because some guilty perpetrators may deny any sort of culpability, and some do not have a reasonable respect for others and do not value consent.

Popular culture and "rape culture" as it is referred to, can really come into play with this sexual offense. "Rape culture" tends to minimize the crimes of sexual assault and even blame the victim. Unfortunately, there is a popular tendency to minimize an offense such as "fondling" and even joke about it. Make no mistake, unwanted touching of another person's body without their consent is sexual assault. It is sometimes referred to as "sexual battery". This crime is traumatic and shocking to the victim and can cause lasting emotional distress and psychological symptoms resulting from the fear of being victimized again. Some experts feel the "euphemistic language" or softer terminology used for the offense that adds to this minimization. Terms such as "groping", for instance. Also disturbing is the fact that some cities only cite this serious crime as a misdemeanor. Unfortunately, the internet has not been helpful either, with people's opinions fueling misinformation. Popular music can sometimes include lyrics about grabbing a woman's backside as some kind of bragging rights, sending a message that it is harmless fun, and simply because the woman looks attractive to the perpetrator, he is entitled to commit an act of sexual assault.

Note: Women are used as the example above within popular culture, but all sexual assaults can happen to

anyone of any gender. High profile cases in the media where the perpetrator has escaped any punishment or has enjoyed a successful career for decades without penalty send the message that there may be no consequences for touching others against their will. Many take this cue, minimize this egregious attack, and do not report. Please report what has happened to you. This sexual act was against your will for the purpose of the perpetrator's sexual gratification. This person will continue to do so, also enjoying their sense of power from violating others. Report this to the campus police and speak to someone professional about the sexual assault. **Marina Security Services phone number is (510) 466-7236.**

## E. What to Do If You Are Being Stalked

According to the "National Incident-Based Reporting System (NIBRS) User Manual":

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

Any incident meeting the above definition of stalking qualifies as stalking for the purposes of Clery Act reporting. It's not necessary for all activities in course of conduct to occur on CleryAct geography to count the incident – in other words, incidents that occurred outside the defined geographical limits of campus also count as an incident.

The following web page is from the "Stalking Resource Center", a center that focuses on victims of crime. Stalking is a form of abuse and is often included in cases of domestic or dating violence. Such violence can lead to serious injury, emotional and psychological damage to the victim, and even homicide. Anyone of any gender can be a victim of such crimes. However, the number one factor making one more likely to be a victim of abuse, stalking, sexual crimes, and homicide within a relationship is being a woman, and pregnant females are especially at risk. The term "femicide" is used by the author to describe the murder of a woman. Here are some facts about stalking:

Stalking is serious, often violent, and can escalate over time.

- 76% of intimate partner femicide victims have been stalked by their intimate partner.
- 67% had been physically abused by their intimate partner.
- 89% of femicide victims who had been physically assaulted had also been stalked in the 12 months before their murder.
- 79% of abused femicide victims reported being stalked during the same period that they were abused.
- 54% of femicide victims reported stalking to police before they were killed by their stalkers.

Stalkers A stalker can be someone you know well or not at all. Most have dated or been involved with the



people they stalk. Most stalking cases involve men stalking women, but men do stalk men, women do stalk women, and women do stalk men.

- 2/3 of stalkers pursue their victims at least once per week, many daily, using more than one method.
- 78% of stalkers use more than one means of approach.
- Weapons are used to harm or threaten victims in 1 out of 5 cases.
- Almost 1/3 of stalkers have stalked before.
- Intimate partner stalkers frequently approach their targets, and their behaviors escalate quickly.

Some things stalkers can do

- Follow you and show up wherever you are.
- Send unwanted gifts, letters, cards, or e-mails.
- Damage your home, car, or other property.
- Monitor your phone calls or computer use.
- Use technology, like hidden cameras or global positioning systems (GPS), to track where you go.
- Drive by or hang out at your home, school, or work.
- Threaten to hurt you, your family, friends, or pets.
- Find out about you by using public records or online search services, hiring investigators, going through your garbage, or contacting friends, family, neighbors, or co-workers.
- Posting information or spreading rumors about you on the Internet, in a public place, or by word of mouth or other actions that control, track, or frighten you.
- The prevalence of anxiety, insomnia, social dysfunction, and severe depression is much higher among stalking victims than the general population, especially if the stalking involves being followed or having one's property destroyed. [Eric Blauuw et al. "The Toll of Stalking," *Journal of Interpersonal Violence* 17, no. 1(2002):50-63.]

**You are not to blame for a stalker's behavior.**

**Source:** <http://victimsofcrime.org/our-programs/stalking-resource-center/stalking-information#what>

To contact: If you need immediate assistance, the **Victim Connect Helpline provides information and referrals for victims of all crime and can be reached at 855-4-VICTIM (855-484-2846).**

Additional 24 hr. Crisis Lines:

**STAND (Domestic Abuse Crisis Hotline) 1-888-215-5555**

**National Domestic Violence Hotline 1-800-799-7233 (SAFE) or 1-800-787-3224 (TTY)**

**If you are experiencing incidents of stalking, please report the stalking to: Marina Security Services at (510) 466-7236 (Laney & Merritt Colleges) Alameda Police Department at (510) 337-8340 (COA) Oakland Police Department at (510) 777-3333 (Laney & Merritt Colleges) Berkeley Police Department at (510) 981-5900 (Berkeley City College)**

What You Can Do About Stalking

- To summarize Instructions by the “Stalking Resource Center”: Call 911 if in immediate danger.
- Contact the police about the stalking. Make a criminal report.
- Have a safety plan in order if the perpetrator shows up.
- Take threats seriously, especially if homicide or suicide is mentioned.
- Be aware that the end of the relationship may result in more violence and stalking behavior, so be more vigilant and take more safety precautions.
- Trust your own instincts when it comes to your safety. Do not communicate with the perpetrator.
- Document the stalking incidents thoroughly in a log with date, time, all descriptions including threats and preserve all evidence of unwanted contact.
- Inform friends, family and co-workers of the stalking. Stay with family or friends if necessary.
- Inform security at your campus or job.
- Consider getting a court order or restraining order against the stalker. Utilize crisis lines, domestic violence and other victim services agencies.

Other Potential Actions/ Campus Related Actions May Include:

- Pick up the blue phones or call 911, emergency numbers if in immediate danger on campus.
- Report the stalking to campus police.
- Make a criminal complaint.
- Request escort services provided by campus safety aids and police.
- Contact agencies such as the Victim Connect Helpline, STAND, or BAWAR.
- Make an appointment with the Wellness Center counselors on campus.
- Meet with the V.P. of Student Services for accommodations- i.e., change of class schedule.
- Campus can issue a no-contact order to protect victim.
- Inform the campus police of any restraining order with the court.
- Inform classmates and instructors so they are aware.
- Use the “buddy system” walking from classes (if it is deemed safe to do so).
- Document all incidents of stalking on campus and college-related geography and all witnesses.
- Campus Shield App

Clery Geography- and include stalking patterns at other locations.

- Change your routes when driving to and from locations possibly known to the stalker.
- If you are being followed, drive to a police station or the most public, well- lit areas.
- Severe cases of stalking may require changing your place of residence.
- Enroll in a self-defense course.

**F. Are You in An Abusive Relationship?**

The following information concerning Abuse is provided by STAND!

1. What Is Abuse?

“Abuse is a repetitive pattern of behaviors used to maintain power and control over an intimate partner.” Intimate relationships do not start out with abuse. It is established over time in subtle ways-- beginning with insults or a shove and escalating to more frequent and severe acts.

Abuse can take many forms:

- Physical - Any use of force that causes pain or injury, such as hitting, kicking or slapping.
- Sexual - Abuse can include sexual harassment, sexual assault or manipulating a person into having sex by using guilt or threats.
- Emotional and/or Verbal - Constant criticism, threatening to hurt loved ones or harassment at school or in the workplace
- Economic- Controlling a person's income for financial assistance, misusing one's credit for making it difficult for a person get or maintain a job
- Psychological - Minimizing or blaming a person for the abuse, intimidation and/or threats or destroying property

Domestic violence is the most used term for this kind of violence, but it is also known as intimate partner violence, family violence or battering. These definitions vary between states, countries, and organizations, but they are all based in the same premise—the abuse of power and control in familial, co-habiting or intimate relationships. Source: <http://www.standffov.org/what-is-abuse/>

The behaviors that indicate abuse are listed above and will be mentioned in more detail. Many students fall into the age range of 18-24 that statistically put them in more danger of abusive relationships and dangerous encounters within family dynamics, acquaintances, and even strangers.

In reading the information concerning sexual assault, stalking, and domestic/dating violence, there is a lot of overlap among these crimes, and common traits among the perpetrators. In order to possibly protect yourself from an abusive relationship, it is important to look for warning signs or “red flags” of abusive behaviors as well as common traits and attitudes of an abuser. The cycle of abuse usually does not start in the most obvious ways before it escalates into the most violent and dangerous episodes.

In relationships, the abuser usually wants to get to know their victim then prey on their partner's sensitivities and perceived vulnerabilities.

The abuser can often masquerade as the kindest, most generous, and sensitive person who has fallen deeply in love with their intended target. This is not to dismiss the connection the abuser may genuinely feel for the victim. When strong feelings and commitments are involved it's easier to perceive the abuser in the best light. This can cause the victim to overlook certain behaviors or attitudes.

1. The abuser's overwhelming jealousy may be viewed as protectiveness, the emotional outbursts as passion, and the material gifts and control as generosity and financial planning.
2. All this attention can be alluring and feel like the real thing.
3. Those who want to blame or put-down the victim, do so out of carelessness and ignorance.

Psychological and emotional control and abuse as well as threats, violence, physical battering and sexual violence can negatively affect and change the strongest and most confident of persons, and those already particularly vulnerable physically, financially, or emotionally. The greatest vulnerability includes pregnancy or having children in common. Each situation differs and arming yourself with knowledge from professionals can help you or a friend now or in the future.

The following is from the National Center Against Domestic Violence webpage, providing the following information to the community in hopes of prevention, awareness of domestic/dating violence, and support for victims of abuse:

### Signs of Abuse

Anyone can be an abuser. They come from all groups, all cultures, all religions, all economic levels, and all backgrounds. They can be your neighbor, your pastor, your friend, your child's teacher, a relative, a coworker -- anyone. It is important to note that the majority of abusers are only violent with their current or past intimate partners. One study found 90% of abusers do not have criminal records and abusers are generally law-abiding outside the home.

### What Traits Do Abusers Have in Common?

There is no one typical, detectable personality of an abuser. However, they do often display common characteristics.

- An abuser often denies the existence or minimizes the seriousness of the violence and its effect on the victim and other family members.
- An abuser objectifies the victim and often sees them as their property or sexual objects.
- An abuser has low self-esteem and feels powerless and ineffective in the world. He or she may appear successful, but internally, they feel inadequate.
- An abuser externalizes the causes of their behavior. They blame their violence on circumstances such as stress, their partner's behavior, a "bad day," on alcohol, drugs, or other factors.
- An abuser may be pleasant and charming between periods of violence and is often seen as a "nice person" to others outside the relationship.

### What Are the "Warning Signs" of an Abuser?

Red flags and warning signs of an abuser include but are not limited to:

- Extreme jealousy
- Possessiveness
- Unpredictability
- A bad temper
- Cruelty to animals
- Verbal abuse
- Extremely controlling behavior
- Antiquated beliefs about roles of women and men in relationships
- Forced sex or disregard of their partner's unwillingness to have sex
- Sabotage of birth control methods or refusal to honor agreed upon methods
- Blaming the victim for anything bad that happens

- Sabotage or obstruction of the victim's ability to work or attend school
- Controls all the finances
- Abuse of other family members, children, or pets
- Accusations of the victim flirting with others or having an affair
- Control of what the victim wears and how they act
- Demeaning the victim either privately or publicly
- Embarrassment or humiliation of the victim in front of others
- Harassment of the victim at work

<https://ncadv.org/signs-of-abuse>

So, in exploring these red flags, some may feel that their instincts that something isn't right will be confirmed, and that it is not all in their head, and the minimization and manipulations from the abuser can no longer hide their agenda. Some may feel confirmation that this abuse may indeed escalate, or that this a toxic relationship that must be safely ended. Some already deep in the relationship may feel truly concerned, unsafe, or down-right terrified and circumstances as well as fear make the thought of escape too overwhelming, difficult, and unsafe.

#### **G. What to Do if You Are in an Abusive Relationship**

As stated earlier, there is a lot of overlap in the crime categories listed as VAWA offenses.

Note: Stalking can occur during an abusive relationship and would be included as "red flag" behaviors. The perpetrator's control, jealousy, harassment, monitoring and stalking at your school or work may not be off-limits for an abuser. It is especially dangerous if they are a classmate or co-worker or have contact with your classmates or co-workers. Stalking activities can really escalate if there is a break-up, an escape from the relationship and shared living space, or even a "time-out" from the relationship.

Many of the recommended steps are similar to recommendations in section E. for stalking, as summarized from the Stalking Resource Center. Sexual violence and abuse are also inflicted to control and humiliate, so treatment for sexual assault and abuse may be warranted.

Remember that you have the right to decide which courses of actions are right for your circumstances, knowing the abusers past actions and potential future actions or threats. Your safety and family's safety are of the utmost priority. It is recommended that you consult professionals who are the best-trained and informed about domestic and dating abuse, rather than relying only on friends and family for assistance. If you are a concerned friend, classmate, co-worker, or relative remember to listen and never judge. Do not try to force the victim into immediate actions based upon your opinion. They are the experts who know the abuser best and must weigh all safety risks. Educate yourself about possible barriers to immediately escaping the abuse. The National Coalition Against Domestic Violence is a good resource and includes a section entitled "Why don't they leave?" Encourage and support them to seek professional guidance and do not do anything to compromise their safety or alert the abuser that you are assisting the victim in any way. The abuser will view you as a threat, try to shut you out of the victim's life or possibly harm you.

### Potential Actions Against Abuse:

- Call 911 if in immediate danger. Contact the police about the abuse.
- Receive medical care for your injuries or trauma. Emergency departments are best equipped. Consider getting a court order or restraining order against the stalker.
- Work with a professional counselor and/or a counselor with an anti-abuse agency to devise a safe plan of escape, especially if children are involved.
- Find legal resources if child custody is involved.
- Take threats seriously, especially if homicide or suicide is mentioned. Be aware of weapons and firearms in the abuser's possession.
- Document the incidents of abuse thoroughly with the date, time, descriptions including threats, and all evidence of behaviors that qualify as abuse, including stalking.
- Evidence may also include statements from those who have witnessed the abuse, keep their contact information if needed.
- Take pictures as evidence of any physical abuse, keep medical proof of injuries. Trust your own instincts when it comes to your safety.
- Have a safety plan in order if the perpetrator shows up/stalking.
- Be aware that the end of the relationship may result in more abuse, violence, and possible stalking, so be more vigilant and take more safety precautions.
- Once you have left the relationship or residence, do not communicate with the perpetrator.
- Inform friends, family, and co-workers whom you trust about the abuse. Stay with family or friends if necessary.
- Find an emergency shelter if needed through crisis lines, domestic violence, victim services agencies and police services.
- Inform security at your campus or job.
- Utilize crisis lines, domestic violence and other victim services agencies for support, information and resources, but do so safely. Your abuser may be monitoring your home computer or laptop. Use computers at the library or use a friend's computer. Their websites always have an emergency exit feature for your safety. Or hit the escape key. You may also ensure your computer settings delete the search history upon exit.
- Also, texting about the abuse can be risky if your abuser checks and monitors your phone. Make phone calls instead.

### Other / Campus Related Actions May Include:

- Call 911, emergency numbers if in immediate danger on campus Pick up an emergency blue phone
- Report the abuse to campus police. Make a criminal complaint.
- The Victim Connect helpline or National Domestic Violence hotline.
- Make an appointment with the Wellness Center counselors on campus.
- Meet with the V.P. of Student Services for accommodations- i.e., change of class schedule. Inform the campus police of any restraining order with the court.
- Inform classmates and instructors so they are aware.
- Document all incidents of domestic/dating abuse on- campus and college-related geography, including relevant off-campus locations and all witnesses- see Clery Geography

- Change your routes when driving to and from locations possibly known to the abuser/ stalker. If you are being followed, drive to a police station or the most public, well- lit areas.
- For your safety, and/or family’s safety you may have to relocate.
- Enroll in a self-defense course, but remember it takes practice to use the techniques in a critical situation. Take time for practice or ask if you may participate at additional times.

| <b>EMERGENCY PHONE NUMBERS – ABUSE</b>       |   |
|--|---|
| <b>Peralta 24 Hour Crisis Hotline</b>        | <b>1-800-273-TALK (8255)</b>                            |
| <b>Peralta 24 Hour Crisis Text Line</b>      | <b>Text to-741741</b>                                   |
| <b>STAND (Domestic Abuse Crisis Hotline)</b> | <b>1-888-215-5555</b>                                   |
| <b>National Domestic Violence Hotline</b>    | <b>1-800-799-7233(SAFE) or<br/>1-800-787-3224 (TTY)</b> |

#### **H. Other Victims of Violent Crime**

The following crimes are the most likely violent crimes that can occur on campus. These are the previously listed in IV L Definitions of All Reportable Crimes.

##### **1. Immediate Actions:**

- Please call 911, the campus emergency numbers listed below in subsection I, or pick up a blue phone to report these serious and dangerous crimes while in progress.
- If you are the victim, try to get the attention of others for help. Make your escape and/or emergency call when it is safe to do so.
- If this takes place in or near a classroom, refer to the flip charts for emergencies provided by Risk Management that include “active shooters”.
- Provide the most detail possible in your report and description of the suspect, if not apprehended
- Receive medical services for injury and crisis counseling for trauma

##### **2. Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. (Includes attempts, and whether an injury occurred.) This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. However, it is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used that could and probably would result in serious personal injury if the crime were successfully completed.

##### **3. Larceny-Theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.) Classify as Larceny: thefts of bicycles or automobile accessories; shoplifting; pocket-picking; stealing of property not taken by force, violence, or fraud; attempted larcenies.

##### **4. 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.

#### 5. Hate Crimes

Crimes reported to local police agencies Or to campus security authority that are Clery Act criminal or VAWA offenses, other than violations of liquor, drug, or weapons laws; as well as larceny-theft, simple assault, and intimidation; destruction, damage, or vandalism of property; and any other crimes involving bodily injury that manifest evidence that the victim was intentionally selected because of the perpetrator's actual or perceived bias against the victim's race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability.

FBI's Uniform Crime Reporting (UCR) Program released Hate Crime Statistics, 2016, its latest annual compilation of bias-motivated incidents reported throughout the U.S.

The newest report—which provides information about the offenses, victims, offenders, and locations of hate crimes—reveals that for 2016, law enforcement agencies reported 6,121 criminal incidents that were motivated by bias toward race, ethnicity, ancestry, religion, sexual orientation, disability, gender, or gender identity.

Of the 6,121 criminal incidents reported, 6,063 were single-bias incidents (there were also 58 multiple-bias incidents).

Of the single-bias incidents:

- 57.5 percent were motivated by a race, ethnicity or ancestry bias;
- 21.0 percent were motivated by a religious bias;
- 17.7 percent were motivated by a sexual orientation bias;
- The remaining incidents were motivated by a gender identity, disability, or gender bias.

Source: <https://www.fbi.gov/news/stories/2016-hate-crime-statistics>

The FBI reports of 2015 indicate that blacks are the most likely targets of racial bias. Jews of religious bias, but the hate crimes against Muslim surge. Also increasing were hate crimes against transgenders.

Source: <https://www.nytimes.com/2016/11/15/us/politics/fbi-hate-crimes-muslims.html>

#### 6. Incidents of Murder or Active Shooter

It is not statistically likely but possible to witness a murder or negligent homicide/murder on campus. This crime must be reported immediately to ensure campus safety and emergency response protocols.

If they have a gun, and seem intent on shooting you, other witnesses or persons, follow instructions for an "active shooter" in the Emergency Response section, such as:

Remaining quiet

Hiding and turning off lights and locking windows and doors Escaping to a safer area using the protective posture listed below.

Flee from the shooter if forced to: When running, self-defense experts say to crouch down and bend forward with your hands protecting your head with your back to the shooter and run diagonally back and forth making



yourself a smaller and more difficult target and less vulnerable to fatal shot to the head, neck, and internal organs at the front of the body.

If the shooter is known to you, such as former intimate partner who may have been abusive, and you are their “intended target”, use your instincts and knowledge of the perpetrator to possibly de-escalate the situation, and say what they want to hear. Possibly use a distraction as an opportunity to flee or discretely call 911. Do not agree to go to a private location, and do not go willingly in the perpetrator’s car, it is better to fight, scream, and run rather than being forced into a car, where you will be taken to the perpetrators preferred private location and have the greatest probability of becoming a victim of homicide.

Source: Lecture 2017 Cal State East Bay Self-Defense for Women

## **I. How Crime Victims React to Trauma**

What Is It?

Many crimes involve the use of force or violence against victims. Crime victims of all types of crime may experience trauma - physical damage to their bodies or emotional wounds or shock caused by the violence against them. Reactions to trauma vary from person to person and can last for hours, days, weeks, months, or years. Physical trauma: Crime victims may experience physical trauma—serious injury or shock to the body, as from a major accident. Victims may have cuts, bruises, fractured arms or legs, or internal injuries. They may have intense stress reactions: their breathing, blood pressure, and heart rate may increase, and their muscles may tighten. They may feel exhausted but unable to sleep, and they may have headaches, increased or decreased appetites, or digestive problems Emotional trauma: Victims may experience emotional trauma—emotional wounds or shocks that may have long-lasting effects. Emotional trauma may take many different forms:

Shock or numbness: Victims may feel “frozen” and cut off from their own emotions. Some victims say they feel as if they are “watching a movie” rather than having their own experiences. Victims may not be able to make decisions or conduct their lives as they did before the crime.

Denial, Disbelief, and Anger: Victims may experience “denial,” an unconscious defense against painful or unbearable memories and feelings about the crime. Or they may experience disbelief, telling themselves, “this just could not have happened to me!” They may feel intense anger and a desire to get even with the offender.

Acute Stress Disorder: Some crime victims may experience trouble sleeping, flashbacks, extreme tension or anxiety, outbursts of anger, memory problems, trouble concentrating, and other symptoms of distress for days or weeks following a trauma. A person may be diagnosed as having acute stress disorder (ASD) if these or other mental disorders continue for a minimum of two days to up to four weeks within a month of the trauma. If these symptoms persist after a month, the diagnosis becomes posttraumatic stress disorder (PTSD).

Secondary Injuries: When victims do not receive the support and help they need after the crime, they may suffer “secondary” injuries. They may be hurt by a lack of understanding from friends, family, and the professionals they come into contact with—particularly if others seem to blame the victim for the crime (suggesting they should have been able to prevent or avoid it). Police, prosecutors, judges, social service providers, the media, coroners, and even clergy and mental health professionals may contribute to such secondary injuries.

### **1. If You Are a Victim:**

How You May Feel: Every victim is different. You may experience shock, numbness, denial, disbelief, and anger—any of the feelings victims typically have (see above).

Common Injuries: You may have bruises, cuts, scrapes, broken bones, sexually transmitted diseases, and a wide range of internal injuries. You may also have physical reactions (such as rapid heart rate and breathing, increased blood pressure, nausea, or sleeplessness) to the emotional wounds caused by the crime.

2. Decisions to Consider:

- Medical Care: Will you seek medical care to treat your injuries and be tested and treated for sexually transmitted diseases? You may want to seek such help, even if you decide not to report the crime.
- Counseling: Will you cope with your feelings privately, reach out to a friend or family member, or seek the help of a clergy member or professional counselor? Counseling can help you manage the emotional and physical impact of the crime and regain a sense of control over your life. You can choose from many different types of counseling:
  - Hotline - one-on-one advice (by phone) from counselors specifically trained to help victims who have experienced trauma.
  - Group counseling - counseling under the care of a mental health professional in a group of people who experienced similar traumas.
  - Individual counseling - one-on-one, in-person counseling by a counselor, therapist, psychologist, psychiatrist, or other professional trained to help victims recover from trauma.

3. Reporting the Crime:

Will you report the crime? You may want to talk to a victim advocate (see below) to help you make this decision, guide you through the criminal justice system, and help you solve problems that may arise as you cope with your reactions to the crime.

<http://victimsofcrime.org/help-for-crime-victims/get-help-bulletins-for-crime-victims/how-crime->

| <b>VICTIM CONNECT</b>              |  |
|------------------------------------|--|
| National Hotline for Crime Victims | 1-855-4-VICTIM (1-855-484-2846)              |
| Webpage:                           | <a href="#"><u><b>Victim Connect</b></u></a> |

- File a report with Peralta’s police services
- File a criminal report and seek legal information
- Receive counseling through the Wellness Center
- Meet with the Vice President of Student Services on your campus for all resources and possible accommodations following this trauma
- Request police escorts or safety aids if the suspect is not apprehended and you don’t feel safe.
- If you are a victim or witness to a crime, who has not reported the crime because of fear, confusion, etc. please consult a counselor or advocate to assist you.
- Contact the National Hotline for Crime Victims hotline as listed above.
- Call Peralta 24 Hour Crisis Hotline 1-800-273-TALK (8255)
- Peralta 24 Hour Crisis Text Line- Text to-741741
- Also refer to Section II, “How to Report A Crime” subsections A-D.

## J. Community & After-Hours Resources

What services does the ACFJC offer?

1. The Alameda County Family Justice Center (ACFJC) has over 30 different agencies and programs under one roof. These agencies and programs provide services to victims of domestic violence, sexual assault, human trafficking, child and elder abuse, dependent adult abuse, commercially sexually exploited minors, and stalking. Services include:
  - Domestic violence counseling
  - Sexual assault counseling
  - Restraining orders
  - Case management
  - Trauma recovery services
  - Safety planning
  - Children's counseling
  - Parenting support
  - Shelter/housing assistance
  - Medi-CAL and CalFRESH application assistance (Purple Ribbon)
  - Victims Compensation Program application assistance
  - Safe at Home application assistance
  - PULSE Library (Alameda County Library)
  - Self-sufficiency program: financial literacy, professional development, resume writing and interviewing skills.
  - Criminal justice information and assistance
  - Childcare while parent or guardian is receiving services onsite (KidZone)

**All services provided at the ACFJC are free of charge.**

| ALAMEDA COUNTY FAMILY JUSTICE CENTER (ACFJC) - CONTACT INFORMATION   |  |
|--|--|
| <b>Phone:</b> (510) 267-8800 or<br><b>Email:</b> <a href="mailto:info@acfjc.org">info@acfjc.org</a>  | <b>Center Hours:</b><br>Monday through Friday,<br>8:30 a.m. to 5:00 p.m.<br><br>Appointments can be made after hours.<br><br>They can provide transportation vouchers when needed. |
| The ACFJC is a Division of the District Attorney's Office and provides visitors with legal, health, and support services and the opportunity for physical and psychological safety, recovery and well-being. |  |

### 2. LGBTQ Victims of Crime

Hate crimes, including sexual assault, domestic violence, abuse, and other violent and non-violent crimes occur when a victim is targeted by the perpetrator by their gender identity or sexual identity or other factors that seem outside of traditional gender roles. LGBTQ individuals have legally protected status in the category of hate crimes. These crimes are never the fault of the victim. It is also possible to be a victim of crime who just happens to be LGBTQ. It may be more

difficult to report the crime to persons who may not be as informed or familiar with the LGBTQ community.

Know that you are entitled to the same constitutional rights to professional and unbiased police and community protocols, according to “Marsy’s Law” or the “Victims Bill of Rights.” At any Peralta District campus, LGBTQ victims/survivors can refer to “Victim/ Survivor’s Rights listed in this section V. under sub- section K. when reporting a crime and receiving campus services and feel confident in receiving support without discrimination.

Also, every campus has designated LGBTQ resources. These are listed at the individual websites of all Peralta District campuses.

### 3. Additional Resources

| <b>Oakland LGBTQ victims of Hate Crimes</b>   |  |
|---|--|
| If you need to report a <a href="#">Hate Crime</a> in Oakland that has already occurred, call | 510-777-3333   |
| For one on one counseling or advocacy support, please contact us at the Oakland LGBTQ center  | <b>Oakland LGBTQ Community Center</b><br>3207 Lakeshore Ave.<br><i>(Entrance on Rand Ave.)</i> Oakland, CA<br>94610<br>Phone: 510-882-2286 |
| Admin Hours of Operations:  | Monday, Wednesday & Friday – 12p.m. – 5p.m.  |

Source: <https://www.oaklandlgbtqcenter.org/services>

Anti-Violence Project offers crisis intervention, safety planning, short or long-term counseling, police, court and social services advocacy and accompaniment, information, and referrals. They also staff a free (English/Spanish), 24-hour crisis intervention hotline to respond to the immediate needs of LGBTQH victims.

24-Hour Hotline: 212.714.1141 <http://www.avp.org/>”

At the Victims of Crime Resource Center, we educate victims and their families, victim service providers, and other victim advocates on victims’ legal rights, victim’s compensation, and restitution. The Center also offers legal assistance for victim service providers and “Know Your Rights” presentations to community groups on a host of issues.

We operate 1-800-VICTIMS – the statewide, toll free hotline gives confidential information and referrals to victims, their families, and their advocates. The hot line is staffed by McGeorge law students and supervised by lawyers”.

Source: <http://1800victims.org/wp-content/uploads/2016/07/LGBTQ-Victimization.pdf>

### **K. Campus Resources** **District Administrative Center**

|                          |                             |                            |
|--------------------------|-----------------------------|----------------------------|
| Marina Security Services | Patrol Station Headquarters | (510) 466-7236, <b>911</b> |
|--------------------------|-----------------------------|----------------------------|

**College of Alameda**

| <b>Official</b>   | <b>Location</b>                       | <b>Phone Number</b>                                    |
|---|---------------------------------------|--|
| <b>Alameda Police Department</b><br>City of Alameda   | 1555 Oak Street,<br>Alameda,<br>94501 | Emergency: <b>911</b><br>Non-Emergency: (510) 337-8340 |
| <b>Tina Vasconellos, PhD</b><br>Vice President of Student Services, Office for the Prevention of Harassment and Discrimination (Title IX) | A- 103                                | (510) 748-2204   |
| <b>Aja Butler</b><br>Director of Student Activities and Campus Life   | A-148                                 | (510) 748-5296   |

**Berkeley City College**

| <b>Official</b>   | <b>Location</b>  | <b>Phone Number</b>                                    |
|---|--|--|
| <b>Berkeley Police Department</b><br>City of Berkeley<br><br><b>A-1 Protective Services</b>   | 2100 Martin Luther King, Jr. Way,<br>Berkeley,<br>94704<br><br>Guard station at main entry,<br>2050 Center Street,<br>Berkeley,<br>94704 | Emergency: <b>911</b><br>Non-Emergency: (510) 981-5900 |
| <b>Stacey Shears, Ed.D</b><br>Vice President of Student Services Office of the Prevention of Harassment and Discrimination (Title IX) | Room #242<br>2nd floor   | (510) 981-2820   |
| <b>John Nguyen</b><br>Director of Student Activities and CampusLife   | Room #151<br>1st floor   | (510) 981-2877   |

**Laney College**

| <b>Official</b>  | <b>Location</b>                    | <b>Phone Number</b>   |
|--|------------------------------------|---|
| <b>Marina Security Services, Inc.</b>  | Forum Bldg.,<br>Room #100 &<br>101 | Emergency: 911<br><b>Emergency: (510) 466-7236</b><br>Non-Emergency: (510) 465-3512 |
| <b>Vicki Ferguson</b><br>Vice President of Student Services, Office of<br>the Prevention of Harassment and<br>Discrimination (Title IX), | SC Room #413                       | (510) 464-3244  |
| <b>Gary Albury</b><br>Director of Student Activities and Campus Life   | T-815                              | (510) 464-3234  |

**Merritt college**

| <b>Official</b>  | <b>Location</b>                                    | <b>Phone</b>  |
|--|--|---|
| <b>Marina Security Services, Inc.</b>  | Student<br>Center, 2 <sup>nd</sup><br>Floor, R-117 | Emergency: 911<br><b>Emergency: (510) 436-2668</b><br>Non-Emergency: (510) 466-7236 |
| <b>Dr. Lilia Chavez</b><br>Vice President of Student Services,<br>Office of the Prevention of Harassment and<br>Discrimination (Title IX), | R-113E   | (510) 436-2478  |
| <b>Doris Hankins</b><br>Director of Student Activities and Campus Life   | R-113  | (510) 436-2477  |

**L. Campus Wellness Center**

**Mental Health Counseling**

**District/College Contact Information for Mental Health Counseling**

|                       |                          |                |
|-----------------------|--------------------------|----------------|
| District              | Peralta Wellness Center  | (510) 464-3134 |
| College of Alameda    | Mental Health Counselors | (510) 748-2320 |
| Berkeley City College | Mental Health Counselors | (510) 981-2894 |
| Laney College         | Mental Health Counselors | (510) 464-3535 |
| Merritt College       | Mental Health Counselors | (510) 436-2533 |

**If you are in crisis and need immediate assistance, please call 911 or the Alameda Crisis Hotline at 1-800-309-2131**

| College Campus  | Counselors   | Availability   | Phone number/e-mail   | Location                 |
|---|--|--|---|--------------------------|
| <b>College of Alameda*</b><br>555 Ralph<br>Apezzato<br>Memorial<br>Parkway<br>Alameda, CA | Jacinda Marshall<br>PsyD                                     | <b>Monday</b><br>8:00 am -4:00pm<br><b>Tuesday</b><br>8:00am-2:00pm<br><b>Wednesday</b><br>8:00 am -4:00pm<br><b>Thursday</b><br>8:00 am -4:00pm | (510) 748-2320<br>Jmarshall@peralta.edu   | F-105a and<br>F-116      |
| <b>Laney College</b><br>900 Fallon<br>Street Oakland,<br>CA                               | Lisa Sawadago,<br>LCSW                                       | Monday-Thursday<br>9:00 am – 5:00<br>pm  | (510 )464-3535<br>lisasawadogo@peralta.edu  | # 414<br>Student Center  |
|   | Claire Crosetti<br>MA, MFT                                   | Wed. and Thurs.<br>9:00 am-7:30 pm,  | (510) 464-3139<br>ccrosetti@peralta.edu   | Student Center           |
| <b>Merritt College</b><br>12500 Campus<br>Dr., Oakland,<br>CA                             | Judy Noddin,<br>LCSW<br><br>Jennifer<br>Maghsoudi-<br>Golden | Mon. and Wed.<br>10:00 am-6:00<br>pm   | (510) 434-3823 or<br>(510) 436-2533<br><a href="mailto:jnoddins@peralta.edu">jnoddins@peralta.edu</a><br><br>(510) 434-3826<br><a href="mailto:jmgolden@peralta.edu">jmgolden@peralta.edu</a> | R-106                    |
| <b>Berkeley City<br/>College</b><br>2000 Center<br>Street<br>Berkeley. CA                 | Janine Greer,<br>LMFT  | Mon., Wed.,<br>Thurs, & Fri.<br>9:00 am -5:00 pm   | (510) 981-2894<br><a href="mailto:jgreer@peralta.edu">jgreer@peralta.edu</a>  | 2000 Center St<br>RM 106 |
|   | Larry Lariosa, LMFT  | Tuesday,<br>Thursday<br>9:00 am- 4:00 pm   | (510) 981-2919<br><a href="mailto:llariosa@peralta.edu">llariosa@peralta.edu</a>  | 2000 Center St<br>RM 107 |
|   | Cynthia Park,<br>LPCC Associate                              | Mon. and Wed.<br>9:00 am -5:00 pm  | bcc-wellness@perlata.edu  | 2000 Center St<br>RM 107 |
|   | Tam Altman,<br>EMFT-Associate                                | Fri.<br>9:00 am -5:00 pm   | bcc-wellness@perlata.edu  | 2000 Center St<br>RM 107 |

### **Campus Medical Services**

If You Need Medical Services and Assistance:

All Peralta District campuses provide medical services. Registered nurses, nurse practitioners, Dr.'s and medical assistants are available to provide health services conveniently on-campus. Services may vary at each campus location. Use the campus charts below as a guide or call to be sure. Some services are conducted at limited hours. The following are some health services provided, but not limited to:

- Health Assessment (physical check-up)
- Medical counseling and referrals
- Tuberculosis Tests (PPD)
- Blood sugar tests
- Vision Tests and Eye Exam Vouchers
- Epi-Pen (severe allergic reactions)
- First-Aid
- First-Aid supplies
- OTC pain relievers
- Medical face masks
- Assistance with medical insurance
- Pregnancy testing
- Flu shots
- Family planning
- HIV testing
- Pap smears
- STI/STD testing and treatment
- Health education
- Health & Outreach Workshops
- Condoms
- Feminine products
- CAL-Works applications

1. All students who pay the health fee will have access to health services at all Peralta campuses. Students must present their student ID with the current semester sticker.
2. Access to Health Services is supported by the \$18.00 health fee paid at time of registration for fall and spring semesters. The fee for summer session is \$15. Additional fees may apply for certain services (lab tests, x-rays, etc.). If you are eligible for public coverage programs (i.e. Med-iCal, Family PACT, Healthy Families) your services may be billed.
3. Labs Covered: STI testing, HIV testing, TB tests
4. Other lab tests are not covered.

### Nursing Services

Hours/Location/Nurse All campus Acupuncture and Massage Therapy is scheduled through, [ccacu.net](http://ccacu.net)

| College            | Location   | Contact                           | Phone        | Hours of Operations  |
|--------------------|--|-----------------------------------|--------------|--|
| College of Alameda | <u>COA Clinic</u><br>555 Ralph<br>Appezato<br>Memorial<br>Parkway Alameda,<br>CA<br>F Building, F105 | Jacinda<br>Marshall,<br>Counselor | 510 748-5280 | <b><u>Monday:</u></b><br>8:30 am – 5 pm<br><b><u>Tuesday:</u></b><br>8:30 am - 5pm<br><b><u>Wednesday:</u></b><br>8:30am-12:30pm |



|                              |   |  |  |   |
|------------------------------|---|--|--|---|
| <b>Laney College</b>         | <b>Wellness Center I</b><br>900 Fallon Street<br>Oakland, CA<br>Laney Tower<br>Building T250                  | Indra C. Thadani RN, MS<br>Health Services Director,<br>Peralta Community Colleges<br>510 464-3516 | <b>Nurse:</b><br>510 464-3516<br><br><b>Front Desk:</b><br>510 464-3332<br>✓ First aid, burns, cuts, abrasions & falls<br>✓ Medical Supplies | <b>Monday:</b><br>9:00 am-5:00 pm<br><b>Tuesday:</b><br>8:30 am- 3:30 pm, 6:00-8:00 pm<br><b>Wednesday:</b><br>8:00 am-5:00 pm<br><b>Thursday:</b><br>8:30 am- 3:30 pm  |
| <b>Laney College</b>         | <b>Wellness Center II</b><br>900 Fallon Street<br>Oakland, CA Laney Student Center, 4th Floor,<br>Room SC-410 | Candice Rose, Medical Assistant: 510) 464-3134   | <b>Nurse Practitioner:</b><br>Gima Robinson 510) 464-3134<br><br>✓ Flu shots<br>✓ TB Test  | <b>Nurse Practitioner</b><br>Thursday:<br>9am –5pm<br><br><i>(Closed 1pm-2 pm for lunch)</i>  |
| <b>Merritt College</b>       | <b>Merritt Physical Health Services</b><br>12500 Campus Dr.<br>Oakland, CA<br>R Building<br>Room 106          | Dr. Jon Murphy, RN, FNP, Ed.D.   | 510) 384-4930<br>jmurphy@peralta.edu   | <b>Monday - Wednesday</b><br>9:00 am – 5:00pm<br><b>Thursday:</b><br>10:30 am to 6:30 pm  |
| <b>Berkeley City College</b> | <b>BCC Clinic</b><br>2000 Center Street<br>Berkeley. CA<br>Room 110   | Breanne Grady, RN, BSN   | 510 981-2996<br><a href="mailto:breanne@rootsclinic.org">breanne@rootsclinic.org</a>   | Monday - Thursday:<br><b>9 am – 2 pm</b><br><b>BCC HIV Testing is provided by the AIDS Project of the East Bay:</b><br><b>Time: 2nd and 4th Wednesdays</b><br>11:00 am – 1:00 pm<br>(drop-in) 2000 Center Street, Suite 100 (first floor) |

#### M. Victim/Survivor's Rights

- To be treated with respect, dignity, and courtesy and without prejudice based upon race, class, lifestyle, sex, age, occupation, or religious beliefs.
- To receive emotional and psychological support services and advocacy.
- To have the assistance of Campus personnel in obtaining and securing evidence.
- To receive private and confidential examination and treatment for personal injuries, sexually transmitted disease, and pregnancy;
- To be informed and ask questions regarding examinations and treatment given.

- To the strictest possible confidentiality in incident and medical records unless release of information is agreed.
- To receive current information on campus and community resources.
- To be informed of the options available through the college and the legal system.
- To seek criminal charges and/or file a disciplinary complaint.
- To be considered as credible as a person reporting any other crime.
- To be asked only those questions which are relevant to law enforcement investigation or medical treatment.
- To be informed of the status and outcome of any student or employee disciplinary proceedings or appeal.
- To be given the choice to prosecute or not to prosecute.
- To have feasible class schedule adjustments (without academic or financial penalty) as necessary to minimize the potential contact with the alleged assailant or those associated with the alleged assailant.

Source: [Peralta.edu/campus-save-act/](http://Peralta.edu/campus-save-act/) appendices

## **VI. WITNESS/BYSTANDERS – HOW CAN I INTERVENE?**

### **Bystander Intervention**

To prevent gender-based violence, it is important that people are approached as potential witnesses or bystanders to behaviors related to sexual or dating violence. If you witness these behaviors, here are certain ways you can step up:

#### **Notice the incident**

Bystanders first must notice the incident taking place. It's important to become attune to what situations maybe risky; i.e., if you're at a party, and you see someone stumbling as they're being led into a different room, this is a risky situation.

#### **Interpret the incident as an emergency**

By "emergency," we mean a situation wherein there is risk of sexual or domestic violence occurring soon.

#### **Assume responsibility for intervening**

It has been found that often, people believe that someone else will help in a situation where there are many people around. However, it is important to realize that others may also be thinking the same thing. If you're unsure if you should do something, ask friends what they think -- it might be the case that they've been thinking the same thing.

#### **Have the bystander intervention skills to help**

There are a number of different techniques that someone can use to intervene in risky situation, some of which we've listed below.

## **Bystander Intervention Techniques (the 4 Ds)**

Please remember that your safety is of the utmost importance. When a situation threatens physical harm to yourself or another student, ask someone for help or contact the Police.

### **Direct**

Step in and address the situation directly. This might look like saying, "That's not okay. Please stop." Or "Hey, leave them alone." This technique tends to work better when the person that you're trying to stop is someone that knows and trusts you. It doesn't work well when drugs or alcohol are being used because someone's ability to have a conversation with you about what is going on may be impaired, and they are more likely to become defensive.

### **Distract**

Distract either person in the situation to intervene. This might look like saying, "Hey, aren't you in my Spanish class?" or "Who wants to go get pizza?" This technique is especially useful when drugs or alcohol are being used because people under the influence are more easily distracted than those that are sober.

### **Delegate**

Find others who can help you to intervene in the situation. This might look like asking a friend to distract one person in the situation while you distract the other ("splitting" or "defensive split"), for instance, asking someone to go sit with that individual and talk, or going and starting a dance party right in the middle of the conversation. If you didn't know either person in the situation, you could also ask around to see if someone else does and check in with them. See if they can go talk to their friend, text their friend to check in, or intervene.

### **Delay**

For many reasons, you may not be able to do something right in the moment. For example, if you're feeling unsafe or if you're unsure whether someone in the situation is feeling unsafe, you may just want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you or go get a drink with you to separate him or her from the person that individual is talking with. Then, you might ask them, "Are you okay?" or "How can I help you get out of this situation?" You could also text the person while he or she is in the situation or after you see them leave, ask "Are you okay?" or "Do you need help?"

## **VII. DISTRICT/COLLEGE POLICIES REGARDING COMPLAINTS OF SEXUAL CRIMES**

The District/College recognizes that sexual assault, dating & domestic violence, and stalking are serious issues. The District/College seeks to ensure that members of its campus community are aware that such behavior is prohibited by law and by District/College policy.

The District/College will provide information to all faculty, staff, and students regarding the definitions, prevention and

reporting of sexual assault, dating & domestic violence, and stalking. The District/College will provide assistance and support to victims of sexual assault, dating & domestic violence, and stalking and take appropriate actions to correct and discipline behavior that is found to violate the District/College policy or state regulations regarding these offenses.

The District/College's goals are to create a supportive climate that encourages each victim/survivor of sexual violence, dating & domestic violence, and stalking to report the incident(s) and to provide support and information to assist those individuals in dealing with these traumatic events, while respecting the victim/survivor's right to choose to report the violation or not. The District/College also intends to promote campus safety through prompt and confidential reporting of sexual violence incidents to appropriate campus officials.

#### 1. District/College Response to VAWA Violations/ Sexual Assault

The District/College's first responsibility in responding to reports of sexual assault, dating & domestic violence, or stalking is attending to the needs of the individuals involved. All potential first responders who are affiliated with District/College shall go through a formal training on how to assist victims/survivors of sexual assaults. All reports of sexual assault are taken with the utmost seriousness, and the victim/survivor will be referred to the appropriate persons or units for assistance. The District/College is also responsible for ensuring that the individual charged with committing the assault is treated fairly. The alleged assailant will be presumed innocent until proven guilty and will be referred to appropriate services for assistance.

A District/College employee reporting a recent incident of sexual assault, dating & domestic violence, or stalking should be advised to speak to her/his supervisor. A student should be directed to the College's Vice President of Student Services. Each also should be directed to Marina Security Services for reporting or other options as appropriate. It is not the function of any campus representative to urge the victim/survivor to take a particular course of action.

#### 2. Statement of Policy Prohibiting Sexual Crimes

The Peralta District/College prohibits the crimes of sexual assault, dating & domestic violence, and stalking in any form on its campuses as defined by the Clery Act for the purpose of full compliance and implementation of Clery Act policies.

#### **A. Peralta District Clery Center Training**

On June 25th, 2018, District employees and staff from all four PCCD campuses participated in a Clery Center Training facilitated by Deborah Shelley in the District's Department of General Services Conference Room All Clery Act compliance requirements were covered. In addition, Clery Center reference materials were distributed to all attendees. Among the attendees, employees with positions and duties that are directly impacted and informed by Clery Act-related policies and campus safety were present in order to benefit PCCD campus communities in the most impactful way. Furthermore, the Officials who have received annual training including Clery Center Training and domestic violence, dating violence, stalking and sexual assault will conduct prompt, fair, and impartial investigation that may to possible disciplinary action.

#### **B. Peralta District Board Policies**

The Peralta Community College District (PCCD), of which College of Alameda, Laney College, Merritt College and Berkeley City College are a part of, has adopted Board Policy 3540

##### 1. Board Policy 3540, Sexual and Other Assaults on Campus

“Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance. The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational

*Reference: Education Code 67382,67385,and67386; 20U.S. Code Section1092(f); 34Codeof Federal Regulations Section 668.46(b)(11): Administrative Procedure information about preventing sexual violence is provided and publicized as required by law. 3540 Replaces: Board Policy 2.45 Crime Awareness and Campus Security Board Policy 6.66 Sexual Assault Policy Board Approval: Approved by the Board of Trustees: January 22, 2013 Revised: by the Board of Trustees: April 14, 2015*

## 2. Board Policy 3500, Campus Safety

“The Board is committed to a safe and secure District work and learning environment. To that end, the Chancellor shall establish a campus safety plan and ensure that it is posted or otherwise made available to students. The campus safety plan shall include availability and location of security personnel, methods for summoning assistance of security personnel, any special safeguards that have been established, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions to be made during the next 24 months.”

Reference: Education Code 67380 Administrative Procedures 3500  
Replaces: Board Policy 2.45 Crime Awareness and Campus Security Approved by the Board of Trustees: June 26, 2012.

## 3. Administrative Procedure 5500 Standards of Student Conduct, Discipline Procedures and Due Process

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Student Standards of Conduct, which ensures to the student or students involved the due process rights guaranteed them by state and Federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

These procedures are specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and Federal constitutions (Education Code Section 76120) and will not be used to punish expression that is protected.

A student excluded for disciplinary reasons from one college in the Peralta Community College District may be denied enrollment into other colleges in the District, depending on the specific form of discipline. The President of a college may also deny admission to a student suspended or excluded for disciplinary reasons from other colleges or universities.

## 4. Standards of Conduct

For maintaining appropriate course requirements as established by the instructors.

Disciplinary action may be imposed on a student for violation of college rules and regulations, the California Education

Code, California Penal Code, and the California Administrative Code. Student misconduct may result in disciplinary action by the college and prosecution by civil authorities. Student misconduct may also result in disciplinary action that is applicable to other college campuses and central administrative offices at the Peralta Community College District.

The College may require situation as part of the discipline to ensure the return of items or compensation for any loss to the College or District. Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:

- Violation of District policies or regulations including parking and traffic regulations (subject to Education Code Section 76036), policies regulating student organizations, and time, place, and manner regulations in regard to public expression.
- Willful misconduct which results in injury or death of any person on college-owned or controlled property, or college-sponsored or supervised functions; or causing, attempting to cause, or threatening to cause physical injury to another person.
- Conduct which results in cutting, defacing, damaging, or other injury to any real or personal property owned by the college or to private property on campus.
- Stealing or attempting to steal college property or private property on campus; or knowingly receiving stolen college property or private property on campus.
- Sexual assault or sexual exploitation regardless of the victim's affiliation with the district.
- Unauthorized entry to or use of college facilities.
- Committing or attempting to commit robbery or extortion.
- Dishonesty such as cheating, plagiarism (including plagiarism in a student publication), forgery, alteration or misuse of college documents, records, or identification documents, or furnishing false information to the college.
- The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code or any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
- Possession, sale or otherwise furnishing any firearm, knife, explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from an authorized college employee.
- Willful or persistent smoking in any area where smoking has been prohibited bylaw or by regulation of the governing board
- Lewd, indecent, or obscene conduct or expression on college-owned or-controlled property, or at college sponsored or supervised functions; or engaging in libelous or slanderous expression; or expression or conduct which so incites students as to create a clear and present danger of the commission of unlawful acts on college premises, or substantial disruption of the orderly operation of the college.
- Disruptive or insulting behavior, willful disobedience, habitual profanity or vulgarity; or the open and persistent defiance of the authority of refusal to comply with directions of, or persistent abuse of, college employees in the performance of their duty on or near the school premises or public sidewalks adjacent to school premises.
- Obstruction or disruption of teaching, research, administrative procedures, or other college activities.
- Committing sexual harassment as defined by law or by college policies and procedures; or engaging in harassing or discriminatory behavior based on race, sex, religion, age, national origin, disability, or any other status protected by law.
- Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
- In accordance with Education CodeSection76234, the results of any disciplinary action or appeal in connection with any alleged sexual assault, physical abuse or threat of the same shall be made available within 3 school

days of the results, to the alleged victim, who shall keep such information confidential.

5. Forms of Discipline:

Students facing disciplinary action are subject to any of the following actions:

- Written or verbal reprimand: Admonitions the student to cease and desist from conduct determined to violate the Code of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.
- Probation. A period of time specified for observing and evaluating a student's conduct, with or without special conditions. Probation will be imposed for a specific period of time; the student is considered removed from probation when the period expires. Violation of any conditions during the period of probation may be cause for further disciplinary action.
- Loss of Privileges and Exclusion from Activities: Exclusion from participation in designated privileges and extracurricular activities for a specified period of time. Violation of any conditions or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.
- Educational Sanction: Work, research projects, counseling, or community service projects may be assigned. Violation of any requirements of assignment or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.
- Treatment Requirement: Require enrollment in anger management, drug and alcohol rehabilitation treatment. Such requirement must receive prior approval from the Vice President of Student Services (or designee).
- Group Sanction: Sanctions for the misconduct of groups or organizations may include temporary or permanent revocation or denial of group registration as well as other appropriate sanctions.
- Removal from Class: Exclusion of the student by an instructor for the day of the removal and the next class meeting. Instructor must immediately report the removal to the Vice President of Student Services (or designee).
- Exclusion from Areas of the College: Exclusion of student from specified areas of the campus. Violation of the conditions of exclusion or Code of Student Conduct during the period of exclusion may be cause for further disciplinary action.
- Withdrawal of Consent to Remain on Campus: Withdrawal of consent by the Campus Police for any person to remain on campus in accordance with California Penal Code Section 626.4/626.6 where the Campus Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come fora meeting or hearing, is subject to arrest.
- Short-term Suspension: Exclusion of the student by the President (or designee) for good cause from one or more classes for a period of up to ten consecutive days of instruction.
- Long-term Suspension: Exclusion of the student by the President (or designee) for good cause from one or more classes for the remainder of the school term or school year, or from all classes and activities of the college and District for one or more terms.
- Expulsion: Exclusion of the student by the Board of Trustees from attending all colleges in the District.

Disciplinary action may be imposed on a student by:

- A college faculty member who may place as student on probation or remove the student from class and/or a

- college activity for the remainder of that class/activity period.
- The President (or designee) who may impose any form of discipline, including summarily suspending a student when deemed necessary for the welfare and safety of the college community.
- The President who may recommend "expulsion" to the Chancellor.
- The Board of Trustees who may terminate a student's privilege to attend any college of the District.

### C. Due Process for Discipline, Suspensions, and Expulsions

#### Definitions:

**Student:** Any person currently enrolled as a student at any college or in any program offered by Peralta Community College District.

**Faculty Member:** Any instructor (an academic employee of the District in whose class a student subject to discipline is enrolled), counselor, librarian, or any academic employee who is providing services to the student.

**Day:** A day during which the District is in session and regular classes are held, excluding Saturdays, Sundays, and District holidays.

**Written Notice/Written Decision:** Notice sent by personal service or by registered or certified mail with return receipt requested via the United States Postal Service.

#### A. Procedures

Before any disciplinary action to suspend or expel is taken against a student, the following procedures will apply:

##### 1. Notice:

The Vice President of Student Services (or designee) will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:

- The specific section of the Code of Student Conduct that the student is accused of violating.
- A short statement of the facts (such as the date, time, and location) supporting the accusation.
- The right of the student to meet with the Vice President of Student Services (or designee) to discuss the accusation, or to respond in writing.
- The nature of the discipline that is being considered.

##### 2. Time Limits:

The notice must be provided to the student within 5 days of the date on which the conduct took place or became known to the Vice President of Student Services (or designee); in the case of continuous, repeated, or on-going conduct, the notice must be provided within 5 days of the date on which conduct occurred or became known to the Vice President of Student Services (or designee) which led to the decision to take disciplinary action.

##### 3. Conference Meeting:



A student charged with misconduct must meet with the Vice President of Student Services (or designee) for a conference regarding the basis of the charge and the possible disciplinary action that may arise as a consequence. If the student fails to respond within 5 days after receipt of the written notice, the Vice President may proceed on the assumption that the charge(s) is (are) valid. The conference with the Vice President of Student Services (or designee) will be for the purpose of:

- Reviewing the written statement of the charge(s) as presented to the student.
- Providing a reasonable opportunity at the meeting for the student to answer the charge(s) verbally or in writing to the accusation.
- Informing the student in writing of possible disciplinary action that might be taken.
- Presenting to the student the College Due Process Procedures.

4. Meeting Results:

One of the following scenarios will occur:

- The matter is dismissed, in which case no public record of this incident shall be retained; however, an annual confidential report is required to be submitted to the Peralta Board of Trustees.
- A disciplinary action is imposed, and the student accepts the disciplinary action.
- A disciplinary action is imposed, and the decision of the Vice President of Student Services (or designee) is final due to the form of the discipline.
- A disciplinary action of a long-term suspension is imposed, and the student does not accept the long-term suspension. The student must file at the Office of the President a written notice of intent to appeal to the Student Disciplinary Hearing Panel within 5 days of the written decision from the Vice President of Student Services (or designee).
- A recommendation for expulsion is made by the Vice President of Student Services (or designee) to the College President.

5. Short-term Suspension:

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) shall decide whether to impose a short-term suspension, whether to impose some lesser disciplinary action, or whether to end the matter. Written notice of the Vice President of Student Services' (or designee's) decision shall be provided to the student. The written notice will include the length of time of the suspension, or the nature of the lesser disciplinary action. The Vice President of Student Services' (or designee) decision on a short-term suspension shall be final.

6. Long-term Suspension:

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to impose a long-term suspension. Written notice of the Vice President of Student Services' (or designee) decision shall be provided to the student. The written notice will include the right of the student to request a formal hearing and a copy of the College Student Discipline (Due Process) Procedures describing the procedures for a hearing.

7. Expulsion:

Within 5 days after the meeting described above, the Vice President of Student Services (or designee) may decide to recommend expulsion to the President. The Student Disciplinary Hearing Panel shall be convened to provide a recommendation to the President. The President shall then decide whether to make a recommendation of expulsion to the Chancellor and Board of Trustees. Written notice of the President's (or designee) decision to recommend expulsion shall be provided to the student. The written notice will include the right of the student to a formal hearing with the Board of Trustees before expulsion is imposed, and a copy of the College Student Discipline (Due Process) Procedures

describing the procedures for a hearing.

#### **D. Hearing Procedures**

**Request for Hearing.** Within 5 days after receipt of the Vice President of Student Services' (or designee's) decision regarding a long-term suspension, the student may request a formal hearing. The request must be made in writing to the President (or designee). Any charge(s) to which the student does not respond shall be deemed valid.

Any recommendation for expulsion by the Vice President of Student Services (or designee) shall be automatically reviewed by the Student Disciplinary Hearing Panel.

##### **1. Schedule of Hearing**

The formal hearing shall be held within 10 days after a written request for hearing is received. Student's failure to confirm attendance at hearing or failure to appear at the hearing without reasonable cause constitutes waiver of the student's right to appeal. The formal hearing timeline may be tolled (postponed) pending formal investigation of any discrimination claims by or against the student. Such investigation must be concluded no later than 90 calendar days as required by law.

##### **2. Student Disciplinary Hearing Panel**

The hearing panel for any disciplinary action shall be composed of one faculty (selected by the President of the Faculty Senate), one classified (selected by the President of the Classified Senate), one administrator (selected by the President of the College) and one student (selected by the Associated Students). The President (or designee), at the beginning of the academic year, will establish the panel, along with alternates. The chair of the committee will be appointed by the President.

##### **3. Hearing Panel Chair**

The President (or designee) shall appoint one member of the panel to serve as the chair. The decision of the hearing panel chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by two other members of the panel to the contrary.

##### **4. Conduct of the Hearing**

- a. The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
- b. The facts supporting the accusation shall be presented by a college representative who shall be the Vice President of Student Services.
- c. The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- d. Formal rules of evidence shall not apply. Any relevant evidence shall be admitted.
- e. Unless the hearing panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the College representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of evidence that the facts alleged are true.
- f. The student may represent himself or herself and may also have the right to be represented by a person of his or her choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, a request must be presented not less than 5 days prior to the date of the hearing. If the student is permitted to be

represented by an attorney, the college representative may request legal assistance. The hearing panel may also request legal assistance; any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.

- g. Hearings shall be closed and confidential unless the student requests that it be open to the public. Any such request must be made no less than 5 days prior to the date of the hearing.
- h. In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
- i. The hearing shall be recorded by the District either by tape recording or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. In the event the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify himself or herself by name, and thereafter shall ask witnesses to identify themselves by name. Tape recording shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the tape recording.
- j. All testimony shall be taken under oath; the oath shall be administered by the hearing panel chair. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify. A witness who refuses to be tape-recorded is not unavailable. 11. Within 10 days following the close of the hearing, the hearing panel shall prepare and send to the President (or designee) a written recommendation regarding the disciplinary action to be imposed, if any. The recommendation shall include specific factual findings regarding the accusation and shall include specific conclusions regarding whether any specific sections of the Standards of Student Conduct were violated. The decision shall be based only on the record of the hearing, and not on matter outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

#### 5. President's (or designee's) Decision

Long-term Suspension: Within 5 days following receipt of the hearing panel's recommendation, the President (or designee) shall render a final written decision based on the recommendations of the hearing panel and the Vice President of Student Services (or designee). If the President (or designee) modifies or rejects the hearing panel's recommendation, the President shall review the record of the hearing, and shall prepare a written decision that contains specific factual findings and conclusions. The decision of the President (or designee) shall be final.

#### 6. Expulsion

Within 5 days following receipt of the hearing panel's recommendation, the President (or designee) shall render a written decision either to recommend expulsion or to impose a lesser form of discipline. If the President (or designee) modifies or rejects the hearing panel's decision, he or she shall review the record of the hearing and shall prepare a written decision that contains specific factual findings and conclusions. If the President (or designee) decides to recommend expulsion, such recommendation shall be forwarded to the Chancellor and Board of Trustees.

#### 7. Chancellor's Decision

A student may, within 10 days of the President's decision to impose long-term suspension or to recommend expulsion, appeal the decision in writing to the Chancellor. For long-term suspensions, the Chancellor (or designee) shall issue a written decision to the parties and the representatives within ten days of the receipt of the President's decision. For expulsions, the Chancellor shall forward the President's recommendation to the Board of Trustees within 10 days and provide an independent opinion as to whether he or she also recommends expulsion.

#### 8. Board of Trustees' Decision

- a. Long-Term Suspension Appeal:

The Chancellor's (or designee's) decision regarding long-term suspension may be appealed to the Board of Trustees within 10 days of receipt of the Chancellor's decision. The Board will consider the appeal request, along with the Chancellor's decision, at the next regularly scheduled meeting. The Board may reject the appeal request and uphold the Chancellor's decision or accept the appeal and conduct a hearing. The Board's procedures for hearing of long-term suspension will be similar to the procedures required for expulsion hearings.

b. Expulsion:

- The Board of Trustees shall consider any recommendation from the President for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.
- The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122)
- The student shall receive written notice by certified mail to the address last on file with the District at least three days prior to the meeting of the date, time, and place of the Board's meeting.
- The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.
- Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.
- The Board may accept, modify or reject the findings, decisions and recommendations of the President (or designee) and Chancellor (or designee). If the Board modifies or rejects the decision, the Board shall review the record of the hearing, and shall prepare a written decision that contains specific factual findings and conclusions. The decision of the Board shall be final.
- The final action of the Board on the expulsion shall be taken at public meeting, and the result of the action shall be a public record of the District.

9. Time Limits:

Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence by all parties.

## F. Student Grievance

Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 5530 Student Rights and Grievance.

1. Students in Allied Health Programs:

Board Policy 5531 (Allied Health: Student Appeal of Dismissal for Clinical Performance) may apply in lieu of this Board Policy to students who are enrolled in the Allied Health program for clinical performances.

References: Education Code Sections 66017, 66300, 66301, 72122, and 76030, et seq.

Penal Code: Section 626.4 ACCJC Accreditation Standards I.C.8 and 10 (formerly II.A.7.b) Approved by the Chancellor: December 5, 2012. Revised and Approved by the Chancellor: January 3, 2014. Revised and approved by the Chancellor: June 15, 2015 Revised and approved by the Chancellor: August 13, 2015 Revised and approved by the Chancellor: February 11, 2016 Revised and approved by the Chancellor: September 28, 2016

## **G. Confidentiality**

In accordance with U.S.C. Title 34 Part 668, Section 46 (b)(11)(iii)( B), all affected individuals will be accorded the rights to privacy, and confidentiality will be maintained other than in circumstances where there is a need to know and to the extent permitted by District/College policy and California law. Extremely sensitive information is gathered during the investigation of a complaint of sexual assault, dating and domestic violence, or stalking. California law provides constitutional and statutory protection for the privacy of the individual and specifically allows a complainant of sexual violence to report as "Jane Doe" or John Doe" in order to maintain confidentiality.

To protect the individual's privacy rights, the names of individuals or other identifying information, especially which contained in written documents and notes, will only be disclosed to third parties if prior written permission is given by the individual concerned or to those authorized by state or Federal law to receive such information.

In cases of incidents involving students, the Vice President of Student Services or designee is responsible for: initiating an investigation, in collaboration with the Marina Security Services; proceeding with student disciplinary procedures, if deemed appropriate; and ensuring that as a student who is an alleged victim/survivor is kept informed of any ongoing investigation. Information shall include the status of any student disciplinary proceedings or appeal. The alleged victim/survivor is required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidential.

## **H. Response / Procedures by the Vice President of Student Services**

### **Procedure Summary**

If an individual is assaulted, victimized, or stalked on campus, that person is strongly urged to call (510) 465-3514 for assistance or Mental Health Counselor at any of the college campuses. Additionally, if the victim/survivor prefers, and the offices are open, she/he may obtain services through the Vice President of Student Services, or an interim designee, also the Peralta Wellness Center, Mental Health Services and/or any of the Deans.

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

District/College will investigate all allegations of sexual assault, dating & domestic violence, and stalking and initiate appropriate disciplinary, criminal, or legal actions, with the cooperation of the victim/survivor. We understand and affirm the right of victims/survivors to choose whether or not to report incidents of sexual assault, dating & domestic violence, and stalking. If a victim/survivor chooses to report an incident of sexual assault, dating & domestic violence, or stalking, she/he should do so as soon as convenient and preferably within 72 hours. The victim/survivor should report the incident, including date or acquaintance rape, to the Marina Security Services at (510) 465-3514 or 911.

The victim/survivor should make every attempt to preserve any physical evidence of the assault. This may include a voluntary medical exam, not showering, or disposing of any damaged clothing, or other items that are present during/ after the assault. If assaulted on District/College property, the victim/survivor shall seek medical attention at the nearest Peralta Campus Wellness Center or counseling from the nearest Campus Mental Health Center or call the Vice President of Student Services or designee on your campus during regular business hours. Please refer to heading V. "For Victims of Sexual Assault, Stalking, Domestic/Dating Violence" for all information and resources, including Wellness Centers counseling on all campuses.

The College's Vice President of Student Services or designee shall have primary responsibility for providing information to students regarding procedures for reporting incidents of sexual assault, dating & domestic violence, and stalking and for processing reported incidents of sexual assault, dating & domestic violence, and stalking involving students.:

The Vice President of Student Services or designee shall also provide a copy of the District/College policy on sexual assault. Including:

- What to Do If You Are Sexually Assaulted/Raped
- A list of Victim/Survivor's Rights
- Campus representatives to be notified if the complainant (victim/survivor) consents
- A description of available services and the persons on campus available to provide those services if requested.
- A description of procedures for criminal prosecution, civil prosecution (i.e., lawsuit), and College disciplinary procedures.

If the accused student and victim/survivor have contact with in academic buildings, the Vice President of Student Services or designee will determine whether a directive to refrain from contact with the alleged victim/survivor should be issued to the alleged perpetrator. The Vice President of Student Services or designee will be responsible for making the determination whether interim suspension should be invoked against the alleged perpetrator. The Vice President of Student Services or designee will also work to provide reasonable accommodations to protect the rights of involved parties which may include a change in class schedule, a no-contact order on campus, campus-aid or police escorts, and proper safety protocols when an order of protection, restraining order, or similar lawful order has been issued through courts or the college.

At the request of the complainant (victim/survivor) and upon the receipt of a written and signed complaint or verbal report, the Vice President of Student Services or designee shall initiate an investigation and notify the District/College Marina Security Services at (510) 466-7236 (District Office) or at the on-site campus.

If the Vice President of Student Services or designee determines that circumstances need to be examined further, an investigation shall be initiated with or without the consent of the complainant. The Vice President of Student Services or designee shall notify the appropriate faculty, staff or students, and the alleged assailant that an investigation is underway and provide the names of the parties involved.

Pursuant to the College's Student Discipline Procedures, the Vice President of Student Services or designee shall conduct a prompt, full, and impartial investigation.

In Accordance with the Violence Against Women Act (VAWA) Campus SaVE Act and U.S.C. 1092, PCCD Proceedings provide the following guidelines:

- "The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice..."
- This means that the proceeding will "not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply

equally to both parties.” (Title 34 Part 668, Section 46 (k)(2)(iv.)

- “The accuser and accused must be notified “simultaneously” and “in writing” of: the outcome of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; the institution’s procedures for the accused and the victim to appeal; any change to the result before it becomes final; and when the result becomes final”.

In addition, the officials, including the Vice President of Student Services, who have received annual training including Clery Center Training which will include domestic violence, dating violence, stalking and sexual assault and how to conduct an investigation will conduct the proceedings and hearings possibly leading to a disciplinary action outside of criminal charges. PCCD officials have the goal of protecting the safety of victims and promoting accountability.

The complainant is entitled to due process and shall have an opportunity to present evidence and a list of relevant and material witnesses.

During sexual misconduct complaint proceedings, the College has range of sanctions available. All severe and advanced sanctions described in the Code of Student Conduct may be imposed in response to a sexual misconduct complaint. Sanctions include, without limitation, exclusion, probation, suspension, and dismissal.

The victim/survivor should seek professional psychological counseling service as soon as convenient. District/College representatives/Crisis responders who respond and support the victim/survivor are also encouraged to seek psychological counseling services as soon as convenient.

Counselors are encouraged to inform any persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

#### District/College Contact Information for Mental Health Counseling

| <b>District/College Contact Information for Mental Health Counseling</b> |                         |                |
|--|-------------------------|----------------|
| District   | Peralta Wellness Center | (510) 464-3134 |
| College of Alameda   | Mental Health Counselor | (510) 748-2320 |
| Berkeley City College  | Mental Health Counselor | (510) 981-2894 |
| Laney College  | Mental Health Counselor | (510) 464-3535 |
| Merritt College  | Mental Health Counselor | (510) 436-2533 |

After hours, she/he should call the Marina Security Services at (510) 465-3514. If assaulted on non-District/College property, the victim/survivor should seek medical care at the Highland Hospital Sexual Assault Center (Alameda County) and contact the local police department.

If the victim/survivor was assaulted on a non-District/College property, she/he should call Highland Hospital Sexual Assault Center (Alameda County) (510) 534-9290 or dial 911 and seek the assistance of the local police.

With a finding of culpability, District/College disciplinary procedures will be initiated on the perpetrators, ranging from suspension expulsion. Due process and privacy will be afforded to the accuser and the accused.

**I. Prohibition on Retaliation**

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the unlawful discrimination policy. Complainants, respondents, witnesses and other participants in investigations, both formal and informal, will be advised against retaliation as part of this process and will be advised that retaliation will lead to disciplinary action, up to and including dismissal from District employment or expulsion (students).

**VIII. SEXUAL ASSAULT EDUCATION AND PREVENTION PROGRAMS**

Representatives from the Crisis Team, Marina Security Service, Wellness Services, Counseling Department, and other appropriate representatives provide education and prevention information about sexual assault, bystander intervention, ongoing prevention and awareness campaigns, primary prevention programs, and risk reduction. These departments develop programs available throughout the year to prevent dating violence, domestic violence, and stalking and to discuss healthy relationships, healthy sexuality, communication, and personal boundaries.

Written information about campus and community-based health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims will be available to all staff and students. Please see XIII in this ASR for these referrals. Information on Sexual Assault Prevention/ Awareness is also provided as part of the College’s student orientation.

College representatives from the departments will also post prevention and education information on sexual violence on District/College websites. Sexual assault information is available in the Peralta Wellness Center/College of Alameda/Berkeley City College/Laney College/Merritt College Mental Health Center, College Sheriff, and on the College of Alameda website (<http://alameda.peralta.edu/health-services/sexual-violence-prevention-education/>).

**A. Ongoing Prevention and Awareness Campaigns at PCCD**

This is an example of ongoing workshops that further inform students and staff about sexual assault. Please look for announcements in your student e-mail or posted at campus Wellness Centers, or campus websites.

|  |
|--|
| Sexual Assault Awareness (Published March 7, 2019 in Workshop Series.<br>Date/Time<br>12:00 pm to 1:00 pm<br>Location: College of Alameda – F-Building (Pit)<br>Category: Workshop Series – Come learnt about sexual assault and harassment, and how we respond to them. Presenter Laura Alberty (Health Services) |
|--|

In addition, programs and booths on information about domestic violence, gender violence, sexual assault and trafficking are visible in key student areas during Domestic Violence Awareness month in October and Women’s History Month in March.

**B. Not Anymore Program**



Annually, students are emailed a link and access to “Not Anymore, “an online interpersonal violence prevention program from Student Success™ which meets the State and Federal laws regarding interpersonal violence. This video-based program provides critical information about Consent, Bystander Intervention, Sexual Assault, Dating and Domestic Violence, Stalking, and much more. Not Anymore will help students better understand how vitally important these issues are and what students can do to help make the campus safer. This training covers issues of rape or sexual assault, consent, safe and positive bystander intervention, dating and domestic violence, stalking, primary prevention techniques, recognizing unhealthy relationships and warning signs and techniques to reduce risks and education to inform and possibly prevent such traumatic and violent crimes, and behaviors that threaten your right to a safe learning environment. It also encourages healthy sexuality through mutual participation, good communication and boundaries.

Not Anymore training and educational video description:

| Module # | Title                    |
|----------|--------------------------|
| 1        | Introduction             |
| 2        | Consent/Sexual Assault   |
| 3        | Bystander Intervention   |
| 4        | Verbal Defense           |
| 5        | Alcohol                  |
| 6        | Dating/Domestic Violence |
| 7        | Sexual Harassment        |
| 8        | Stalking                 |
| 9        | What To Do If...         |

These nine modules’ contents are listed below in detail, mostly using the exact language within the modules with some summarization. The modules begin with statistics pertinent to the subject matter and overview of the content in the Introduction module.

### **Summary of the Module 1 – Introduction**

“One in five women experience campus rape and 4 % of men”. (With statistics such as these, always take into consideration the underreporting of incidents.) One in three students has experienced relationship violence. The following modules include real and true stories about rape and/or interpersonal violence. Interpersonal because 90% of rapes at colleges are committed by someone they already know, such as friends or classmates. (Note: This is true for most rapes and related crimes off-campus.)

Consent is defined as a “freely given agreement to participate in sexual activity”. Also stated in this module, that “research shows that information about convicted sex offenders show that a high percentage of sexual assaults are committed by a relatively small number of sexual predators who rape repeatedly”. Alcohol is the drug most used in connection with campus rape. Regardless of situation, sexual assault is never the victim’s fault.

### **Summary of Module 2 - Consent/Sexual Assault**

Module 2 covers the issue of consent within the context of sexual activity and possible sexual assault situations. This includes real recollections of rape from three students in three different situations or scenarios. One student recall having a strong “freeze response” during the rape.

A “freeze response” where the victim cannot react is described as “common during sexual assault”. A freeze response is not consent. A male student experiences sexual violence within his relationship of three months, where he does not consent and is physically held down. A woman is followed from the common area of her dorm, and raped. The perpetrators did not listen when the word “no” was repeated by the victim.

Consent, however, is not simply the case of someone saying “no” or not. The freeze response, the presence of a relationship, whatever it maybe, does not imply consent. Consent is defined in this module as “the presence of yes-not the absence of no”. Students must know the line between sexual assault and mutual activity. The participation of both persons and “enthusiastic consent” are indicators of mutual consent. Not actively participating, not consenting, and/or underage, drunk, drugged, mentally impaired persons are examples of sexual assault and situations where consent can’t be given.

The consequences of rape include a woman’s description of panic in the presence of men-also the presence of suicidal thoughts and attempts, anxiety, depression, and PTSD (post-traumatic stress disorder.) One survivor speaks of the hope of recovery: “helping yourself or somebody else”. Another survivor states that to “talk about it takes power from the event or person (perpetrator).

### **Summary of Module 3 - Bystander Intervention**

Informs the student about bystander intervention techniques-how they can assist and do something rather than watch and do nothing. The narrator asks “what is someone you loved were... “They use examples of other emergencies such as fire, or being choked, etc. in saying, “wouldn’t you want someone to help, or just watch?” They ask, “what if they were about to be raped?” “Can you be that person who helps?” The message is “It doesn’t matter what you do- as long as you do something”.

One woman recalls seeing man’s girlfriend being beat and got a police officer. She said to “think about what you would want done”. She also noticed that others weren’t doing anything despite it being in public and shares that if “no one’s doing anything, then you should do something”.

The module uses the acronym **ACT**- which stands for:

**A - assess the situation**

**C - choose your best action**

**T - take the action you can**

Suggestions for “bystander intervention” also include to:

- Sit between them
- Call campus security
- Call the victim’s roommate/friend
- Text the victim- if she needs help
- Ask a couple of friends to join you (where the incident is taking place)
- Start a conversation or a distraction
- Call attention to the situation, such as “Hey, she’s really drunk!”

Bystander intervention is summed up by stating “it’s ok to feel unsure- but not ok to do nothing”.

### **Summary of Module 4 - Verbal Defense**

Module 4 outlines “verbal defense” techniques that can possibly be away out when used in a situation alone with an aggressive person or sexual predator that could possibly lead to sexual assault. The student is encouraged to “draw clear sexual boundaries with words and actions, such as say “no” forcefully. “If the other person doesn’t respect your boundaries but may just try harder to make you submit”, it is suggested to “try a technique called verbal defense”, which is to “use words alone to get you out of a bad situation”. It is instructed that “without expressing consent”- “use the attacker’s intentions against them,” such as:

- Deflect the situation-make it something other than sex (the example here was complaining about his beer breath and asking him to brush his teeth.)
- Feign a family situation/emergency and say you need to call a relative.

When the perpetrator leaves to brush their teeth, you can walk out of the room. When you make that phone call, you can call 911 for a friend. Have a code word for distress that your friend knows, such as “Uncle Harry” (also useful if the aggressor listens in.)

It is suggested to keep trying different verbal defenses if needed, but this technique is not guaranteed to work on all persons or situations. It is also noted that this may be very difficult because of the natural and normal freeze response. It must be emphasized that if this verbal defense technique doesn’t help or work, or if you freeze up, this is not your failure and most of all, not your fault.

### **Summary of Module 5 - Alcohol**

Educates about the possible role alcohol can play in sexual assaults, especially to the perpetrator’s advantage, as well as consent issues surrounding alcohol use by a victim or potential victim of sexual assault. Alcohol is the number 1 date rape drug, with 2/3rds of overall assaults and 75% of on-campus assaults involving alcohol. These are the following reasons why this is true:

- Alcohol is present at a lot of college partying. It is involved in the most incidents simply because it is the most common.
- Alcohol dampens inhibitions; sexually aggressive person may become more sexually aggressive when drinking.
- Many aggressive persons think if the other person has been drinking, they will be easier to coerce into sex.
- Alcohol makes people focus on more limited information. Some may assume that if you want to be alone-you have consented to sex. It is difficult to get the aggressive person’s focus off that one idea.
- Some sexual predators rely on the idea that women get more drunk than men on the same amount of liquor. Especially if there is a weight difference, where the woman or potential victim is smaller and they are drinking at the same pace.
- Some sexual predators team up with bartenders to set up a person for rape (such as offering free drinks, possibly making stronger drinks, etc.)
- Alcohol affects everyone’s ability to communicate effectively- which can make you less clear about what you’re saying and less clear about what you’re hearing.
- Mixing alcohol with stimulants- such as caffeine- fools the body to drink more- and possibly cause an alcohol black out.

These are all common possibilities when alcohol is involved. However, this training states that “consent is not possible if someone is incapacitated”. Another fact is “incapacitation or intoxication is not a defense against committing sexual assault”. This training points out that if you get drunk and rob a bank, you go to jail. If you get drunk and drive, you go to jail. Get drunk and commit a sexual assault- you also go to jail.

### **Module 6 - Dating/Domestic Violence**

Module 6 concerns warning signs of a possible perpetrator of dating/domestic violence and sexual assault or an unhealthy relationship. The warning signs are referred to as “red flags”.

Red flags are listed as:

- Violent traits make someone more likely to commit sexual assault.
- Someone who talks over you or doesn't listen to your point of view, and is argumentative over little things.
- Someone who doesn't follow or respect rules or respect other people (may not respect sexual boundaries either.)
- Someone who is exchange oriented. They must get something back if they give something. What will they expect if they buy you a drink, walk you home, etc.?
- Someone who seems like a “real player” who defines themselves by sexual conquests.
- Two red flags for:
  - Anyone who is intoxicated or
  - High on any drug- this will cause communication issues.
- Covered in red flags:
  - Violent tendencies. It is not recommended that you associate with anyone who's violent.

A student recalls an abusive relationship when his partner was jealous because he worked a lot, especially if he worked late. The boyfriend was constantly belittling him. His friends told him to break up. Once physical abuse started, there were promises that it wouldn't happen again. Not Anymore training lists resources for persons in unhealthy or abusive relationships to end them, or how to help a friend in this situation.

### **Module 7 Sexual Harassment**

Module 7 defines two types of sexual harassment Quid-Pro-Quo and the more common Hostile Environment harassment. Possible harassing or bullying words, actions, and cyberbullying are included. Sexual harassment is defined as “unwelcome advances, requests, or conduct that is severe and pervasive enough to cause a problem”.

The two forms are:

1. Quid-pro-quo- or “This for that”: Which occurs when some kind of sexual act is asked for or required in exchange for something else.  
Example: The professor offers a better grade in exchange for sex with the student. Quid-pro-quo is a less common form of sexual harassment.
2. Hostile Environment sexual harassment: This type of harassment “creates significant discomfort for the victim and potentially interferes with the person's social, working, and academic life”. The harassment

may include constant dirty jokes, offensive comments, indecent gestures, and inappropriate touching.

Note: Please know that “inappropriate touching” that meets the criteria for fondling/sexual battery is a serious sexual offense. This type of language can seem too vague or confusing for some and can possibly minimize such acts and cause many not to report.

Possible ways of dealing with sexual harassment include avoiding the offending persons and situations where questionable behaviors seem to take place if you can. Other types of harassment and bullying can also be commonplace.

Behaviors such as:

Name calling

- Spreading rumors that can make someone a social outcast or uncomfortable
- Cyberbullying- posting hostile messages to or about someone, lying about them, taunting them
- Posting unwanted pictures of them
- Sending repeated unwanted text messages

All the above and more can create a hostile environment for another. It is stated and true that “no person or group has the right to make anyone else feel humiliated.”

### **Module 8 - Stalking**

The topic is stalking including the definition of the behaviors, possible examples of behaviors that are common to stalkers, stalking techniques and modes of unwanted communication and steps to take to protect yourself if this is happening to you. Stalking is stated as being “easy to do” and cyberstalking has also become more common. Stalking is described in this module as “repeated behaviors that is unwanted or that is threatening, violent or harassing.”

The training states that you should ask yourself these questions if you think someone might be stalking you:

1. Do you feel uncomfortable with the amount of interaction you have with this person?
2. Does the person often show up uninvited?
3. Does the person hang around too much?
4. Does the person have a history of violence?
5. Has the person ever threatened you?

Cyberstalking

1. Have you received threatening texts or emails?
2. Has the person posted bad things about you on social media?
3. Cyber stalkers often use fake phone numbers or internet accounts to interact with you.
4. They may use a to erase text message or video they sent to avoid a record of their abusive behavior.

Know that stalking can lead to a physical attack. Don't assume that the stalker means no harm or isn't serious.

If you're being stalked or suspect it:

- Keep a record of every encounter with the stalker.

- Notify authorities, like campus police.
- Calmly communicate to the stalker that you're not interested in further interaction.
- Cut off all interaction with the stalker. They can be fueled by any interaction, including negative ones.
- Change phone number or e-mail if possible.
- Be prepared electronically- know how to take screen shots on your phone or tablet. Have a friend help record messages on your phone before they disappear.

This information concludes with the message that you “have the right to live a life free from fear and harassment” and “it is never your fault if someone is threatening, harassing or stalking you.” So please protect yourself.

### **Module 9 - What To Do If..**

This topic features six recommended steps to take if you are sexually assaulted. Also, what to do if someone you know is or someone approaches you after a sexual assault. In order to benefit the victim, three supportive steps and supportive and beneficial communications are outlined and suggested.

Module 9 begins with a survivor of sexual assault urging other survivors to “push to feel better”, emphasizing that “there is hope to live a healthy normal life.” Doing things such as talking to a friend or counselor or calling a crisis line are suggestions to help feel better.

Module 9 also lists steps to take after sexual assault are:

- Get to a safe place-wherever you feel most safe- your house, a friend's, a police station.
- Get support immediately-a friend or family member who will support you.
- If you have any thoughts of prosecuting the rape-don't wash or bathe in anyway. Doing so will eliminate evidence and put if you want to change clothes, place the clothes in paper bag.
- Get medical attention- you may have injuries you're not aware of and can receive antibiotics and contraceptives that may be important (emergency contraceptives.)
- Most hospitals have expert nurses available who can support you through the process and collect evidence in a supportive and caring way.
- Seek counseling- many people who experience asexual assault also experience Rape Trauma Syndrome which is like PTSD (PTSD is commonly associated with soldiers who come back from war.)
- Depression, social withdrawal, substance abuse, eating disorders, memory loss and thoughts of suicide are possible psychological reactions.
- It is stated that being sexually assaulted by an acquaintance rather than a stranger can be psychologically more troubling to the victim/survivor because of trust and self-awareness issues.

If you know someone who has been sexually assaulted or if someone comes to you after a sexual assault, remember some key things:

- Never Judge: Sexual assault is never the victim's fault. Never judge their behavior.
- Be supportive: Listen, but don't counsel them.
- If the assault was recent, encourage them to preserve the evidence and seek medical attention.
- Encourage them to seek counseling. Long term effects- if not treated for the sexual assault can be significant. You can offer to go with them for support.
- Let them know how much you care about them and that you will support them-no matter what.

Know that sexual assault can happen to anyone; men or women- regardless of their age.

### **Trigger Warnings for Not Anymore**

This following information is a feature of the training, unless otherwise noted:

*“Because interpersonal violence is a serious topic, this program contains some content that may upset some participants. Prior to this material, you'll hear a beeping sound and see a flashing red square in the lower left corner of the video. If you find this material difficult to get through, please press the letter "T" on your keyboard or click the red button at the bottom right of the video player. Either of these actions will mute the sound and mask the video, although the program will continue in the background. The sound and video will automatically return to normal when the potentially troubling content ends. If the sound does not automatically mute on your device, please use your device's volume buttons to mute the sound and return it to normal when the program video returns to the screen”.*

ASR Note: If you are seriously triggered emotionally, access the resource feature in this training, or refer to the ASR for the resources such as hotlines, counseling, and or the Medical Center for anxiety attacks and other physical symptoms that may be taking place. If you have been a recent victim or crime or know that watching this video will be too detrimental to you based on recent reactions, it is recommended that you table this until a time where you are less triggered and preferably already receiving counseling services. Your health and well-being are more important. Participation is not mandatory under PCCD protocols, and if that ever changes, contact your Title IX / Vice President of Student Services and your participation will be waived.

These are the definitions provided in writing under “Definitions “in Not Anymore and not included in their entirety in the video modules.

Note: These definitions, some identical, are provided within the ASR under Heading IV. L” Definitions of All Reportable Crimes” ...and often restated within the sensitive subject matter within the ASR.

Sexual Assault includes threats of sexual violence (section 67385(d), Calif. Ed. Code), incest (between persons who are related to each other within the degrees wherein marriage is prohibited by law), statutory rape (with a person who is under statutory age of consent), and, as defined by the California Penal Code, forced sodomy (anal intercourse), forced oral copulation (oral-genital contact), rape by foreign object (forced penetration, however slightly, by a foreign object, including a finger, into a genital or anal opening), and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal). It also includes situations when the accused sexually assaults a complainant incapable of giving consent, including where the complainant is prevented from resisting due to alcohol or drugs or youth (under the age of 18) and this condition was known, or reasonably should have been known by the accused. Except where otherwise necessary, this policy will hereinafter refer to both rape and sexual assault simply as "sexual assault."

#### **NOTE:**

Forced intercourse or other unwanted sexual contact is defined as sexual assault whether the assailant is a stranger or an acquaintance of the complainant. Intoxication of the assailant shall not diminish the assailant's

responsibility for sexual assault.

**Sexual assault:** The Campus Save Act defines sexual assault, as “an offense classified as forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.”

Sexual assault as defined by Peralta Colleges is any sexual contact without consent. The general term, sexual assault, covers a number of related crimes, including rape, which is penile-vaginal penetration. Other acts of sexual assault include oral copulation, anal intercourse, penetration of the anus or vagina with a foreign object, and touching an intimate part of another person, all without consent. The attempt to commit any act of sexual assault is also a crime. The absence of informed consent distinguishes crime from a sexual encounter. Every person possesses the right to decide whether and when to be sexual.

Consent signifies active participation; this cannot be inferred or assumed.

**“Affirmative consent”** is defined as an affirmative, conscious, and voluntary agreement to engage in sexual activity. Under the law, neither the lack of protest / resistance nor silence constitutes consent; also consent maybe with drawn at any time. Affirmative consent must be given by all parties to sexual activity.

Note: It is not a valid excuse that the accused believed the complainant consented if:

1. The accused’s belief arose from his or her own intoxication or recklessness, or
2. The accused did not take reasonable steps to ascertain whether the complainant affirmatively consented.

Similarly, it will not be a valid excuse that the accused believed the complainant affirmatively consented where the accused knew or reasonably should have known that the complainant was unable to consent because he or she was:

- A. Sleep or unconscious,
- B. Incapacitated due to drugs/alcohol/medication
- C. Unable to communicate due to a mental or physical condition.

**Dating and Domestic Violence:** Dating and domestic violence, also referred to as relationship or intimate partner violence, is the use of power by one person to control another within an intimate relationship. Signs of an abusive relationship include jealousy, possessiveness, isolating and controlling behavior, threats and intimidations, put-downs and name-calling, yelling, breaking things, physical and sexual assault, and financial coercion or control. The rate of dating/domestic violence among undergraduate and graduate students is about the same rate as in the general population. Abuse occurs in same-gender relationships as often as in relationships between people of different genders.

**Dating Violence:** “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 shall be determined based on a consideration of the following factors: (i) the length of the relationship (ii)the type of relationship (iii) the frequency of interaction between the persons involved in the relationship”.

**Domestic Violence:** “Felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by 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 person similarly situated to spouse of the victim under the domestic or family violence laws of the jurisdiction or by another 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.”



**Sexual harassment** is defined as unwelcome conduct of a sexual nature or based on sex; gender harassment; and harassment based on pregnancy, childbirth or related medical conditions. The definition of sexual harassment includes many forms of offensive behavior, including harassment of a person of the same gender as the harasser.

There are two categories of sexual harassment:

1. **Quid Pro Quo** harassment that occurs when an individual of authority makes educational or employment benefits conditional upon another person's willingness to engage in or tolerate unwanted sexual conduct. Examples of Quid Pro Quo sexual harassment can include but are not limited to the following: offering favors of educational or employment benefits such as transfers/reassignments, reference letters, better course grades, more favorable shifts, assignments or job duties; preferred room assignments or other work locations, equipment or materials, in exchange for sexual favors or tolerance of sexually charged behaviors.
2. **Hostile Work Environment**, or "third party" harassment that occurs when unwelcome conduct based on sex is sufficiently severe or pervasive so as to alter the conditions of an individual's learning or work environment, unreasonably interfere with an individual's academic or work performance, or create an intimidating, hostile or abusive work or learning environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same person of the same gender would perceive the environment as hostile.

Examples of Hostile Work Environment can include, but are not limited to the following: unwanted sexual advances; actual or threatened retaliation; leering; making sexual gestures or displaying sexually suggestive objects, pictures, cartoons, or posters; making or using derogatory comments, epithets, slurs, or jokes; sexual comments including graphic comments about an individual's body; sexually degrading words used to describe an individual; or suggestive or obscene letters, notes, or invitations; physical touching or assault, as well as impeding or blocking movements.

**Stalking** – Stalking\* is a pattern of repeated and unwanted attention, harassment, contact, or any other conduct directed at a specific person that would cause a reasonable person to feel fear. This collection of behaviors, at one time in the recent past, tended to be excused or minimized by society. Now, it is generally understood these patterns of behaviors that cause impact and anxiety and impacts the survivor's ability to pursue his/her education and live a whole and healthy life.

\* More than half of all stalking survivors are between 18 and 29 years old and most stalkers are an acquaintance, such as a former dating partner. The student will agree and check off this statement after every page in the video containing the above definitions.

Not Anymore features a pre-test and personal survey at the end of the video modules, post- test for the subject information on every module, and a final survey or evaluation of the program. The required passing percentage is 75% and it can be retaken 3 times.

ASR Note: These resources are included in the ASR within the sections concerning sexual crime and dating/domestic violence and stalking, general victims of crime, campus resources including police, Wellness

Counseling Center, medical/ nurse services and clinics, CSA's and persons to report to on campus heading, and at Section XII. Referrals for Service at the end of the ASR before maps. With the only exception being the resources that are listed and linked in the Resources tab above the module and here:

#### National/Web Resources

- College of Alameda Crime Log
- AB-1088-Sexual Violence Law
- Jeanne Clery Act: Mandated reporting of crime reports on college campuses
- Best Colleges: Sexual Assault Information

The preceding policies and procedures state the District/College's commitment to educate the college community to prevent occurrences of sexual violence before they happen. Access "Not Anymore" through this Student URL and Access Code: <https://studentsuccess.org/CODE/peralta> code: 157223. Please refer to "What to Do If You Are Assaulted/Raped" in the ASR in Section V. A, sub-section A. and the VAWACrime Category information and sub-sections B- I that follow concerning topics covered in Not Anymore in detail.

| <b>District/College Contact Information for Mental Health Counseling</b> |                         |                |
|--|-------------------------|----------------|
| District   | Peralta Wellness Center | (510) 464-3134 |
| College of Alameda   | Mental Health Counselor | (510) 748-2320 |
| Berkeley City College  | Mental Health Counselor | (510) 981-2894 |
| Laney College  | Mental Health Counselor | (510) 464-3535 |
| Merritt College  | Mental Health Counselor | (510) 436-2533 |

#### **IX. DRUGS & ALCOHOL ON DISTRICT/COLLEGE CAMPUS**

Federal law requires District/College to notify annually all faculty, staff, and students of certain information pertaining to the unlawful possession, use, or distribution of illicit drugs and alcohol on its property as part of its activities. The information included in this report complies with the Drug-Free Schools and Campuses regulations' annual notification requirements.

It is the policy of the Peralta Community College District to implement and maintain the provisions of the Drug-Free Schools and Community Act of 1989, which is a Federal law. District/College policy clearly prohibits the unlawful possession, use or distribution of illicit drugs or alcohol by students or employees on campus or as a part of its activities.

**Peralta District's Administrative Procedure 5500**, section IV, Item # 9 states that the campus prohibits; "The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule DinSection4160 of the Business and Professions Code or any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; of unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5".

Possession, use, or sales of alcoholic beverages by anyone on the District/College campus is a misdemeanor

pursuant to Section 25608 of the California Business and Professions Code. The use, sale or possession of any illegal drug is a violation of state and Federal laws and any person found in violation may be subject to arrest.

Federal college campus guidelines mandate that all prohibitions of drugs on campus include steroids. Steroid possession, steroid use, and the distribution of steroid drugs are prohibited at all Peralta District campuses.

**What is their legal status in the United States?** Anabolic steroids are Schedule III substances under the Controlled Substances Act. Only a small number of anabolic steroids are approved for either human or veterinary use (Drugs of Abuse, A DEA Resource Guide, Produced/Published by Drug Enforcement Administration, U.S. Department of Justice 2017 edition, online: DEA.gov.)

Criminal prosecution for drug possession, drug use, and distribution of controlled substances and paraphernalia is separate from any administrative discipline that may be imposed by the College. A full overview of Student Standards of Conduct, Discipline Procedures and Due Process (AP5500) is available here.

Peralta's most relevant disciplinary actions from AP 5500 include these items:

- Probation
- Loss of Privileges and Exclusion from Activities (including athletics.)
- Educational Sanction
- Treatment Requirement
- Exclusion from Areas of the College
- Withdrawal of Consent to Remain on Campus
- Short-term Suspension
- Long-term Suspension
- Expulsion

Also included are:

- Criminal penalties
- Termination of employment (for violation of Peralta District Standards of Conduct)

Note: These actions and penalties can be combined. They can be increased after initial findings and resulting administrative disciplines if the student or employee is not compliant.

Generally, persons convicted of first-time criminal drug violations will have their Financial Aid suspended for one year. This can be reduced by treatment at an authorized drug rehabilitation center and clean random (unannounced) drug tests. If the Financial Aid was already awarded, the amount must be repaid. Persons with second offenses, no longer qualify for Student Financial Aid and possibly other Federally funded programs. See FAFSA.org for more information.

Any student or employee in violation of this policy is subject to the above disciplinary actions. The severity depends upon the violation, crime or action by the student, strength of the evidence provided during the hearing (campus standards are separate and can differ from criminal legal ones), the type of substance involved, whether violence or other crimes or threats were involved, or whether the student was deemed a clear or immediate danger to him/herself and others, the student's previous record at the college (previous offenses), the student's reaction to disciplinary procedures- (respecting and abiding by recommendations and

guidelines or seeking treatment) as well as obeying any legal actions or sanctions.) In some possession violations, more focus will be on treatment and rehabilitation.

Other very important legal factors include:

- The additional penalties for drug violations on campus (in addition to other Federally protected areas.)
- The age of the other participants or victim involved in the violation, crime incident, or possible transaction
- The type of controlled substance involved
- Whether the controlled substance was used to commit a crime of violence (including sexual assault or abuse)
- Previous convictions of drug-related crimes (1st or 2nd offenses, etc.)
- The scale of drug operations.
- Ongoing Federal investigations.
- Importation/Trafficking to or from other counties, states, or countries:
- The means by which it is distributed- including internet activities.
- Fraudulent or deceptive labeling or advertising.
- Whether serious injury or death occurred as a result of the violations.

These factors are considered in all possible Federal prosecution of drug and paraphernalia possession, trafficking/distribution, conspiracy charges and other crimes committed in relation to the drug-related crimes. Federal prosecution and penalties are generally more severe than state or local ones, including large fines and longer sentences.

The legal precedents for the above are presented in Table 1 and related guidelines for penalties in Tables 2, 3 & 4 in this section along with additional comments.

#### **A. Prop 64 and Campus Drug Policies**

Included in this ASR are important changes to criminal charges involving marijuana drug offenses. The purpose of this information is to provide more clarity on the subject since California voters passed Prop 64 in November 8, 2016. It was in effect on November 9th, 2016. This information is not intended to provide legal advice.

#### **Question and Answers (Q & A):**

##### **Is it ok now to have marijuana on campus?**

**Answer: No.** Peralta Community College district must uphold two Federal laws: The Drug-Free Schools and Community Act (DFSCA) and the Drug-Free Workplace ACT. Under these laws, the college must prohibit all illegal drugs under Federal, not state laws, if the campus is to continue receiving any Federal funding which includes financial aid funding, Federal grants, and work study. Marijuana is still illegal under Federal law. It is illegal to possess, sell, or use. PCCD, therefore, continue to prohibit its use, possession, or sale on campus.

So, to be clear:

**No!** You do not keep marijuana in any form in your purse, wallet or backpack or wallet on campus, nor do

you smoke or vape it or eat edibles containing marijuana on campus.

**No!** You do not give it to a friend on campus, and you most certainly do not sell it on campus. Violating Federal laws on campus is a serious offense, and violating the campus code of conduct, especially in considerations of these drug-related laws is a very risky idea.

Also, respect fellow students and smoking bans on campus. If you don't, respect this: Even state laws for marijuana smoking in banned areas for tobacco include a \$250 fine and guidelines are still being established for public smoking, and small amounts of cannabis or cannabis oil can still run you a \$500 fine and six months jail time.

Peralta will not shield you from additional state penalties. Distribution is still a dangerous situation legally, even in small amounts. Either way, it's a situation where you can easily get expelled from college, or lose your on-campus job, which will follow your academic record and employment wherever you go. You could lose and have pay back your financial aid. No! You don't want that.

**Q2: Why don't California community colleges have to abide by California law?**

**Answer: Possession, use, transport, cultivation, and sale of marijuana remain illegal under the Federal Controlled Substances Act.** Failure to follow Federal law would cause community colleges to jeopardize millions of Federal dollars that supports students and programs. The Peralta District Chancellor and the Chancellor of California Community Colleges know the risk of Federal funds being cut and clearly understand and mandate that marijuana policies will not be changed. In addition, marijuana has side effects that can adversely affect your body and mind, and negatively affect your health and academic abilities, and an environment and culture where drugs are publicly used, and are easily visible, accessible, and offered to others including minors is unacceptable.

**Q3: I'm a medical marijuana patient and have a medical marijuana card. Can I now use marijuana on campus?**

**Answer: No.** The Drug-Free Schools and Community Act and the Drug-Free Workplace Act (see FAQ 1 above) do not distinguish between medical and non-medical use. Because of this, the PCCD colleges, like all colleges and universities, prohibits any marijuana use on campus, regardless of a student's medical status. Source: <https://csumb.edu/healthpromotion/post-proposition-64-faqs-students>  
Website: <https://www.mercurynews.com> "If Prop 64 passes, what happens to prisoners convicted of marijuana charges?" From the Mercury news website and written by Brooke Edwards Staggs of the Orange County Register contains information that may be helpful.

Extracted information is as follows:

*Even when not on campus, marijuana consumption is not a free-for-all, and you may be subject to these state penalties, Long with Federal, along with code of conduct sanctions and discipline while on campus.*

*Under Prop 64, you may NOT:*

*Consume marijuana in any public place (\$100 infraction);*

*Smoke or vaporize marijuana in any non-smoking area or within 1,000 feet of a school, day care or youth center while children are present, except privately at a residence. (\$250 fine);*

*Consume marijuana or possess an "open container" of marijuana while driving or riding as a passenger in*

*any motor vehicle, boat, or airplane (\$250 fine). Also subject to criminal DUI penalties, which are currently getting an update for marijuana use;*

*Possess or use marijuana on the grounds of a school, day care or youth center while children are present. (\$100 fine);*

*Manufacture concentrated cannabis with a volatile solvent (except for state-licensed manufacturers);*

*Minors under 21 may not possess, use, transport, or cultivate marijuana, subject to a \$100 fine for those 18 and older. Minors under 18 are subject to drug counseling or community service;*

*Possession of more than one ounce remains a misdemeanor punishable by \$500 and/or six months in jail as at present. The Act also reduces the penalty for many marijuana offenses – what previously was a felony in many cases has been changed to a misdemeanor or wobbler. Several misdemeanor offenses are now infractions. Number of statutes are created to regulate the consumption of marijuana in public.*

*The Act has a resentencing provision which permits persons previously convicted of designated marijuana offenses to obtain a reduced conviction or sentence, if they would have received the benefits of the Act had it been in place when the crime was committed. If the crime was for conduct now legal under the Act, there is a provision requiring the court to “dismiss and seal” the record of conviction.*

### **Prop 64 Legal Exception or Additional Consideration**

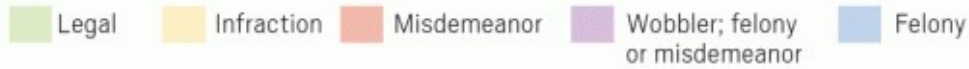
ASR Note: Despite Prop 64, Marijuana-related activities are still subject to campus code of conduct policies and all FEDERAL LAWS including DFSCA, the Drug Free Workplace ACT, and the FEDERAL CONTROL SUBSTANCES ACT, which prohibit all Federally illegal drugs, including Marijuana in all its forms. Other considerations include the age at time or arrest, when the arrest too.

- Exceptions to reduced penalties include persons with a history of convictions for drug sales.
- Sales involving minors, and the use of certain hazardous substances when cultivating certain forms of marijuana products are exceptions.
- Also, a previous conviction for “certain felonies or “super strikes”. Super Strikes generally include such felonies as violent sexual offenses, sexual offenses including minors, murder and manslaughter charges and some serious felonies against law enforcement. Registered sex offenders are obvious exceptions.
- Transporting marijuana across state lines or into the U.S. through an international border are still felonies, and Federal investigations can still include every person involved in the enterprise.
- Felonies other than possession or minor distribution charges may not be reduced, changed, or expunged (Dismiss and Seal).
- Place, where the transaction leading to an arrest took place, type of marijuana substance, number of plants cultivated, laws at the time, laws under prop. 64 or previous propositions, whether a minor was involved, number and sever

Source: (Couzens, R., Bigelow, T.” PROPOSITION 64: “Adult Use of Marijuana Act” Resentencing Procedures and Other Selected Provisions”, May 2017.) [www.Courts.Ca.gov/document/prop64-Memo-20170522.pdf](http://www.Courts.Ca.gov/document/prop64-Memo-20170522.pdf)

# Pot penalties

California penalties now versus under Proposition 64 for non-medical adults age 21 and over.  
State medical marijuana laws are preserved.



| Activity                            | Current penalties          | Penalties under Prop. 64  |
|-------------------------------------|----------------------------|---------------------------|
| Possess < 1 ounce of cannabis       | \$100 fine                 | Legal                     |
| Possess < 8 grams concentrate       | One year, \$500 or both    | Legal                     |
| Transport < 1 ounce / 8 grams       | \$100 misdemeanor          | Legal                     |
| Give away < 1 ounce / 8 grams       | \$100 misdemeanor          | Legal                     |
| Homegrow 1 cannabis plant           | 16 months, two/three years | Legal                     |
| Homegrow < 6 cannabis plants        | 16 months, two/three years | Legal                     |
| Harvest > 1 ounce and keep it       | 16 months, two/three years | Legal                     |
| Smoking where tobacco banned        | \$100 fine                 | \$250 fine                |
| Public smoking or underage use      | \$100 fine                 | \$100 fine                |
| Age 18-20 grow < 6 plants           | 16 months, two/three years | \$100 fine                |
| Age 18-20 < 4 grams concentrate     | One year, \$500 or both    | \$100 fine                |
| Offenses by minors < age 18         | Same as adults             | Counseling, comm. service |
| Age 18 and up grow > 6 plants       | 16 months, two/three years | Six months, \$500 or both |
| Possess > 1 ounce cannabis          | Six months, \$500 or both  | Six months, \$500 or both |
| Possess > 4-8 grams concentrate     | One year, \$500 or both    | Six months, \$500 or both |
| Transport, give away > 1 ounce      | Two/three/four years       | Six months, \$500 or both |
| Sales without a license             | Two/three/four years       | Six months, \$500 or both |
| Possess with intent to sell         | 16 months, two/three years | Six months, \$500 or both |
| Third or aggravated > 6 plants*     | 16 months, two/three years | Wobbler                   |
| Third or aggravated intent to sell* | 16 months, two/three years | Wobbler                   |
| Third or aggravated sales           | Two/three/four years       | Wobbler                   |
| Sales involving minors              | Three to seven years       | Three to seven years      |

\*Such as involving minors, gross negligence, toxic/hazardous substances, watershed/environmental harm, prior super strike, registered sex offender.  
Source: Chris Conrad

STAFF GRAPHIC



## Appendix A

### PROPOSITION 64:

### CHANGES TO CRIMINAL PENALTIES (ADULTS)

| CRIMINAL OFFENSE <sup>1</sup>   | PENALTY BEFORE<br>PROP. 64 <sup>2</sup>                 | CURRENT PENALTY<br>(beginning 11/9/16) <sup>2,3</sup>   |
|---|---|---|
| <b>POSSESSION OF MARIJUANA OR CONCENTRATED MARIJUANA - H&amp;S Code § 11357</b>       |   |   |
| Possession of $\leq$ 28.5 g marijuana   | Infraction (max \$100 fine)                             | 21 +: Legal<br>18 to 20: Infraction (max \$100 fine)  |
| Possession of > 28.5 g marijuana  | Misdemeanor (max 6 months jail and/or \$500 fine)       | Misdemeanor (max 6 months jail and/or \$500 fine)   |
| Possession of concentrated cannabis   | Any amount = Misdemeanor (max 1 year jail and/or \$500) | 21 +: Up to 8 grams is legal; more than 8 grams is a misdemeanor (max 6 months jail and/or \$500 fine)<br>18 to 20: less than 4 grams is an infraction (max \$100 fine); more than 4 grams is a misdemeanor (max 6 months jail and/or \$500)  |
| Possession of $\leq$ 28.5 g marijuana and/or $\leq$ 4g concentrates on school grounds | Misdemeanor (max 10 days jail and/or \$500 fine)        | 1st offense : Misdemeanor (max. \$250 fine)<br>2nd + offense : Misdemeanor (max 10 days jail and/or \$500 fine)   |
| <b>POSSESSION WITH INTENT TO SELL MARIJUANA - H&amp;S Code § 11359</b>                |   |   |
| Possession with intent to sell  | Felony (16 months/2 years/3 years)                      | Misdemeanor (max 6 months jail and/or \$500 fine)<br><br><i>*If amount is less than 28.5 grams and intent is to share, not sell, it is legal per H&amp;S Code § 11362.1</i><br><br>Wobbler if (1) prior super strike, (2) a registered sex offender, (3) two prior convictions under this subsection, (4) offense occurred in connection with knowing sale or attempted sale of marijuana to a person under 18, or (5) knowingly hired, employed, or used a persons under 21 in unlawfully cultivating, selling, etc. any marijuana |

Notes:

1. Penalties refer to all adults 18 and older, unless noted otherwise.
2. Prop. 215 protections remain in effect.
3. Licensed activity in accordance with state law will not be subject to these penalties.



## Appendix A

### PROPOSITION 64:

### CHANGES TO CRIMINAL PENALTIES (ADULTS)

| CRIMINAL OFFENSE <sup>1</sup>                               | PENALTY BEFORE PROP. 64 <sup>2</sup>   | CURRENT PENALTY (beginning 11/9/16) <sup>2,3</sup>  |
|---|--|---|
| <b>SALES OF MARIJUANA – H&amp;S Code § 11360</b>            |  |   |
| Sales / giving away / transportation for sale of marijuana  | Felony (2/3/4 years)<br><br><i>*If amount is less than 28.5 g and it is given away (i.e. no sale), it is a misdemeanor (max fine of \$100)</i> | Misdemeanor (max 6 months jail and/or \$500 fine)<br><br><i>*If amount is less than 28.5 grams and it is given away or transported (not for sale), it is legal for adults 21 and older. H&amp;S Code § 11362.1. The same conduct is an infraction (max fine of \$100) for adults aged 18 to 20. H&amp;S Code § 11360(b)</i><br><br>Wobbler (2/3/4 yrs) if (1) prior super strike, (2) a registered sex offender, (3) two prior convictions under this subsection, (4) involved sale to person under 18, or (5) involved import into this state or transport out of this state of more than 28.5 grams |
| Sales / giving away marijuana to a MINOR (H&S Code § 11361) | Felony (3/5/7 years) for sales to a minor under 14 or (3/4/5 years) to a minor over 14   | No change   |
| <b>MANUFACTURING: H&amp;S Code § 11379.6</b>                |  |   |
| Manufacturing concentrates by chemical synthesis            | Felony (3/5/7 years)   | No change   |
| <b>CULTIVATION OF MARIJUANA – H&amp;S Code §11358</b>       |  |   |
| Cultivation   | Felony (16 months/2 years/3 years)   | 6 plants or less<br>21+: Legal<br>18 to 20: Infraction (max \$100 fine)<br><br>More than 6 plants (18 +)<br>Misdemeanor (max 6 months jail and/or \$500 fine)<br><br>Wobbler if (1) prior super strike, (2) a registered sex offender, (3) two prior convictions under this subsection, or (4) offense resulted in intentional diversion of public waters, introduction of harmful chemical into waters or otherwise caused substantial environmental harm to public lands  |
| Cultivation restrictions on growing at home                 | None, it was all illegal   | Infraction (max \$250 fine) if adult cultivates up to 6 plants but (1) plants are visible to public or (2) not kept in a locked space   |

Notes:

1. Penalties refer to all adults 18 and older, unless noted otherwise.
2. Prop. 215 protections remain in effect.
3. Licensed activity in accordance with state law will not be subject to these penalties.

## Appendix A

### PROPOSITION 64:

### CHANGES TO CRIMINAL PENALTIES (ADULTS)

| CRIMINAL OFFENSE <sup>1</sup>  | PENALTY BEFORE PROP. 64 <sup>2</sup>  | CURRENT PENALTY (beginning 11/9/16) <sup>2,3</sup>   |
|--|---|--|
|  | OTHER   |  |
| Opening or maintaining place for unlawfully selling, giving away or using drugs (§ 11366)                              | Wobbler   | This conduct may be legal in some circumstances. For example, a person solely maintaining a place for the purpose of giving away or using legal amounts of marijuana by adults 21 and older may be operating in accordance with Prop. 64 |
| Renting, leasing, or making building/ room/ space available for unlawful manufacturing or storing of drugs (§ 11366.5) | 1st offense : Wobbler<br>2nd + offense: Felony (2/3/4 years)                  | This conduct may be legal in some circumstances. For example, a person solely using a place for the purpose of storing legal amounts of marijuana by adults 21 and older may be operating in accordance with Prop. 64                    |
| <b>PUBLIC USE INFRACTIONS CREATED BY PROP. 64: H&amp;S Code § 11362.3</b>  |   |  |
| Smoking or ingesting in public   | No specific penalty for marijuana. Charged with possession or same as tobacco | Infraction (max fine of \$100)   |
| Smoking where tobacco prohibited   | No specific penalty for marijuana. Charged with possession or same as tobacco | Infraction (max fine of \$250)   |
| Smoking within 1,000 feet of a school, day care or youth center while children are present                             | No specific penalty for marijuana. Charged with possession or same as tobacco | Infraction (max fine of \$250)   |
| Possess open container or package of marijuana while driving, operating, or riding in vehicle                          | No specific penalty. Charged with possession                                  | Infraction (max fine of \$250)   |

Notes:

1. Penalties refer to all adults 18 and older, unless noted otherwise.
2. Prop. 215 protections remain in effect.
3. Licensed activity in accordance with state law will not be subject to these penalties.

## B. State Penalties for Drug-Related Crimes and Offenses

### Title 21 United States Code (USC) Controlled Substance Act

#### SUBCHAPTER I — CONTROL AND ENFORCEMENT

##### Part D — Offenses And Penalties

##### §841. Prohibited acts A

###### (a) Unlawful acts

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally—

- (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or
- (2) to create, distribute, or dispense, or possess with intent to distribute or dispense, a counterfeit substance.

###### (b) Penalties

Except as otherwise provided in section 849, 859, 860, or 861 of this title, any person who violates subsection (a) of this section shall be sentenced as follows:

(1)(A) In the case of a violation of subsection (a) of this section involving—

- (i) 1 kilogram or more of a mixture or substance containing a detectable amount of heroin;
- (ii) 5 kilograms or more of a mixture or substance containing a detectable amount of—
  - (I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
  - (II) cocaine, its salts, optical and geometric isomers, and salts of isomers;
  - (III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
  - (IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);
- (iii) 280 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;
- (iv) 100 grams or more of phencyclidine (PCP) or 1 kilogram or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);
- (v) 10 grams or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);
- (vi) 400 grams or more of a mixture or substance containing a detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide or 100 grams or more of mixture or substance containing a detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propanamide;
- (vii) 1000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, or 1,000 or more marijuana plants regardless of weight; or
- (viii) 50 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers; such person shall be sentenced to a term of imprisonment which may not be less than 10 years or more than life and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$10,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both.

If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$20,000,000 if the defendant is an individual or \$75,000,000 if the defendant is other than an individual, or both.

If any person commits a violation of this subparagraph or of section 849, 859, 860, or 861 of this title after two or more prior convictions for a felony drug offense have become final, such person shall be sentenced to a mandatory term of life

imprisonment without release and fined in accordance with the preceding sentence. Notwithstanding section 3583 of title 18, any sentence under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 5 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 10 years in addition to such term of imprisonment.

Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(B) In the case of a violation of subsection (a) of this section involving—

(i) 100 grams or more of a mixture or substance containing a detectable amount of heroin;

(ii) 500 grams or more of a mixture or substance containing a detectable amount of—

(I) coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

(II) cocaine, its salts, optical and geometric isomers, and salts of isomers.

(III) ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

(IV) any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subclauses (I) through (III);

(iii) 28 grams or more of a mixture or substance described in clause (ii) which contains cocaine base;

(iv) 10 grams or more of phencyclidine (PCP) or 100 grams or more of a mixture or substance containing a detectable amount of phencyclidine (PCP);

(v) 1 gram or more of a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD);

(vi) 40 grams or more of a mixture or substance containing detectable amount of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propenamide or 10 grams or more of a mixture or substance containing detectable amount of any analogue of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]propenamide;

(vii) 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, or 100 or more marijuana plants regardless of weight; or

(viii) 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers; such person shall be sentenced to a term of imprisonment which may not be less than 5 years and not more than 40 years and if death or serious bodily injury results from the use of such substance shall be not less than 20 years or more than life, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$5,000,000 if the defendant is an individual or \$25,000,000 if the defendant is other than an individual, or both.

If any person commits such a violation after a prior conviction for felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 10 years and not more than life imprisonment and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$8,000,000 if the defendant is an individual or \$50,000,000 if the defendant is other than an individual, or both.

Notwithstanding section 3583 of title 18, any sentence imposed under this subparagraph shall, in the absence of such a prior conviction, include a term of supervised release of at least 4 years in addition to such term of imprisonment and shall, if there was such a prior conviction, include a term of supervised release of at least 8 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the courts shall not place on probation or suspend the sentence of any person sentenced under this subparagraph. No person sentenced under this subparagraph shall be eligible for parole during the term of imprisonment imposed therein.

(C) In the case of a controlled substance in schedule I or II, gamma hydroxybutyric acid (including when scheduled as an approved drug product for purposes of section 3(a)(1)(B) of the Hillary J. Farias and Samantha Reid Date-Rape Drug Prohibition Act of 2000), or 1 gram of flunitrazepam, except as provided in subparagraphs (A), (B), and (D), such person shall be sentenced to term of imprisonment of not more than 20 years and if death or serious bodily injury results from

the use of such substance shall be sentenced to a term of imprisonment of not less than twenty years or more than, exceed the greater of that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both.

If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 30 years and if death or serious bodily injury results from the use of such substance shall be sentenced to life imprisonment, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$2,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both.

Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 3 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 6 years in addition to such term of imprisonment. Notwithstanding any other provision of law, the court shall not place on probation or suspend the sentence of any person sentenced under the provisions of this subparagraph which provide for a mandatory term of imprisonment if death or serious bodily injury results, nor shall a person so sentenced be eligible for parole during the term of such a sentence.

(D) In the case of less than 50 kilograms of marihuana, except in the case of 50 or more marijuana plants regardless of weight, 10 kilograms of hashish, or one kilogram of hashish oil, such person shall, except as provided in paragraphs(4)and(5) of this subsection, be sentenced to term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both.

If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 10 years, fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both.

Notwithstanding section 3583 of title 18, any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.

(E)(i) Except as provided in subparagraphs (C) and (D), in the case of any controlled substance in schedule III, such person shall be sentenced to a term of imprisonment of not more than 10 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 15 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,500,000 if the defendant is other than an individual, or both.

(ii) If any person commits such a violation after prior conviction for felony drug offense has become final, such person shall be sentenced to term of imprisonment of not more than 20 years and if death or serious bodily injury results from the use of such substance shall be sentenced to a term of imprisonment of not more than 30 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$1,000,000 if the defendant is an individual or \$5,000,000 if the defendant is other than an individual, or both.

(iii) Any sentence imposing a term of imprisonment under this subparagraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 4 years in addition to such term of imprisonment.

(2) In the case of a controlled substance in schedule IV, such person shall be sentenced to a term of imprisonment of not more than 5 years, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$250,000 if the defendant is an individual or \$1,000,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be

sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$500,000 if the defendant is an individual or \$2,000,000 if the defendant is other than an individual, or both. Any sentence imposing a term of imprisonment under this paragraph shall, in the absence of such a prior conviction, impose a term of supervised release of at least one year in addition to such term of imprisonment and shall, if there was such a prior conviction, impose a term of supervised release of at least 2 years in addition to such term of imprisonment.

(3) In the case of a controlled substance in schedule V, such person shall be sentenced to a term of imprisonment of not more than one year, a fine not to exceed the greater of that authorized in accordance with the provisions of title 18 or \$100,000 if the defendant is an individual or \$250,000 if the defendant is other than an individual, or both. If any person commits such a violation after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment of not more than 4 years, a fine not to exceed the greater of twice that authorized in accordance with the provisions of title 18 or \$200,000 if the defendant is an individual or \$500,000 if the defendant is other than an individual, or both.

Any sentence imposing a term of imprisonment under this paragraph may, if there was a prior conviction, impose a term of supervised release of not more than 1 year, in addition to such term of imprisonment.

(4) Notwithstanding paragraph (1)(D) of this subsection, any person who violates subsection (a) of this section by distributing a small amount of marijuana for no remuneration shall be treated as provided in section 844 of this title and section 3607 of title 18.

(5) Any person who violates subsection (a) of this section by cultivating or manufacturing a controlled substance on Federal property shall be imprisoned as provided in this subsection and shall be fined any amount not to exceed—

- (A) the amount authorized in accordance with this section;
- (B) the amount authorized in accordance with the provisions of title 18;
- (C) \$500,000 if the defendant is an individual; or
- (D) \$1,000,000 if the defendant is other than an individual; or both.

(6) Any person who violates subsection (a) of this section, or attempts to do so, and knowingly or intentionally uses a poison, chemical, or other hazardous substance on Federal land, and, by such use—

- (A) creates a serious hazard to humans, wildlife, or domestic animals,
- (B) degrades or harms the environment or natural resources, or
- (C) pollutes an aquifer, spring, stream, river, or body of water, shall be fined in accordance with title 18 or imprisoned not more than five years, or both.

(7) Penalties for distribution.—

(A) In general.—Whoever, with intent to commit a crime of violence, as defined in section 16 of title 18 (including rape), against an individual, violates subsection (a) of this section by distributing a controlled substance or controlled substance analogue to that individual without that individual's knowledge, shall be imprisoned not more than 20 years and fined in accordance with title 18.

(B) Definition.—For purposes of this paragraph, the term "without that individual's knowledge" means that the individual is unaware that a substance with the ability to alter that individual's ability to appraise conduct or to decline participation in or communicate unwillingness to participate in conduct is administered to the individual.

(c) Offenses involving listed chemicals

Any person who knowingly or intentionally—

- (1) possesses a listed chemical with intent to manufacture a controlled substance except as authorized by this subchapter;
- (2) possesses or distributes a listed chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance except as authorized by this subchapter; or
- (3) with the intent of causing the evasion of the recordkeeping or reporting requirements of section 830 of this title, or the regulations issued under that section, receives or distributes a reportable amount of any listed chemical in units

small enough so that the making of records or filing of reports under that section is not required; shall be fined in accordance with title 18 or imprisoned not more than 20 years in the case of a violation of paragraph (1) or (2) involving a list I chemical or not more than 10 years in the case of a violation of this subsection other than a violation of paragraph (1) or (2) involving a list I chemical, or both.

(d) Boobytraps on Federal property; penalties; "boobytrap" defined

(1) Any person who assembles, maintains, places, or causes to be placed a boobytrap on Federal property where a controlled substance is being manufactured, distributed, or dispensed shall be sentenced to term of imprisonment for not more than 10 years or fined under title 18, or both.

(2) If any person commits such a violation after 1 or more prior convictions for an offense punishable under this subsection, such person shall be sentenced to a term of imprisonment of not more than 20 years or fined under title 18, or both.

(3) For the purposes of this subsection, the term "boobytrap" means any concealed or camouflaged device designed to cause bodily injury when triggered by any action of any unsuspecting person making contact with the device. Such term includes guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, and lines or wires with hooks attached.

(e) Ten-year injunction as additional penalty

In addition to any other applicable penalty, any person convicted of a felony violation of this section relating to the receipt, distribution, manufacture, exportation, or importation of listed chemical may be enjoined from engaging in any transaction involving a listed chemical for not more than ten years.

(f) Wrongful distribution or possession of listed chemicals

(1) Whoever knowingly distributes a listed chemical in violation of this sub chapter (other than in violation of a recordkeeping or reporting requirement of section 830 of this title) shall, except to the extent that paragraph (12), (13), or (14) of section 842(a) of this title applies, be fined under title 18 or imprisoned not more than 5 years, or both.

(2) Whoever possesses any listed chemical, with knowledge that the recordkeeping or reporting requirements of section 830 of this title have not been adhered to, if, after such knowledge is acquired, such person does not take immediate steps to remedy the violation shall be fined under title 18 or imprisoned not more than one year, or both.

(g) Internet sales of date rape drugs

(1) Whoever knowingly uses the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that—

(A) the drug would be used in the commission of criminal sexual conduct; or

(B) the person is not an authorized purchaser;

shall be fined under this subchapter or imprisoned not more than 20 years, or both.

(2) As used in this subsection:

(A) The term "date rape drug" means—

(i) gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4-butanediol;

(ii) ketamine;

(iii) flunitrazepam; or

(iv) any substance which the Attorney General designates, pursuant to the rulemaking procedures prescribed by section 553 of title 5, to be used in committing rape or sexual assault.

The Attorney General is authorized to remove any substance from the list of date rape drugs pursuant to the same rulemaking authority.

(B) The term "authorized purchaser" means any of the following persons, provided such person has acquired the controlled substance in accordance with this chapter:

(i) A person with a valid prescription that is issued for a legitimate medical purpose in the usual course professional practice that is based upon a qualifying medical relationship by a practitioner registered by the Attorney General.

A "qualifying medical relationship" means medical relationship that exists when the practitioner has conducted at least 1 medical evaluation with the authorized purchaser in the physical presence of the practitioner, without regard to whether portions of the evaluation are conducted by other health \1\ professionals. The preceding sentence shall not be construed to imply that 1 medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the usual course of professional practice.

\1\ So in original. Probably should be "health."

(ii) Any practitioner or other registrant who is otherwise authorized by their registration to dispense, procure, purchase, manufacture, transfer, distribute, import, or export the substance under this chapter.

(iii) A person or entity providing documentation that establishes the name, address, and business of the person or entity and which provides a legitimate purpose for using any "date rape drug" for which a prescription is not required.

(3) The Attorney General is authorized to promulgate regulations for record-keeping and reporting by persons handling 1,4–butanediol in order to implement and enforce the provisions of this section. Any record or report required by such regulations shall be considered a record or report required under this chapter.

(h) Offenses involving dispensing of controlled substances by means of the Internet

(1) In general It shall be unlawful for any person to knowingly or intentionally—

(A) deliver, distribute, or dispense a controlled substance by means of the Internet, except as authorized by this subchapter; or

(B) aid or abet (as such terms are used in section 2 of title 18) any activity described in subparagraph (A) that is not authorized by this subchapter.

(2) Examples

Examples of activities that violate paragraph (1) include, but are not limited to, knowingly or intentionally—

(A) delivering, distributing, or dispensing a controlled substance by means of the Internet by an online pharmacy that is not validly registered with a modification authorizing such activity as required by section 823(f) of this title (unless exempt from such registration);

(B) writing a prescription for a controlled substance for the purpose of delivery, distribution, or dispensation by means of the Internet in violation of section 829(e) of the title;

(C) serving as an agent, intermediary, or other entity that causes the Internet to be used to bring together buyer and seller to engage in the dispensing of a controlled substance in a manner not authorized by sections \2\ 823(f) or 829(e) of this title;

\2\ So in original. Probably should be "section."

(D) offering to fill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire; and

(E) making a material, false, fictitious, or fraudulent statement or representation in notification or declaration under subsection (d) or (e), respectively, of section 831 of this title.

(3) Inapplicability

(A) This subsection does not apply to—

(i) the delivery, distribution, or dispensation of controlled substances by nonpractitioners to the extent authorized by their registration under this subchapter;

(ii) the placement on the Internet of material that merely advocates the use of a controlled substance or includes pricing information without attempting to propose or facilitate an actual transaction involving a controlled substance; or

(iii) except as provided in subparagraph (B), any activity that is limited to—

(I) the provision of a telecommunications service, or of an Internet access service or Internet information location tool (as those terms are defined in section 231 of title 47); or

(II) the transmission, storage, retrieval, hosting, formatting, or translation (or any combination thereof) of a communication, without selection or alteration of the content of the communication, except that deletion of a particular communication or material made by another person in a manner consistent with section 230(c) of title 47 shall not



constitute such selection or alteration of the content of the communication.

(B) The exceptions under subclauses (I) and (II) of subparagraph (A)(iii) shall not apply to a person acting in concert with a person who violates paragraph (1).

(4) Knowing or intentional violation

Any person who knowingly or intentionally violates this subsection shall be sentenced in accordance with subsection (b).

## **SUBCHAPTER I — CONTROL AND ENFORCEMENT**

### **Part D — Offenses And Penalties**

#### **§842. Prohibited acts B**

##### **(a) Unlawful acts**

It shall be unlawful for any person—

(1) who is subject to the requirements of part To distribute or dispense a controlled substance in violation of section 829 of this title;

(2) who is a registrant to distribute or dispense a controlled substance not authorized by his registration to another registrant or other authorized person or to manufacture a controlled substance not authorized by his registration;

(3) who is a registrant to distribute a controlled substance in violation of section 825 of this title;

(4) to remove, alter, or obliterate a symbol or label required by section 825 of this title;

(5) to refuse or negligently fail to make, keep, or furnish any record, report, notification, declaration, order form, statement, invoice, or information required under this subchapter or subchapter II of this chapter;

(6) to refuse any entry into any premises or inspection authorized by this subchapter or subchapter II of this chapter;

(7) to remove, break, injure, or deface a seal placed upon controlled substances pursuant to section 824(f) or 881 of this title or to remove or dispose of substances so placed under seal;

(8) to use, to his own advantage, or to reveal, other than to duly authorized officers or employees of the United States, or to the courts when relevant in any judicial proceeding under this subchapter or subchapter II of this chapter, any information acquired in the course of an inspection authorized by this subchapter concerning any method or process which as a trade secret is entitled to protection, or to use to his own advantage or reveal (other than as authorized by section 830 of this title) any information that is confidential under such section;

(9) who is a regulated person to engage in a regulated transaction without obtaining the identification required by 830(a)(3) of this title.

\1\ So in original. Probably should be "section 830(a)(3) of this title."

(10) negligently to fail to keep a record or make a report under section 830 of this title or negligently to fail to self-certify as required under section 830 of this title;

(11) to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, in violation of this subchapter or subchapter II of this chapter, with reckless disregard for the illegal uses to which such a laboratory supply will be put;

(12) who is a regulated seller, or a distributor required to submit reports under subsection (b)(3) of section 830 of this title—

(A) to sell at retail as scheduled listed chemical product in violation of paragraph (1) of subsection (d) of such section, knowing at the time of the transaction involved (independent of consulting the logbook under subsection (e)(1)(A)(iii) of such section) that the transaction is a violation; or

(B) to knowingly or recklessly sell at retail such a product in violation of paragraph (2) of such subsection (d);

(13) who is a regulated seller to knowingly or recklessly sell at retail a scheduled listed chemical product in violation of subsection (e) of such section;

(14) who is a regulated seller or an employee or agent of such seller to disclose, in violation of regulations under subparagraph (C) of section 830(e)(1) of this title, information in logbooks under subparagraph (A)(iii) of such section, or to refuse to provide such a logbook to Federal, State, or local law enforcement authorities; or

(15) to distribute a scheduled listed chemical product to a regulated seller, or to a regulated person referred to in

section 830(b)(3)(B) of this title, unless such regulated seller or regulated person is, at the time of such distribution, currently registered with the Drug Enforcement Administration, or on the list of persons referred to under section 830(e)(1)(B)(v) of this title; or

(16) to violate subsection (e) of section 825 of this title.

\2\ See References in Text note below.

As used in paragraph (11), the term "laboratory supply" means a listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals. For purposes of paragraph (11), there is a rebuttable presumption of reckless disregard at trial if the Attorney General notifies a firm in writing that a laboratory supply sold by the firm, or any other person or firm, has been used by a customer of the notified firm, or distributed further by that customer, for the unlawful production of controlled substances or listed chemicals affirm distributes and 2 weeks or more after the notification the notified firm distributes a laboratory supply to the customer.

For purposes of paragraph (15), if the distributor is temporarily unable to access the list of persons referred to under section 830(e)(1)(B)(v) of this title, the distributor may rely on a written, faxed, or electronic copy of a certificate of self-certification submitted by the regulated seller or regulated person, provided the distributor confirms within 7 business days of the distribution that such regulated seller or regulated person is on the list referred to under section 830(e)(1)(B)(v) of this title.

**(b) Manufacture**

It shall be unlawful for any person who is a registrant to manufacture a controlled substance in schedule I or II, or ephedrine, pseudoephedrine, or phenylpropanolamine or any of the salts, optical isomers, or salts of optical isomers of such chemical, which is—

- (1) not expressly authorized by his registration and by a quota assigned to him pursuant to section 826 of this title; or
- (2) in excess of a quota assigned to him pursuant to section 826 of this title.

**(c) Penalties**

(1)(A) Except as provided in subparagraph (B) of this paragraph and paragraph (2), any person who violates this section shall, with respect to any such violation, be subject to a civil penalty of not more than \$25,000. The district courts of the United States (or, where there is no such court in the case of any territory or possession of the United States, then the court in such territory or possession having the jurisdiction of a district court of the United States in cases arising under the Constitution and laws of the United States) shall have jurisdiction in accordance with section 1355 of title 28 to enforce this paragraph.

(B) In the case of violation of paragraph (5) or (10) of subsection (a) of this section, the civil penalty shall not exceed \$10,000.

(2)(A) If a violation of this section is prosecuted by an information or indictment which alleges that the violation was committed knowingly and the trier of fact specifically finds that the violation was so committed, such person shall, except as otherwise provided in subparagraph (B) of this paragraph, be sentenced to imprisonment of not more than one year or a fine under title 18, or both.

(B) If a violation referred to in subparagraph (A) was committed after one or more prior convictions of the offender for an offense punishable under this paragraph (2), or for a crime under any other provision of this subchapter or subchapter II of this chapter or other law of the United States relating to narcotic drugs, marihuana, or depressant or stimulant substances, have become final, such person shall be sentenced to a term of imprisonment of not more than 2 years, a fine under title 18, or both.

(C) In addition to the penalties set forth elsewhere in this subchapter or subchapter II of trichopteran business that violates paragraph (11) of subsection (a) of this section shall, with respect to the first such violation, be subject to a civil

penalty of not more than \$250,000, but shall not be subject to criminal penalties under this section, and shall, for any succeeding violation, be subject to a civil fine of not more than \$250,000 or double the last previously imposed penalty, whichever is greater.

(3) Except under the conditions specified in paragraph (2) of this subsection, a violation of this section does not constitute a crime, and a judgment for the United States and imposition of a civil penalty pursuant to paragraph (1) shall not give rise to any disability legal disadvantage based on conviction for a criminal offense.

(4)(A) If a regulated seller, or distributor required to submit reports under section 830(b)(3) of this title, violates paragraph (12) of subsection (a) of this section, or if a regulated seller violates paragraph (13) of such subsection, the Attorney General may by order prohibit such seller or distributor (as the case may be) from selling any scheduled listed chemical product. Any sale of such a product in violation of such an order is subject to the same penalties as apply under paragraph (2).

(B) An order under subparagraph (A) may be imposed only through the same procedures as apply under section 824(c) of this title for an order to show cause.

(Pub. L. 91-513, title II, §402, Oct. 27, 1970, 84 Stat. 1262; Pub. L. 95-633, title II, §202(b)(1), (2), Nov. 10, 1978, 92 Stat. 3776; Pub. L. 100-690, title VI, §6056, Nov. 18, 1988, 102 Stat. 4318; Pub. L. 104-237, title II, §205, Oct. 3, 1996, 110 Stat. 3103; Pub. L. 105-277, div. A, §101(b) [title I, §117], Oct. 21, 1998, 112 Stat. 2681-50, 2681-68; Pub. L. 107-273, div. B, title IV, §4002(b)(16), (d)(2)(B), Nov. 2, 2002, 116 Stat. 1808, 1809; Pub. L. 109-177, title VII, §§711(f)(1)(A), (2), 714, Mar. 9, 2006, 120 Stat. 262-264; Pub. L. 111-268, §§4, 5, Oct. 12, 2010, 124 Stat. 2847, 2848; Pub. L. 113-260, §3(c), Dec. 18, 2014, 128 Stat. 2931.)

References in Text

## **SUBCHAPTER I — CONTROL AND ENFORCEMENT**

### **Part D — Offenses And Penalties**

#### **§844. Penalties for simple possession**

##### **(a) Unlawful acts; penalties**

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter.

It shall be unlawful for any person knowingly or intentionally to possess any list I chemical obtained pursuant to or under authority of a registration issued to that person under section 823 of this title or section 958 of this registration has been revoked or suspended, if that registration has expired, or if the registrant has ceased to do business in the manner contemplated by his registration.

It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30-day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service. Any person who violates this subsection may be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of \$1,000, or both, except that if he commits such offense after a prior conviction under this subchapter or subchapter II of this chapter, or a prior conviction for any drug, narcotic, or chemical offense chargeable under the law of any State, has become final, he shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of \$2,500, except, further, that if he commits such offense after two or more prior convictions under this subchapter or subchapter II of this chapter, or two or more prior convictions for any drug, narcotic, or chemical offense chargeable under the law of any State, or a combination of two or more such offenses have become final, he shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years and shall be fined a minimum of \$5,000.

Notwithstanding any penalty provided in this subsection, any person convicted under this subsection for the possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both. The imposition or execution of a minimum sentence required to be imposed under this subsection shall not be

suspended or deferred.

Further, upon conviction, a person who violates this subsection shall be fined the reasonable costs of the investigation and prosecution of the offense, including the costs of prosecution of an offense as defined in sections 1918 and 1920 of title 28, except that this sentence shall not apply and fine under this section need not be imposed if the court determines under the provision of title 18 that the defendant lacks the ability to pay.

**(b) Repealed. Pub. L. 98-473, title II, §219(a), Oct. 12, 1984, 98 Stat. 2027**

**(c) "Drug, narcotic, or chemical offense" defined**

As used in this section, the term "drug, narcotic, or chemical offense" means any offense which proscribes the possession, distribution, manufacture, cultivation, sale, transfer, or the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell or transfer any substance the possession of which is prohibited under this subchapter.

(Pub. L. 91-513, title II, §404, Oct. 27, 1970, 84 Stat. 1264; Pub. L. 98-473, title II, §219, Oct. 12, 1984, 98 Stat. 2027; Pub. L. 99-570, title I, §1052, Oct. 27, 1986, 100 Stat. 3207-8; Pub. L. 100-690, title VI, §§6371, 6480, Nov. 18, 1988, 102 Stat. 4370, 4382; Pub. L. 101-647, title XII, §1201, title XIX, §1907, Nov. 29, 1990, 104 Stat. 4829, 4854; Pub. L. 104-237, title II, §201(a), Oct. 3, 1996, 110 Stat. 3101; Pub. L. 104-305, §2(c), Oct. 13, 1996, 110 Stat. 3808; Pub. L. 109-177, title VII, §711(e)(1), Mar. 9, 2006, 120 Stat. 262; Pub. L. 111-220, §3, Aug. 3, 2010, 124 Stat. 2372.)

#### **Amendments**

2010—Subsec. (a). Pub. L. 111-220 struck out "Notwithstanding the preceding sentence, a person convicted under this subsection for the possession of a mixture or substance which contains cocaine base shall be imprisoned not less than 5 years and not more than 20 years, and fined minimum of \$1,000, if the conviction is a first conviction under this subsection and the amount of the mixture or substance exceeds 5 grams, if the conviction is after a prior conviction for the possession of such a mixture or substance under this subsection becomes final and the amount of the mixture or substance exceeds 3 grams, or if the conviction is after 2 or more prior convictions for the possession of such a mixture or substance under this subsection become final and the amount of the mixture or substance exceeds 1 gram." after "\$5,000."

2006—Subsec. (a). Pub. L. 109-177 inserted after second sentence "It shall be unlawful for any person to knowingly or intentionally purchase at retail during a 30 day period more than 9 grams of ephedrine base, pseudoephedrine base, or phenylpropanolamine base in a scheduled listed chemical product, except that, of such 9 grams, not more than 7.5 grams may be imported by means of shipping through any private or commercial carrier or the Postal Service."

Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance 21 U.S.C 844(a)

1st conviction: Up to 1 -year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000 or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000 or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed After 20 years and fined up to \$250,000 or both if:

2. 1st conviction and the amount of crack possessed exceeds 5 grams.
3. 2nd crack conviction and the amount of crack possessed exceeds 5 grams.
4. 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or to facilitate possession of controlled substance if that offense is punishable by more than 1 -year imprisonment. (See special sentencing provisions re: crack.)

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 853a

Denial of any benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year

for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive or purchase a firearm.

Miscellaneous

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc. are vested within the authorities of individual Federal agencies.

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

## **SUBCHAPTER I — CONTROL AND ENFORCEMENT**

### **Part D — Offenses And Penalties**

#### **§844a. Civil penalty for possession of small amounts of certain controlled substances**

(a) In general

Any individual who knowingly possesses a controlled substance that is listed in section 841(b)(1)(A) of this title in violation of section 844 of this title in an amount that, as specified by regulation of the Attorney General, is a personal use amount shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000 for each such violation.

(b) Income and net assets

The income and net assets of an individual shall not be relevant to the determination whether to assess a civil penalty under this section or to prosecute the individual criminally. However, in determining the amount of penalty under this section, the income and net assets of an individual shall be considered.

(c) Prior conviction

A civil penalty may not be assessed under this section if the individual previously was convicted of a Federal or State offense relating to a controlled substance.

(d) Limitation on number of assessments

A civil penalty may not be assessed on an individual under this section on more than two separate occasions.

(e) Assessment

A civil penalty under this section may be assessed by the Attorney General or by an order made on the record after opportunity for a hearing in accordance with section 554 of title 5. The Attorney General shall provide written notice to the individual who is the subject of the proposed order informing the individual of the opportunity to receive such a hearing with respect to the proposed order. The hearing may be held only if the individual makes a request for the hearing before the expiration of the 30-day period beginning on the date such notice is issued.

(f) Compromise

The Attorney General may compromise, modify, or remit, with or without conditions, any civil penalty imposed under this section.

(g) Judicial review

If the Attorney General issues an order pursuant to subsection (e) of this section after a hearing described in such subsection, the individual who is the subject of the order may, before the expiration of the 30-day period beginning on the date the order is issued, bring a civil action in the appropriate district court of the United States. In such action, the law and the facts of the violation and the assessment of the civil penalty shall be determined de novo, and shall include the right of a trial by jury, the right to counsel, and the right to confront witnesses. The facts of the violation shall be proved beyond a reasonable doubt.

(h) Civil action

If an individual does not request a hearing pursuant to subsection (e) of this section and the Attorney General issues an order pursuant to such subsection, or if an individual does not under subsection (g) of this section seek judicial review of such an order, the Attorney General may commence a civil action in any appropriate district court of the United States for the purpose of recovering the amount assessed and an amount representing interest at a rate computed in accordance with section 1961 of title 28. Such interest shall accrue from the expiration of the 30-day period described in subsection

(g) of this section. In such an action, the decision of the Attorney General to issue the order, and the amount of the penalty assessed by the Attorney General, shall not be subject to review.

(i) Limitation

The Attorney General may not under this subsection \1\ commence proceeding against an individual after the expiration of the 5-year period beginning on the date on which the individual allegedly violated subsection (a) of this section.

\1\ So in original. Probably should be "section".

(j) Expungement procedures

The Attorney General shall dismiss the proceedings under this section against an individual upon application of such individual at any time after the expiration of 3 years if—

- (1) the individual has not previously been assessed a civil penalty under this section;
- (2) the individual has paid the assessment.
- (3) the individual has complied with any conditions imposed by the Attorney General.
- (4) the individual has not been convicted of a Federal or State offense relating to a controlled substance; and,
- (5) the individual agrees to submit to a drug test, and such test shows the individual to be drug free.

Anon public record of a disposition under this subsection shall be retained by the Department of Justice solely for the purpose of determining in any subsequent proceeding whether the person qualified fora civil penalty or expungement under this section. If a record is expunged under this subsection, an individual concerning whom such an expungement has been made shall not be held thereafter under any provision of law to be guilty of perjury, false swearing, or making a false statement by reason of his failure to recite or acknowledge a proceeding under this section or the results thereof in response to an inquiry made of him for any purpose.

<https://www.deadiversion.usdoj.gov/21cfr/21usc/844a.htm>

A controlled substance is a regulated drug that has been placed on a schedule of controlled substances by the State of California. Some of these are always illegal, such as cocaine, heroin, or meth. Others are prescription drugs, such as painkillers like morphine and oxycodone. Most of these are defined as illegal under California Health & Safety Code §11350.

This code defines six “schedules” of controlled substances in California. Each is defined by broad categories of types and amounts of drugs that are similarly punished. These are:

- Schedule I drugs (including opiates, cocaine, mescaline)
- Schedule II drugs (including raw opium, morphine, and other narcotics),
- Schedule III drugs (including pentobarbital and anabolic steroids),
- Schedule IV drugs (including many prescription drugs such as diazepam and zolpidem), and
- Schedule V drugs (lesser-controlled prescription drugs, such as low doses of codeine).

Some drugs like meth are made illegal by other parts of the criminal code, but they are generally treated the same as controlled substances within these schedules.

### C. Federal Penalties for Drug-Related Crimes and Offenses

**ASR Note:** This is the most straightforward and concise information for Federal Possession Penalties. This included student-pertinent information regarding Federal Aid sanctions. For more detailed information, including penalties for certain drugs not mentioned here and there penalties which exceed the standard see the previous section B., at Part D. U.S.C. 844 Penalties for Simple Possession.

#### **Federal Penalties and Sanctions for Illegal Possession of a Controlled Substance 21 U.S.C 844(a)**

1st conviction: Up to 1 -year imprisonment and fined at least \$1,000 but not more than \$100,000 or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500 but not more than \$250,000 or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000 or both.

Special sentencing provisions for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed After 20 years and fined up to \$250,000 or both if:

- (a) 1st conviction and the amount of crack possessed exceeds 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeds 5 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1
- (d) gram.

**21 U.S.C. 853(a)(2) and 881(a)(7)**

Forfeiture of personal and real property used to possess or to facilitate possession of controlled substance if that offense is punishable by more than 1-year imprisonment. (See special sentencing provisions re: crack.)

**21 U.S.C. 881(a)(4)**

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

**21 U.S.C. 853a**

Denial of any benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

**18 U.S.C. 922(g)**

Ineligible to receive or purchase a firearm.

**Miscellaneous**

Revocation of certain Federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc. are vested within the authorities of individual Federal agencies.

Note: These are only Federal penalties and sanctions. Additional State penalties and sanctions may apply.

**Federal Trafficking Penalties – Table 1**

| DRUG/SCHEDULE                  | QUANTITY                                  | PENALTIES   | QUANTITY   | PENALTIES   |
|--------------------------------|---|---|--|---|
| Cocaine (Schedule II)          | 500–4999 grams mixture                    | First Offense: Not less than 5 yrs., and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.<br><br>Second Offense: Not less than 10 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual. | 5 kgs or more mixture                              | First Offense: Not less than 10 yrs., and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.<br><br>Second Offense: Not less than 20 yrs., and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. 2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million \$75 million if not an individual. |
| Cocaine Base (Schedule II)     | 28–279 grams mixture                      |   | 280 grams or more mixture                          |   |
| Fentanyl (Schedule II)         | 40–399 grams mixture                      |   | 400 grams or more mixture                          |   |
| Fentanyl Analogue (Schedule I) | 10–99 grams mixture                       |   | 100 grams or more mixture                          |   |
| Heroin (Schedule I)            | 100–999 grams mixture                     |   | 1 kg or more mixture                               |   |
| LSD (Schedule I)               | 1–9 grams mixture                         |   | 10 grams or more mixture                           |   |
| Methamphetamine (Schedule II)  | 5–49 grams pure or 50–499 grams mixture   |   | 50 grams or more-pure or 500 grams or more mixture |   |
| PCP (Schedule II)              | 10–99 grams pure or 100–999 grams mixture | 100 gm or more-pure or 1 kg or more mixture   |  |   |



**Federal Trafficking Penalties – Table 2**

| DRUG / SCHEDULE   | QUANTITY                                    | PENALTIES   |
|---|---|---|
| Other Schedule I & II drugs<br>(and any drug product containing* Gamma Hydroxybutyric Acid)<br><br>*Flunitrazepam (Schedule IV) | Any amount<br><br>1 gram                    | First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs. Fine \$1 million if an individual, \$5 million if not an individual.<br>Second Offense: Not more than 30 yrs. If death or serious. Fine \$2 million if an individual, \$10 million if not an individual.   |
| Other Schedule III drugs  | Any amount                                  | First Offense: Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.<br>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual. |
| All other Schedule IV drugs<br><br>*Flunitrazepam (Schedule IV)   | Any amount<br><br>Other than 1 gram or more | First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.<br>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.   |
| All Schedule V drugs  | Any amount                                  | First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.<br>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.  |

\* "Date rape drug" means gamma hydroxybutyric acid (GHB) or any controlled substance analogue of GHB, including gamma butyrolactone (GBL) or 1,4 butanediol; ketamine; flunitrazepam; or any substance which the Attorney General designates, through a rule making proceeding, to be used in committing rape or sexual assault. 21 U.S.C. 8419(g)(2). Other drugs such as rohypnol or drugs under the class of "benzodiazepines" are commonly used as date rape drugs (Ibid.)

Other additional legal penalties for distribution penalties:

Distribution to persons under age 21 by those age 18 or older (21 U.S.C. 859) 1st offense All substances Up to twice the penalties otherwise authorized 2nd offense. All substances Up to three times the penalties otherwise authorized  
Distribution or manufacturing in or near schools, colleges, or certain youth- centered recreational facilities (21 U.S.C. 860,

860a)22 1st offense All substances (except methamphetamine) Up to twice the penalties otherwise authorized for distribution or manufacturer but at least 1 year in prison23

Possession Simple possession (21 U.S.C. 844)24 1st offense Not less than \$1,000 Up to 1 year 2nd offense25 Not less than \$2,500 15 days to 2 years 3rd offense Not less than \$5,000 90 days to 3 years Any offense Flunitrazepam Up to \$250,000 Up to 3 years Controlled Substance Violations and Other Crimes/Activity Attempt and conspiracy (21 U.S.C. 846, 963) Any offense All substances Same as penalties for the underlying offense Use of a controlled substance to commit a crime of violence (21 U.S.C. 841(b)(7)) Any offense26 All substances Up to \$250,000 Up to 20 years.

Continuing Criminal Enterprise (CCE) ("kingpin") (21 U.S.C. 848)28 1st offense All substances Up to \$2 million 20 years to life 2nd offense All substances Up to \$4 million 30 years to life Any offense, if the offender is a major participant, involving an enterprise that grosses \$10 million a year or more or involving 300 times29 the amount of controlled substances required to trigger the most severe distribution penalties of 21 U.S.C. 841 All substances Up to \$4 million life Establishing manufacturing operations (21 U.S.C. 856) Opening, maintaining, financing or making available a place for unlawful manufacture, distribution or use of controlled substances All substances Up to \$500,000 Up to 20 years Endangering human life while illegally manufacturing a controlled substance (21 U.S.C. 858) Any offense All substances Up to \$250,000 Up to 10 years

Employment of persons under 18 years of age(for violation of the CSA) or unauthorized distribution to a pregnant individual (21 U.S.C. 861) 1st offense Generally Up to twice the penalties otherwise authorized for the underlying offense but at least 1 year in prison30 2nd offense Generally Up to three times the penalties otherwise authorized for the underlying offense but at least 1 year in prison. Use of person under 14 or distribution to a person under 18 Up to \$50,000 Up to 5 years 28 Under the statute, a person is considered to be engaged in a continuing criminal enterprise if (1) he commits any felony violation of the Controlled Substances Act or the Controlled Substances Import and Export Act, (2) the violation is a part of a continuing series of violations of those statutes (A) which are undertaken by the person in concert with five or more other persons with respect to whom such person occupies position of organizer, a supervisory position, or any other position of management, and (B) from which such person obtains substantial income or resources.

Note that some violations carry the death penalty as discussed supra. 29 Except in the case of methamphetamine, where these provisions apply to any enterprise that grosses \$5 million or more a year, or involves 200 times of the amount of controlled substances required under 21 U.S.C. 841. 30 Also, at least twice any term of supervised release otherwise authorized for a first offense. Any higher mandatory penalty otherwise authorized for the offense would prevail. 31 Also, at least three times any term of supervised release otherwise authorized for a first offense. Penalties for third and subsequent offenses are governed by 21 U.S.C. 841(b)(1)(A). Drug Offenses: Maximum Fines and Terms of Imprisonment for Violation

<https://fas.org/sgp/crs/misc/RL30722.pdf>

Compensated crime of violence in aid of RICO (18 U.S.C. 1959) Any offense involving any substance and the following criminal act: Murder Up to \$250,000 life Kidnapping Up to \$250,000 Up to life in prison Maiming Up to \$250,000 Up to 30 years Serious injury Up to \$250,000 Up to 20 years Threats Up to \$250,000 Up to 5 years. Attempt conspiracy to murder kidnap Up to \$250,000 Up to 10 years Attempt or conspiracy to maim or commit a serious assault Up to \$250,000 Up to 3 years

Brian T. Yeh Legislative Attorney byeh@crs.loc.gov, 7-5182 Congressional Research Center.

Drug Offenses: Maximum Fines and Terms of Imprisonment for Violation of the Federal Controlled Substances Act and Related Laws Brian T. Yeh Legislative Attorney January 20, 2015

**Federal Trafficking Penalties – Table 3**

| DRUG   | QUANTITY   | 1 <sup>ST</sup> OFFENSE   | 2 <sup>ND</sup> OFFENSE  |
|--|--|---|--|
| Marijuana (Schedule I)   | 1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants  | Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual. | Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| Marijuana (Schedule I)   | 100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants   | Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.  | Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual. |
| Marijuana (Schedule I)   | More than 10 kgs hashish; 50 to 99 kg marijuana mixture; More than 1 kg of hashish oil; 50 to 99 marijuana plants  | Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.                                     | Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.                                   |
| Marijuana (Schedule I)<br><br>Hashish (Schedule I) Hashish<br>Oil (Schedule I) | Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight) 1 to 49 marijuana plants;<br>10 kg or less 1 kg or less | Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.   | Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual.  |

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual (Ibid).

## **D. Smoking**

Smoking is prohibited in all indoor and outdoor Peralta Community College District's ("PCCD") campus locations and District Administrative Centers, except for the following areas:

Berkeley City College: No exceptions designated.

College of Alameda:

- The area immediately outside the southwest corner of parking lot B;
- The grass area immediately to the east of the southern-most parking lot which is near buildings A and L.
- Laney College: No exceptions
- Merritt College: All parking lots, except parking lots adjacent to the childcare center, between buildings A & D, and the faculty and staff parking lot behind the A Building.
- District Administrative Center Offices: 50 feet away from all buildings in the parking lot behind the main Administrative Office building.
- The non-smoking policy includes electronic delivery devices

More information can be found in AP 3570 – Smoking including penalties and enforcement procedures.

## **E. Drug & Alcohol Abuse Prevention Programs**

Alcohol and drug problems are serious but treatable issues. These problems can lead to emotional, relational, financial, psychological, and severe health consequences. They are potentially life threatening if they are not addressed. Students and employees with concerns about their substance use are encouraged to seek treatment. District/College provides Mental Health and Substance Abuse Counseling available to all students and can help refer faculty and staff to appropriate services.

More alcohol and drug information and resources can be found at the Wellness Center links on the District website or visit Mental Health Services located in the Student Union building on each college campus. The District has established an Employee Assistance Program to help employees manage life's challenges including drug dependency and alcohol abuse. Eligible employees are encouraged to contact the Employee Assistance Program for help. The District will provide new eligible employees with a complete description of the employee assistance program and will annually remind continuing employees to seek assistance if needed. The following information is also provided at Peralta.edu.

## **F. Employee Assistance Program (EAP) - The Power of Caring**

The EAP Can Help. The Employee Assistance Program (EAP) offers quick and easy access to confidential, professional assistance and resources to help you address difficulties related to emotional concerns, relationships, substance abuse, and legal and financial concerns.

EAP can help with such concerns as: Emotional – when you or a loved one experiences emotional concerns such as depression, stress, illness, grief, or need help coping with change.

**Alcohol or Drug Abuse Concerns – when you or someone you know shows symptoms of alcohol or drug abuse.**

- Relationships – marital, other family members, partners, friends or coworkers.
- Financial Concerns – call or go online to learn more about such things as financial planning, financial calculators, bankruptcy, credit problems and more.
- Legal Concerns – relieve the stress and worry by calling your EAP, or go online and select legal resources to learn more about such things as wills, living trusts, estate planning, divorce, custody, etc. Logon to our Web site at [www.bluecrossca.com](http://www.bluecrossca.com) to see a library of hundreds of expert articles on mental health, stress management, relationships, substance abuse, aging, parenting and workplace topics.

Easy access by phone or just a “click away” to EAP Services

**By phone:** Employees or family members can get help by calling your EAP toll-free at 1- 800-999- 7222; 24 hours a day, seven days a week • Web site: Logon to [www.bluecrossca.com/youreap](http://www.bluecrossca.com/youreap) Program Name: PERALTA

**In person:** Counseling sessions are available for situations needing short-term professional help. Your counselor will work with you to schedule these sessions. No Cost for Services. The EAP services are provided by your employer and are offered at no cost to you. Some situations may require more specialized assistance not available through the EAP. Your EAP consultant may recommend additional or ongoing treatment, beyond what is provided by the EAP, which may be covered under your health care plan. For treatment or services not covered by your health care plan, the cost for services will be your responsibility. Your EAP consultant will make every effort to refer you to treatment resources that are within your financial means. Department of Managed Health Care The California Department of Managed Health Care is responsible for regulating health care service plans.

Reach out to a helping hand ... Call EAP at 1-800-999-7222 or go online at [www.bluecrossca.com/](http://www.bluecrossca.com/)  
Your Program Name: PERALTA

**G. The District Drug Abuse & Alcohol Prevention Program (DAAP) Education Program for Peralta**

Peralta Community College District Drug Abuse and Alcohol Prevention Program (DAAPP) The Drug and Alcohol Abuse Prevention Regulations (Education Department General Administrative Regulations [EDGAR]) specifies that no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any Federally funded or guaranteed student loan program, unless the institution certifies to the Secretary that the institution has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees. In response, the Peralta Community College District has adopted and implemented program and policies to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

The Peralta Community College District (PCCD) is committed to providing a drug free environment. The institutions also prohibit the use of tobacco products and electronic delivery devices on most parts of the campus and at college/district sponsored events (Board Policy 3550, and Administrative Procedures 3550,

3551, 3560). Any type of drug use, including alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind, and behavior. The effects vary from person to person and from usage to usage. Even low doses drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial, and personal problems. The Federal laws against drugs are divided into two categories: possession and distribution. The penalties are severe dependent upon the type of drug, quantity of the drug, and any prior offense. Simple possession of controlled substances will earn civil fines up to \$10,000 per violation, jail sentence and denial of Federal benefits. Manufacture, sale or distribution of all scheduled drugs: prison sentence or a FELONY. (See Peralta Community College District Schedule of Classes, College Catalog and the Personal Safety Handbook). State laws vary and may be more severe.

## **1. Annual Notification**

**An annual notification will be sent to all students and employees.**

The Vice Chancellor of Academic Affairs (or designee) will ensure that the District's Drug Abuse and Alcohol Prevention Program (DAAPP) will be emailed to all students following the census deadlines for each term, in addition to October and March each academic year to ensure all students receive the notification of when they enroll. The notification will include the consequences of illicit drug and alcohol abuse violations on campus, including possible criminal sanctions and student disciplinary actions up to and including expulsion pursuant to applicable state/Federal law and District policy and administrative regulations. The purpose of such sanctions and discipline is to urge the student to begin the personal process of rehabilitation. The notification will also provide a list of campus and community resources available to all students, such as counseling and rehabilitation for persons with alcohol or drug related problems.

The Vice Chancellor of Human Resources (or designee) will ensure the information is available on the District's website and that all new employees receive a copy of the District's policies and procedures related to preserving a drug and alcohol-free workplace during new employee orientation with Human Resources. All new employees will be required to sign an acknowledgment attesting that they received a copy of the annual notification and related policies and procedures. A copy of this acknowledgment will be placed in their personnel file.

The notification will include:

- Standards of conduct that clearly prohibit, at minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees;
- A description of appropriate legal sanctions for violation of local, state, or Federal laws for the unlawful possession or distribution of illicit drugs and alcohol;
- A description of the health risks associated with the abuse of illicit drugs or alcohol use.
- A list of drug and alcohol programs (counseling, treatment, rehabilitation, and re-entry) that are available to employees or students;
- A clear statement that the Peralta Community College District will impose disciplinary sanctions on students and employees for violations of the standards of conduct and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution.

## **2. Standards of Conduct**

### **Employees:**

The unlawful possession, purchase, manufacture, use, sale or distribution of illicit drugs and alcohol by employees on college/district property or at any of its activities is prohibited. The Peralta Community College District (PCCD) will impose sanctions, consistent with local, State, and Federal law, for violations of PCCD alcohol and drug policies as stated in college policies or employee handbooks/manuals. Disciplinary action may include corrective discipline, counseling, (faculty) reassignment, verbal warnings, documented warnings, probation, suspension with or without pay, and discharge for employees and/or referral to local law enforcement for prosecution.

If an employee is convicted of violating criminal laws concerning alcohol or drugs, in addition to civil action, the employee may be subject to termination. Legal sanctions may include classes, community service, fines, prison terms, loss of driving privileges, and mandated rehabilitation programs. In addition, failure to disclose previous convictions on a job application is grounds for termination.

### **Students:**

Students are responsible for complying with all college regulations and for maintaining appropriate course requirements as established by the instructors.

Disciplinary action may be imposed on a student for violation of college rules and regulations, the California Education Code, California Penal Code, and the California Administrative Code. Student misconduct may result in disciplinary action by the college and prosecution by civil authorities.

Misconduct that may result in disciplinary action includes, but is not limited to, the following violations:

The use, sale, or possession on campus of, or presence on campus under the influence of, any controlled substance, or any poison classified as such by Schedule D in Section 4160 of the Business and Professions Code or any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; of unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5. (Administrative Procedure 5500).

### **Disciplinary Actions:**

- Students facing disciplinary action are subject to any of the following actions:
- Reprimand (written or verbal) – An admonition to the student to cease and desist from conduct determined to violate the Code of Student Conduct. Written reprimands may become a part of the student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become a part of the student's record at the college for a period of up to one year.
- Probation – A period specified for observing and evaluating a student's conduct, with or without special conditions. Probation will be imposed for a specific period of time; the student is considered removed from probation when the period expires.
- Violation of any conditions during the period of probation maybe cause for further disciplinary action.
- Loss of Privileges and Exclusion from Activities – Exclusion from participation in designated privileges and extracurricular activities for a specified period. Violation of any conditions or Code of Student Conduct during the period of sanction maybe cause for further disciplinary action.
- Educational Sanction – Work, research projects, counseling, or community service projects may be assigned. Violation of any requirements of assignment or Code of Student Conduct during the period of sanction may be cause for further disciplinary action.

- Treatment Requirement -Require enrollment in anger management, drug and alcohol rehabilitation treatment. Such requirement must receive prior approval from the Vice President of Student Services (or designee).
- Group Sanction – Sanctions for the misconduct of groups or organizations may include temporary or permanent revocation or denial of group registration as well as other appropriate sanctions.
- Removal from Class–Exclusion of the student by an instructor for the day of the removal and the next class meeting. Instructor must immediately report the removal to the Vice President of Student Services (or designee).
- Exclusion from Areas of the College – Exclusion of a student from specified areas of the campus. Violation of the conditions of exclusion or Code of Student Conduct during the period of exclusion may be cause for further disciplinary action.
- Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the Campus Police for any person to remain on campus in accordance with California Penal Code Section 626.4/626.6 where the Campus Police has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus. Any person as to whom consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest.
- Short-term Suspension -Exclusion of the student by the President (or designee) for good cause from one or more classes for a period of up to ten consecutive days of instruction.
- Long-term Suspension–Exclusion of the student by the President (or designee) for good cause from one or more classes for the remainder of the school term or school year, or from all classes and activities of the college and District for one or more terms.
- Expulsion – Exclusion of the student by the Board of Trustees from attending all colleges in the District.
- Disciplinary action may be imposed on a student by:
- A college faculty member whom may place a student on probation or remove the student from class and/or a college activity for the remainder of that class/activity period.
- The President (or designee) who may impose any form of discipline, including summarily suspending a student when deemed necessary for the welfare and safety of the college community. Peralta Community College District AP 5500.
- The President who may recommend “expulsion” to the Chancellor.
- The Board of Trustees who may terminate a student’s privilege to attend any college of the District.

**Student Grievance:**

- Students who believe that they have been improperly subjected to any of the disciplinary measures stated in this policy may file a Student Grievance with the Vice President of Student Services in accordance with Board Policy 5530 Student Rights and Grievance.
- Students in Allied Health Programs: Board Policy 5531 (Allied Health: Student Appeal of Dismissal for Clinical Performance) may apply in lieu of this Board Policy to students who are enrolled in the Allied Health program for clinical performances.

Peralta Community College District supports the laws and regulations of the United States of America, the State of California, as well as the counties and cities in which our outreach sites are located. Each student and employee are expected to do the same. Applicable legal sanctions under state, local, and Federal law can include forfeiture of personal property and real estate, fines, revocation of driver’s license, probation,



parole, imprisonment, mandatory minimum sentences, and deportation for non-US citizens.

For further information, refer to:

Administrative Procedure 3550, Preserving a Drug-Free Environment for Employees; Administrative Procedure 3551, Preserving a Drug-Free Environment for Students; Administrative Procedure 5500, Standards of Student Conduct and Discipline Procedures and Due Conduct  
<http://web.peralta.edu/trustees/bps-aps/>

## **Legal Sanctions**

The Peralta Community College Police Department enforces all Federal and state laws and local ordinances.

## **Federal**

Federal Trafficking Penalties table, obtained from the U.S. Drug Enforcement Administration is provided below:

<https://www.dea.gov/druginfo/ds.shtml>

## **State**

In addition to the information listed above, a complete listing of California substances, how they are placed on the schedule and additional drug information, can be found below: <http://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html>

Alcohol and drugs are toxic to the human body. Substance abuse may result in a wide array of serious health and behavioral problems and has both long and short-term effects on the body and the mind. In addition to the problem of toxicity, contaminant poisonings often occur with illegal drug use. HIV infection with intravenous drug use is a prevalent hazard.

Acute health problems may include heart attack, stroke, and sudden death, which can occur for first-time cocaine users. Long lasting effects caused by drug and alcohol abuse can cause problems such as disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, possible memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

Listed below are additional Health Risks due to Alcohol Abuse:

- Known health risks include increased risk of injuries, violence, fetal damage (in pregnant women), depression, neurologic deficits, hypertension, liver and heart disease, addiction and fatal overdose.
- Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease. Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that result in harm to one's health, interpersonal relationships, or ability to work.

## **Substance and Possible Long-Term Effects**

### **Alcohol**

Toxic psychosis, physical dependence, neurological and liver damage, fetal alcohol syndrome, impaired judgment.

### **Amphetamines**

Loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, rebound depression.

### **Barbiturates**

Severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence, impaired judgment.

### **Benzodiazepines**

Impaired judgment, sedation, panic reaction, seizures, psychological dependence, physical dependence.

### **Cocaine**

Loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, psychosis, chronic cough, nasal passage injury, hallucinations.

### **Codeine**

Physical dependence, constipation, loss of appetite, lethargy, respiratory depression.

### **Heroin**

Physical dependence, constipation, loss of appetite, lethargy, respiratory depression.

### **Inhalants**

Psychological dependence, psychotic reactions, confusion, frozen airway, sudden death.

### **LSD**

May intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, flashbacks.

### **MDA, MDMA, MOMA**

Same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, paranoia.

### **Marijuana (cannabis)**

Bronchitis, conjunctivitis, mood swings, paranoia, lethargy, impaired concentration.

### **Mescaline (peyote cactus)**

May intensify existing psychosis, hallucinations at high dose.

### **Methamphetamine**

Increased wakefulness, increased physical activity, decreased appetite, increased respiration, rapid heart rate, irregular heartbeat, increased blood pressure, and increased body temperature.

**Methaqualone**

Coma, convulsions.

**Morphine**

Physical dependence, constipation, loss of appetite, lethargy.

**PCP**

Psychotic behavior, violent acts, psychosis, hallucinations at high dose.

**Psilocybin**

May intensify existing psychosis.

**Steroids**

In adolescent girls and in women, anabolic steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris. In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer (Drugs of Abuse, 2017, [www.DEA.GOV](http://www.DEA.GOV).) Cholesterol imbalance, acne, baldness, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, depression.

**Drug and Alcohol Prevention Programs and Resources****Employees:**

Employees may access drug and alcohol treatment programs through the following resources:  
Employee Assistance Plan (EAP) contact: MHN 1800-535-4985

**Students:**

The Peralta district campuses provide information on drug and alcohol treatment and prevention through a variety of means including seminars, courses, and Student Health

**Services (Health Center).**

Note: Not all programs and resources are available at all colleges

- Mental Health Counseling
- Student Health Services Referrals
- Crisis Counseling
- Drug & Alcohol Abuse curriculum offered through Peralta Community College District
- Health Fairs
- Referrals to Community-Based Substance Abuse and Treatment Services

**Campus Health Services Contacts:**

- College of Alameda: Room F 105 (510) 748-2320
- Berkeley City College: Wellness Center 2000 Center Street, Suite 100 Laney College: Student Health Center (510) 464-3332
- Merritt College: Health Services Center (510) 436-2533

## **Additional Resources**

### **Drug Problems**

- Narcotics Anonymous (NA) – Self-help program for recovery for individuals with drug problems (510) 444-4673 [www.naalamedacounty.org](http://www.naalamedacounty.org) or [www.sfna.org](http://www.sfna.org)
- Nar-Anon: Self-help program for recovery for those in a relationship with individuals who have drug problems. (510) 526-2455
- Alcohol Problems
- Alcoholics Anonymous (AA): Self-help program of recovery for individuals with alcohol problems. (510) 839-8900 [www.eastbayaa.org](http://www.eastbayaa.org)
- Al-Anon: Self-help program for recovery for those in a relationship with individuals who have alcohol problems. (510) 276-2270
- Co-Dependency Anonymous (C.O.D.A.): Self-help program for recovery for adults who have co-dependency issues. (415) 905-6331
- Adult Children of Alcoholics (A.C.A.): Self-help programs of recovery for individuals whose parent(s) have/had an alcohol problem.
- LGBTQ Addiction Resources (877) 625-9099 [www.ridgefieldrecovery.com/rehab-resources/lgbtq-addiction/](http://www.ridgefieldrecovery.com/rehab-resources/lgbtq-addiction/)
- SAMHSA—Substance Abuse and Mental Health Service Administration Department of Health and Human Services
- [http://www.samhsa.gov/treatment/treatment\\_public\\_i.aspx](http://www.samhsa.gov/treatment/treatment_public_i.aspx) 1-800-662-4357
- California Department of Drug and Alcohol Programs <http://www.adp.cahwnet.gov/>
- Resources: <http://www.soberrecovery.com/links/californiatreatmentcenters.html>

### **Community Crisis Lines**

- Students who are experiencing a Behavioral Health emergency should call 9-1-1.
- Students who need information about handling a mental health crisis should speak to a trained counselor who can help with their specific situation.

### **Campus Student Health Resources**

- College of Alameda: Room F 105 (510) 748-2320
- Berkeley City College: Wellness Center 2000 Center Street, Suite 100
- Laney College: Student Health Center (510) 464-3332
- Merritt College: Health Services Center (510) 436-2533

### **Crisis Line Resources:**

- Crisis Support Services of Alameda County <http://www.crisissupport.org/> (800)273-8255
- The Soldiers Project [www.thesoldiersproject.org](http://www.thesoldiersproject.org) (877)576-5343
- The Trevor Project <http://www.thetrevorproject.org> (866) 488-7386
- Peralta.edu, Berkeley City College Wellness Center, Ibid. (Drugs of Abuse)

## **H. Alcohol Use**

The Peralta Community College District forbids the possession and consumption of alcoholic beverages at all campuses and the selling or furnishing of alcoholic beverages to others. Please see item B for exceptions

where it may be permitted. Clubs, groups, and events associated with Peralta District colleges must abide by alcohol and substance regulations, whether on-campus or not. The Peralta District colleges regularly promote alcohol-free or “dry” events on campus.

**1. Peralta Community College District Administrative Procedures (AP) AP 3560 ADMINISTRATIVE PROCEDURE 3560 ALCOHOLIC BEVERAGES**

The possession, sale, or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the District’s campus police or responsible security officers. The campus has been designated “Drug free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and Federal laws.

Such laws are strictly enforced by the District’s campus police or responsible security officers. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies, or laws may be subject to sanctions by the District.

Alcoholic beverages on campus are permitted if:

- 1) The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the College President.
- 2) A student of at least 18 years of age tastes, but does not swallow or consume, beer or wine for educational purposes as part of the instruction in an enology or brewing degree program, and the beer or wine remains in the control of the instructor.
- 3) The alcoholic beverage is for use during a non-college event at a performing arts facility built on District property and leased to a nonprofit public benefit corporation.
- 4) The alcoholic beverage is wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- 5) The alcoholic beverage is wine that is for use during an event sponsored by the District or the Peralta Colleges Foundation in connection with the District’s instructional program in viticulture or the District’s instructional program in enology.
- 6) The alcoholic beverage is possessed, consumed, or sold, pursuant to a license or permit obtained for special events held at the facilities of a public community college during the special event.

"Special event" means events that are held with the permission of the governing board of the community college district as delegated for approval by the College President (if the special event is held at the college) or by the Chancellor (if the special event is held at the district office) that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.

- 7) The alcoholic beverage is acquired, possessed, or used during an event sponsored by the District or the Peralta Colleges Foundation at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility.
- 8) The alcoholic beverage is for use during a fundraiser held to benefit a nonprofit organization that has obtained a license under the Business and Professions Code to do so provided that no alcoholic beverage can be acquired, possessed, or used at a football game or other athletic contest sponsored by the District. D. The alcoholic beverage is acquired or consumed pursuant to a license or permit obtained for special events held at facilities of a community college district at a time when students are not on the grounds. "Facilities" includes, but are not limited to- office complexes, conference centers, or retreat facilities.

Reference: Business and Professions Code Sections 24045.4, 24045.6, 25608 and 25658; 34 Code of Federal Regulations Section 668.46(b) Approved by the Chancellor: October 25, 2014, Revised and approved by the Chancellor: June 15, 2015 Revised by the Chancellor: February 11, 2016.

## **2. Health Risks and Effects of Alcohol**

Alcohol consumption causes several marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described (Drug- Free Schools and Campuses, Part 86, U.S.C.)

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver (Ibid.)

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics (Ibid.).

**3. Alcohol Poisoning is a Medical Emergency. Call 911 for help. You could save someone's life.**

Know the signs:

- Passed out or awake
- Cold, clammy, pale, or bluish skin
- Slowed breathing
- Vomiting while asleep or awake

Know how to help:

- Turn a vomiting person on his or her side to prevent choking
- Clear vomit from the mouth
- Keep the person awake
- NEVER leave the person unattended

**4. Warning Signs of a Substance Abuse Problem**

- Accidents and injuries: Evidence of falls, cuts and bruises; Involvement in motor vehicle accidents due to alcohol.
- Increased interest in alcohol: Talking about it, talking about buying it, talking about activities that center on alcohol use.

**5. Places to Get Help**

- Drug & Alcohol Programs
- Narcotics Anonymous (510) 444-4673
- Alcoholics Anonymous, Oakland (510) 839-8900
- Berkeley Addiction Treatment (510) 644-0200
- Narcotics Education League (510) 419-1040
- Anonymous Addiction Support Group (510) 748-2320

**6. Peralta Board Policies- Drug Free Environment and Drug Prevention**

As a condition of employment, every employee shall abide by the terms of this policy. Any employee who violates this policy is subject to District sanctions, including dismissal, as well as criminal sanctions provided by Federal, state, or local law. An employee maybe required to participate in a drug abuse or drug rehabilitation program.

**BOARD POLICY 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM**

The District shall be free from all drugs and from the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The use of tobacco products is also restricted as detailed in Administrative Procedure AP 3570 Use of Tobacco.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District. Any student or employee who violates this policy will be subject to arrest, citation, and/or disciplinary action (consistent with local, state, or Federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

The District recognizes substance dependency as treatable and encourages employees with substance-dependency problems to take advantage of the District's Employee Assistance Program. Drug awareness workshops will be offered periodically to inform employees and students of the dangers of substance abuse, the availability of counseling, rehabilitation, and assistance programs, and to notify employees and students of the penalties that may be imposed for violations.

The Chancellor shall assure that the District annually distributes the information required by the Drug-Free Schools and Communities Act Amendments of 1989 to each student and employee and adopts procedures to ensure that those enrolled or hired after the initial annual distribution are provided with the required information. The Chancellor shall also assure that the District complies with other requirements of the Act, including a biennial review of the District's Drug Abuse and Alcohol Prevention Program (DAAPP).

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

Administrative Procedures 3550, 3551, 3570 Replaces: Board Policy 2.32 Preserving a Drug-Free Environment Board Policy 2.31.1 Preserving a Drug-Free Environment – Students Approved by the Board of Trustees: March 12, 2018

#### **ADMINISTRATIVE PROCEDURE 3551 PRESERVING A DRUG FREE ENVIRONMENT FOR STUDENTS**

Board Policy 3550 requires the Peralta Community College District to maintain campuses where students are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances and from the use of alcohol.

For purposes of this administrative procedure, campus shall mean those places where a student is engaged in an authorized college activity. The campus includes property owned or leased by the District, property used by the District for student participation in field trips, field study, athletic competition, or study travel programs; and District or private vehicles while being used for official District business.

All students are required to comply with this procedure to remain in good standing and as a condition of continued attendance in any of the District's colleges. Any violation of this procedure will be cause for disciplinary action against the student, up to and including expulsion, and/or may require the student to participate satisfactorily in a substance abuse assistance or rehabilitation program. Student discipline shall be accomplished in accordance with the provisions of AP 5500 Student Discipline Procedures.

Any student who needs information about substance abuse treatment may consult a counselor, who can provide the student with information about available treatment resources. The District does not provide substance abuse treatment.

The Vice Chancellor of Academic Affairs (or designee) will ensure that the District's Drug Abuse and Alcohol Prevention Program (DAAPP) will be emailed to all students following the census deadlines for each term, each academic year to ensure all students receive the notification regardless of when they enroll. The notification will include the consequences of illicit drug and alcohol abuse violations on campus, including possible criminal sanctions and student disciplinary action up to and including expulsion pursuant to



applicable state/Federal law and District policy and administrative regulations. The purpose of such sanctions and discipline is to urge students to begin the personal process of rehabilitation. The notification will provide a list of all campus and community resources available to all students, such as counseling and rehabilitation for person with alcohol or drug-related problems.

A review of the District's Drug Abuse and Alcohol Prevention Program (DAAPP) will occur biennially. The Vice Chancellor of Academic Affairs (or designee), in coordination with the college Vice President of Student Services, will be responsible for conducting the District's biennial review. The review will consist of an assessment from several sources, including, but not limited to, surveys of District students and employees and data-related to reports including alcohol and drug incidents that resulted in a criminal or disciplinary investigation.

Approved by the Chancellor: May 11, 2012. Revised and Approved by the Chancellor: May 8, 2018.

Please consult the policies pertaining to employees here:

[Administrative Procedure 3550: Preserving a Drug Free Environment for Employees](#)

## **7. Peralta Board Polices & Administrative Procedures**

[Administrative Procedures 3560 Alcoholic Beverages](#)

[Administrative Procedures 3551 Preserving a Drug Free Environment for Students](#)

[Board Policy 3550: Drug Free Environment and Drug Prevention Program](#)

## **X. WHAT TO DO IN AN EMERGENCY**

Read this section for an overview on ways to prepare for and respond to an emergency, such as an earthquake or active shooter on campus incident. The District's General Services office and the College's Business Service's department is responsible for the campus Emergency Response Plan. This plan complies with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and incorporates the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The plan incorporates NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster. For extensive information on emergency preparedness, please refer to the District/College's Public Safety webpage: <http://peralta.edu/public-safety/>

### **A. Emergency Notification Plan**

**Peralta District**

| <b>Name</b>              | <b>Title</b>  | <b>Duties</b>  | <b>Phone</b>   |
|--------------------------|---|--|--|
| Dr. Leigh T. Sata        | Vice Chancellor,<br>General Services,<br>Peralta District | The Vice Chancellor is notified of a Level 2 or 3 threat. The Vice Chancellor notifies the Chancellor. The Vice Chancellor also contacts the designee if an emergency alert is deemed necessary. | (510) 466-7336   |
| (vacant)                 | Executive Assistant<br>General Services                   | The Executive Assistant may be contacted if the Vice Chancellor is not immediately available.  | (510) 466-7346   |
| Dr. Jeanette Jackson     | Interim Chancellor<br>Peralta District                    | The Chancellor is notified by the Vice Chancellor and ascertains whether the threat justifies an emergency alert message.  | (510) 466-7207   |
| Julina Bonilla           | Peralta Board of Trustees<br>President                    | The Board President is one of the "key constituents" notified by the Vice Chancellor once the emergency alert has been authorized.   | <a href="mailto:jbbonilla@peralta.edu">jbbonilla@peralta.edu</a> or<br>contact Asst. to<br>Chancellor and Board<br>Clerk Brenda Martinez<br>510-466-7203 |
| Marina Security Services | PCCD District Office                                      | For emergencies at the Peralta District Buildings/Services. Also contact for District-wide Emergency police services.  | <u>(510) 466-7236</u>  |

|               |  |  |                       |
|---------------|--|--|-----------------------|
| Mark Johnson  | Executive Director for Public Information, Communication & Media | Responsible for all mass media collaborations and ongoing communication through Peralta and other outlets. Provides announcements and updates pertaining to the emergency situation. | <b>(510) 466-7369</b> |
| Royle Roberts | Risk & Safety Programs Manager                                   | Responsible for reporting information on safety drills and overseeing risk management at PCCD.   | <b>(510) 466-7264</b> |

*\*Peralta District Cont'd*

**Laney District**

| <b>Name</b>   | <b>Title</b>                                | <b>Duties</b>   | <b>Phone</b>                           |
|---|---|---|--|
| Rudy Besikof  | Interim President Laney College             | The President is a “key constituent” notified by the Vice Chancellor regarding the emergency alert. The President of Laney shall be the designee notified for the campus. | (510) 981-2850                         |
| PCCD Police Services<br>Laney Emergency Services  | Emergency Response Team                     | Level 1 Threats utilize mostly campus emergency services. Police Services at relevant campuses are consulted regarding the contents of the alert.                         | Emergency<br>(510) 466-7236<br>Or, 911 |
| Oakland Police Department<br>(in coordination with Laney police, city and county response agencies) | Emergency Response Team                     | Threat Levels 2 and 3 require much more coordination with the local police departments and their network of response agencies.  | Emergency<br>(510) 777-3211<br>or, 911 |
| Dolores Maxine Bernal<br>Office of Public Information   | Public Information Office, Laney College    | Responsible for Coordinating Laney campus’s media response, including Emergency Information   | (510) 986-6922                         |
| Amy Marshall<br>Business Services, Laney  | Director of Facilities & College Operations | Responsible for the Laney Emergency Response Plan. Often receives emergency alerts and assists with coordinating emergency operations and staff                           | (510) 464-3232                         |

**Merritt College**

| <b>Name</b>  | <b>Title</b>  | <b>Duties</b>  | <b>Phone</b>                 |
|--|---|--|------------------------------|
| Dr. David Johnson  | President Merritt College                           | The President is a “key constituent” notified by the Vice Chancellor regarding the emergency alert. President of Merritt College shall be the designee notified for the campus | (510) 436-2416               |
| Victoria Menzies   | Int. Director of Business & Administrative Services | Responsible for the COA Emergency Response Plan. Can receive emergency alerts and assist with organizing operations.   | (510) 434-3891               |
| Marina Security Services, Merritt College Emergency Services                                       | Emergency Response Team                             | Level 1 Threats utilize mostly campus emergency services. Police Services at relevant campuses are consulted regarding the contents of the alert                               | (510) 436-2254 or <b>911</b> |
| Oakland Police Department (in coordination with Merritt police, city and county response agencies) | Emergency Response Team                             | Threat Levels 2 and 3 require much more coordination with the local police departments and their network of response agencies.   | (510) 777-3211 or <b>911</b> |

## College of Alameda

| <b>Name</b>  | <b>Title</b>                                   | <b>Duties</b>  | <b>Phone</b>                        |
|--|--|--|-------------------------------------|
| Dr. Nathan Jones III   | President, College of Alameda (COA)            | The President is a "key constituent" notified by the Vice Chancellor regarding the emergency alert. President of COA shall be the designee | 510-748-2273                        |
| Alameda Police Department (in coordination with COA police, city and county response agencies) | Emergency Response Team                        | Threat Levels 2 and 3 require much more coordination with the local police departments and their network of response agencies.             | Emergency<br>510-522-2423 or<br>911 |
| Chungwai Chum  | Director of Business & Administrative Services | Responsible for the COA Emergency Response Plan. Can receive emergency alerts and assist with coordinating emergency operations and staff. | 510-748-2211                        |

**Berkeley City College**

| <b>Name</b>  | <b>Title</b>                                  | <b>Duties</b>   | <b>Phone</b>   |
|--|---|---|----------------|
| Dr. Angélica Garcia  | President Berkeley City College (BCC)         | The President of BCC is a “key constituent” notified by the Vice Chancellor regarding the emergency alert. President of BCC shall be the designee Notified for the campus | (510) 981-2850 |
| Staff varies   | BCC Security Desk                             | Emergency services provided on campus Level 1 Threats utilize mostly campus emergency services  | (510) 981-2975 |
| Berkeley Police Department Emergency Services<br>(in coordination with ABC Security, City and County emergency response agencies). | Emergency Response Team                       | ThreatLevels2and3 require much more coordination with the local police departments and their network of response agencies.  | (510) 981-5900 |
| Shirley Slaughter  | Director of Business& Administrative Services | Responsible for the BCC Emergency Response Plan. Often receives emergency alerts and assists with coordinating emergency operations and staff                             | (510) 981-2840 |
| Felicia Bridges Office of Public Information   | Public Information Officer                    | Responsible for Coordinating campus’s media response, including Emergency Information   | (510) 981-2852 |

## **B. Summary-Procedures for Disseminating Emergency Information**

In the event of a situation that poses an immediate threat to members of the campus community, the College has various systems in place for communicating information quickly. The protocol and responsible parties along with their duties are indicated above in Item A. Some or all these methods of communication may be activated in the event of emergency notification to allow segment of the campus community. These methods of communication include the mass notification system Blackboard Connect, the College's email system, and verbal announcement within a building and public-address systems on police cars. The College will post updates during a critical incident on the homepage. If the situation warrants, the College will establish a telephone call-in center to communicate with the campus community during an emergency. If the District/College activates its emergency notification system in response to a situation that poses an immediate threat to members of the campus community.

Primarily the Public Information Officer is responsible for crisis communications and for maintaining communications with national, regional, and local news and radio outlets.

## **C. Emergency Notification & Communication Procedures**

Peralta Community College District ("PCCD") and its Colleges have plans for communicating with its campuses, via Blackboard Connect Network, that will be activated during an emergency. The Blackboard Connect Network system provides information and updates regarding emergencies directly to student cellphones, email accounts, and other electronic messaging devices. For certain emergencies, such as fire, building alarm systems will be used.

Mass telecommunications and digital communications should be utilized when there is a District/ College emergency or when an urgent need-to-know message warrants its' use and should be used sparingly and for emergencies only. See sub-section E. below for specifics.

As the Blackboard Connect system works with student's information inputted into the District's system, if you are new to PCCD and one of its Colleges, please provide your contact information during enrollment process or to the Admissions and Records office to ensure you are included in all emergency announcements. You may update your contact information online in the Student Passport System.

### **EMERGENCY BLUE PHONES**

Emergency Blue Phones are installed on various locations on the campuses of Laney and Merritt Colleges. The presence of these phones on campus cannot guarantee your safety but can play an important role in your personal security and the security of the campuses in general. If you are new to the Peralta Community College District, familiarize yourself with the location of the blue phones along your route; they are listed in the Personal Safety Handbook, Please know that misuse of the blue phones can result in disciplinary action.



As part of our commitment to ensuring the safety of students, faculty and staff, the Peralta Community College



District is pleased to offer a free smartphone app called “Campus Shield.” Features of the app include:

- Emergency button that directly contacts Marina Security Services in emergency situations
- Submit a Tip to anonymously report to Police Services
- Friend Watch to allow a friend to track your walk across campus
- Campus Resources for information about parking and security services
- Additional Features like non-emergency numbers, safety map, and AC Transit information

#### Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System

The Police and other campus authorities may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community.

**Please refer to the table at sub-section A.**

Generally, campus first responders become aware of these situations when they are reported to the Police or upon discovery during patrol or other assignments. In the event of an emergency, the College will notify affected members of the campus community without delay, considering the safety of the community unless issuing a notification will, in the professional judgment of the Sheriff or their designees, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

College and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the College community should receive the notification. The students and employees nearest to the proximity of the crime or incident will be notified first. Later, the alert will be expanded to the greater campus population, depending on the severity of the crime and whether it's an ongoing or continuing threat.

Peralta District Policy for Emergency Alerts and Timely Warnings What Are the Differences between Emergency Alerts and Timely Warnings? According to the Clery Center, Emergency Alerts and Timely Warnings are “Separate and Distinct”

#### **a. Emergency Notifications**

- Broader Focus- any significant emergency or dangerous situation
- Anywhere on campus
- Entire campus or segment(s)
- Issue alert immediately upon confirmation

#### **b. Timely Warnings**

- Narrower Focus- Clery Act crimes
- Clery Act geographic area
- Reach entire campus community
- Issue warning as soon as pertinent information is available

It is the Peralta Community College District's policy to issue “Timely Warnings” and Emergency Notifications in accordance and compliance with the Federal Clery Act guidelines.

**c. It is the Peralta District's goal to enact:**

- "Timely warnings"
- "Emergency notification and evacuation"

**d. When the crime incident or situation poses:**

- "Immediate threat to the health and safety of students or employees occurring on campus"
- "Timely warnings" and "emergency notification and evacuations" must be accomplished.
- "Without delay and taking into account the safety of the community"

("Clery Act: Basics, Participant Manual" pages 38-39, 2018 copyright CLERY CENTER FOR SECURITY ON CAMPUS, INC.)

The district authorities, governance, and safety staff member's goals are to notify students, staff, and all employees of a serious threat of an ongoing crime. The ongoing crime could possibly repeat or pose as an ongoing threat. The Clery Act requires transparency and campus accountability in order to ensure campus safety and keep students and employees from harm. Specific crimes mandate a timely warning notice. These crimes have taken place on campus property, the perimeter, or in campus buildings or other campus-related buildings including those off-campus according to Clery Geography guidelines.

**What Constitutes Issuance of a Clery Timely Warning Notice?**

Clery Timely Warning Notices are specifically related to compliance with the Federal Clery Act, which requires colleges and universities to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated--so that campus community members can protect themselves from harm. The Clery Act identifies specific crimes that require a timely warning notice to be issued, when crimes are reported to officials with significant responsibility for student and campus activities, campus safety, or the local police and the reported crime(s) are believed to have occurred on campus, in or on non-campus buildings or property, or on public property contiguous to the campus.

**Clery Crimes that mandate a Timely Warning Alert include:**

- Criminal Homicide
- Sex Offenses, including sexual assault
- Robbery
- Aggravated Assault
- Burglaries (occupied rooms/offices/structures)
- Robbery
- Assault
- Hate Crimes
- Persons with weapons who intend to use them
- Threats of violent crime
- Situations where suspect is not known
- The above Clery Act Crimes also qualify for crimes which "represent a serious or threat" to the victim and the safety and well-being of students and employees.

Criteria for a Clery Timely Warning Notice:

- The Clery Act does not define what is timely. However, the warning should be issued as soon as pertinent information is available, because the intent of a Clery timely warning is to alert the campus community of continuing threats to enable campus community members to protect themselves.
- CleryAct regulations do not specify what information should be included in a timely warning. It is clear that all relevant information that is helpful to the campus community and ensures the most effective safety protocols and procedures should be included.
- The warning will identify the type of reported Clery crime, the time and location at which the reported crime occurred, and specific advice to the campus community regarding steps Timely warning notices should be decided on and disseminated by a “case-by-case basis” that considers all of the facts surrounding a crime, including the type or nature of the crime, the continuing danger to the campus community and the considerations that some campus and local law enforcement operations and information must remain unknown in the interests of proper containment, enforcement of the law, and other safety factors to protect law enforcement personnel and the community.
- Emergency Notification responses following an incident are also implemented by a “case-by- case-basis” to ensure the best outcome.
- Students and employees, please take safety precautions and follow emergency procedures and safety tips to take to avoid becoming a victim. Emergency procedures are outlined for each type of incident in section I of this ASR, and flipcharts with emergency instructions are in every classroom.
- The College may issue Emergency Notifications or Timely Warnings for the entire campus or campus-wide notifications, “or to the appropriate segment or segments of the campus community” (Ibid. pages 40-41.)
- Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first.

**D. Various Means in Which Peralta District Emergency/Alerts and Timely Warning Notice Are Issued**

Emergency Alerts and Timely Warnings will commence upon confirmation by the Vice Chancellor and the Chancellor of a substantial emergency, dangerous, crime or incident impacting the campus community and/or the surrounding communities by the District’s Public Information Officer of Department of Public Information, communications & Media. If not available, the Chancellor’s, other campus Public Information Officers, and the Information Technology staff may work together to coordinate all forms of campus alerts and media outlets.

The primary method of communicating with the campus community is the Blackboard Connect Network. New students will be registered for the Blackboard Connect Network during the enrollment process.

Please update your contact information through the Student Passport System so that it is current. The student will enter their phone numbers up to six, which may include family members. This fully hosted and Web-based system will leave thousands of messages and the same messages at the student or employee's e-mail within minutes.

1. Please note all methods as follows and keep this information readily available
  - Blackboard Connect Network- This network will quickly send alerts and critical information to student and staff cell phones with voice or text messages and to home phones, work phones, TTY/TTD, and E-mail.
  - Facebook- The Peralta Colleges
  - Twitter- @ The Peralta Colleges
  - Instagram- Peralta Colleges
  - YouTube- <http://www.youtube.com/peraltatv>
  - Peralta TV: channels Comcast 27, 28
  - Peralta TV: AT&T U-verse Channel 99
  - Peralta News website-Gov Delivery-- <http://web.peralta.edu/peraltanews>
  - Radio- KGPC 96.9 broadcasts 7 pm- 7 am, [kgpc969.org](http://kgpc969.org)

## 2. The Red Cross

The Red Cross provides a service called "Safe and Well" to communicate with friends and family during an emergency. Registrations and searches can be done directly on the website.

English - [www.redcross.org/safeandwell](http://www.redcross.org/safeandwell)

Spanish - <https://safeandwell-es.communityos.org/zf/safe/add>

Registrations can also be completed by texting SAFE to 78876. Messages exist in both Spanish and English. To speak with someone at the American Red Cross concerning a missing friend or relative, please contact 1-800 Red Cross.

Source: The Red Cross <http://www.redcross.org/news/article/Learn-More-about-Red-Cross-Safe-and-Well-App-Feature-and-Website>

## E. Determining the Contents of the Emergency Notification

The District/College in conjunction with Marina Security Services will determine the contents of the notification based on each situation. The College has developed a wide range of template messages addressing several different emergency situations. The Chancellor, with assistance from campus police, the Public Information Officer, and District Information Technology staff will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, together they will develop the

most succinct message to convey the appropriate information to the community. The goal is to ensure that individuals are aware of the situation, and they know the steps to take to safeguard their personal and

community safety.

#### **F. Emergency Preparedness Drills and Tests**

District/College conducts periodic drills and test of its emergency procedures. If you are notified of a drill or test, please follow all provided instructions as these instructions are designed for your safety. If you find yourself part of an unannounced drill or test, please treat this type of drill as an actual emergency and follow instructions. You may be notified of drills and tests with the Blackboard Connect Network System or by campus announcements and postings. Please pay attention to all information on Emergency Preparedness drills and tests.

Annually, the District campuses conduct emergency management drills and exercises to test emergency procedures. The scenarios for these exercises change from year-to-year and may include several departments from across each campus. To ensure the District/College emergency management plans remain current and actionable, each College will conduct an emergency management exercise, at a minimum once yearly. These exercises may include drills, tabletop exercises, emergency operations center exercises, or campus-wide emergency response exercises. The District/College conducts after-action reviews of all emergency management exercises above a tabletop exercise. In conjunction with at least one emergency management exercise each year, the District/College will notify the community of the exercise and remind the community of the information included in the District/College's information regarding emergency response procedures that is made available to the public.

#### **G. Safety Drills and Their Descriptions**

The following includes drills with all relevant and mandated descriptions, announcements, and staff communications that provide valuable insight into safety drill information, instructions, and preparations. Peralta safety staff is regularly attending trainings for evacuation procedures in different scenarios.

#### **Sample Text / Announcement: (Laney College)**

*Hello Colleagues,*

*I have approved the Health, Safety and Security Committee Plan for an evacuation drill on Thursday, April 7, 2016. The drill will simulate an evacuation of the Laney College campus. There will be a drill at 10:00 a.m. for daytime classes and at 6:15 p.m. for evening classes.*

*For those classes that will be meeting or offices that are open on Thursday, please review the following instructions for the drill with your students and/or staff prior to the drill. The instructions will be provided by a separate email and are summarized below:*

- When the Fire Alarm Sounds, inform your students and/or staff that the sound and strobe light is the fire alarm.*
- Inform students and/or staff not to panic, take all personal belongings and proceed to the nearest exit*
- Follow pre-planned procedures for evacuation of students identified with disabilities*

- Faculty/staff should take all personal belongings and appropriate classroom material with you
- Check to be sure the room is cleared and LOCK THE CLASSROOM DOOR when you exit
- Upon exiting, proceed to North Assembly area along 10th Street or South Assembly Area in the Laney Parking Lot
- Assemble in the evacuation area and wait for the ALL CLEAR by the Drill Officials
- When ALL CLEAR is announced, resume your normal routine, and return to classrooms or offices.

Faculty, administrators, classified staff, and students on campus that are not in classes in the selected buildings for the drill should immediately proceed to one of the evacuation areas as stated above and at the designated time of the drill.

College President

**Sample – Laney College Fire Evacuation Drill Report:**

*SUMMARY on April 7, 2016, Laney College conducted a Fire Evacuation Drill. Evacuation incident command team members gathered in the Laney Tower Room T-850 on the following dates for planning meeting and pre-drill preparation meeting: a. Planning Meetings – 3-17, 3-24 and 4-5, 2016 b. Pre-drill Preparation*

**Meeting - 4-17 at 9 a.m. and 5:15 p.m. T850**

*At the Planning Meeting, the following items were discussed with feedback from the Evacuation Drill Team members: Overview of Evacuation Drill, Roles and Responsibilities of Drill Team members, Pre-drill Preparation Meeting, Command Center location and Equipment lists instructions. At the Pre-Drill Prep meeting, a role call was conducted first. Assignments were made with updates to fill any gaps in coverage. Bullhorns, Roles and Responsibilities, Incident Command Backpacks and Assembly Area maps were distributed to team members. Radios were tested.*

*The morning drill started at 10:00am and ended at 10:35a. The drill lasted for a total of 24 minutes and all fire alarms were pulled at all buildings on campus. All building alarms sounded except the alarms at Building F. The evening drill started at 6:00p and ended at 6:18p. Marina Security Services supported both drills by being present on campus. Staff, faculty, and students on the Laney Campus were evacuated to four Emergency Zones in the North, South, Childcare and Fieldhouse Assembly areas in the morning drill and only two during the evening drill with the Childcare Center being closed at 5p. The Laney Child Care Center was evacuated to the areas behind the center near the estuary for safety reasons given the construction on 10th Street. There were no major incidents reported except .....*

**The debriefing meeting for the drills will be held on April 12 during the monthly Health and Safety Committee meeting in T750 at 12:30p.**

**DETAILED OBSERVATIONS:** *During the drill, the emergency operations command team witnessed:*  
*a. All building Alarms sounded appropriately except Building F. Manual fire watch is being conducted until the alarm is repaired, and the Campus Safety Aids are performing the fire watch services.*  
*b. Some individuals were dispersed to return to the campus in the assembly areas before the official manual*

notification the drill had ended.

c. Some visitors on campus would not follow instructions to leave the campus or not enter the campus once the drill had started

**MAJOR LESSONS LEARNED** 1. Co-locate Safety Aids and other personnel at main Fallon Street entrance and other main entrances to prevent persons from entering campus during drill. 2. Reinforce during training that the Drill Captains at the assembly areas notify all persons they are not to return to campus until the drill 3. Building F fire alarm repaired, tested and reinstated by District Engineering within 30 days after the fire drill.

**MAJOR ACTION ITEMS** Laney College is planning its next Fire Evacuation Drill for April 2017.

Laney College Fire Evacuation Drill Report December 11, 2015, SUMMARY on December 11, 2015, Laney College conducted a Fire Evacuation Drill. Evacuation incident command team members gathered in the Laney Tower Room T-850 on the following dates for planning meeting and pre-drill preparation meeting: a. Planning Meeting - Thursday, 12-10-15 at 12 p.m. Theatre b. Pre-drill Preparation Meeting - Friday, 12-11-15 at 9 a.m. T850 At the Planning Meeting, the following items were discussed with feedback from the Evacuation Drill Team members: Overview of Evacuation Drill, Roles and Responsibilities of Drill Team members, Pre-drill Preparation Meeting, Command Center location and Equipment lists instructions. At the Pre-Drill Prep meeting, a role call was conducted first. Assignments were made with updates to fill any gaps in coverage. Bullhorns, Roles and Responsibilities, Incident Command Backpacks and Assembly Area maps were distributed to team members. Radios were tested and the leaders discovered most were not operational. Therefore, administrators decided to conduct the drill on a manual communication basis (not using two-way radios) but using team members to run between the North, South, Childcare and Fieldhouse assembly areas and the Command Center located in the Theatre. The drill started at 10:30 a.m. and ended at 11:15 a.m. The drill lasted for a total of 45 minutes and all fire alarms were pulled at all buildings on campus and verification of all alarms sounding was reported. Marina Security supported the drill by being present on campus. Staff, faculty, and students on the Laney Campus were evacuated to four Emergency Zones in the North, South, Childcare and Fieldhouse Assembly areas. The Laney Child Care Center was evacuated to the areas behind the center near the estuary for safety reasons given the construction on 10th Street. There were no major incidents reported except The debriefing meeting after the December 2015 fire drill will be scheduled in February 2016 and prior to the spring 2016 fire drill.

**DETAILED OBSERVATIONS** During the drill, the emergency operations command team witnessed: a. All building Alarms sounded appropriately. b. Certain building alarms could not be reset because the glass tubing was broken, and these tubes separate the alarm activator from the setup switch. c. Some individuals were dispersed to return to the campus in the assembly areas before the official manual notification the drill had ended and certain disabled staff could not exit the building and Sheriffs were not available to assist them. Evacuation chairs need to be purchased to address this before the next drill. d. Due to the fact the radios were not available; there was inconsistent communication amongst the assembly areas and the command center. Some individuals did not follow manual protocols in a timely. e. Some visitors on campus would not follow instructions to leave the campus or not enter the campus once the drill had started

**MAJOR LESSONS LEARNED** a. Laney needs to obtain confirmation from District General Services regarding the status of our radios replacement to assure proper coverage for safety drills and general safety communication on campus. b. Create written protocols for distribution to team leaders for both types of drills: evacuation drill with radio and manual drill with no radios.

**MAJOR ACTION ITEMS**

a. Laney College is planning its next Fire Evacuation Drill for Spring 2016 and TBD

## Sample Drill Signage:

### **\*EVACUATION DRILL SIGNAGE\*\*\***

#### **ALL LANEY CAMPUS BUILDINGS**

**DATE:** Thursday, April 7  
**TIME:** 10 a.m. and 6:15 p.m.  
**DURATION:** 30 minutes  
**DRILL SPONSOR:** Security, Health and Safety Committee

## Sample Evacuation Drill Instruction and Review

*Campus-Wide Emergency Drill Wednesday October 9th, 2017*

### **WHAT DO YOU DO WHEN THE ALARM SOUNDS?**

- Take all your personal belongings with you.
- CALMLY Exit the building
- INSTRUCTORS, ENSURE EVERYONE IS OUT AND THE DOORS ARE LOCKED
- Proceed to your designated assembly area-see map
- REMAIN in your designated assembly area
- Wait for ALL CLEAR announcement from the DRILL LEADER
- STUDENT CLASSES WILL RESUME AFTER THE FIRE DRILL. RETURN TO YOUR CLASSROOM IF YOUR CLASS IS NOT OVER

### **College of Alameda**

*Evacuation Drill Instructions and Review*

*Start Time: 11:00 a.m. Date: 11/17/2015 Building Monitor Drill Instructions:*

#### **Radio Protocol**

1. Begin all radio calls with "COA" [Building Name]" ....
2. End all radio calls with "OUT or CLEAR"
3. If you are asking for a response, end your radio call with "OVER"

#### **CHECK YOUR RADIO STATUS, "COA [Building ....] Radio Check" OUT**

1. Check your equipment, Hardhat, goggles, emergency vest, clipboard, etc...
2. When Alarm sounds, ANNOUNCE: "Take personal possessions"
3. Make sure all persons are exiting and all persons are exiting in an orderly manner
4. Do not let anyone stop for restrooms while exiting
5. As you are exiting, sweep and check that all offices, rooms and areas are empty
6. CALL IN ALL CLEAR to Incident Command Post, "COA [Building Name] ALL CLEAR, OUT"

#### **Record Time:**

1. As you exit, usher all evacuees to proper Evacuation Zone
2. Incident Command will double check All CLEAR status
3. Incident Command to [Building Name] repeat your status



4. Report your status
5. If multiple people are responsible for clearing sections of building, report your status to Lead Building Monitor, if applicable

**“COA [Building Name] ALL CLEAR OUT**

- Incident Command issue ALL CLEAR when you have complete building roll call
- When you receive ALL CLEAR, instruct all evacuees to return to their building Record Time
- Other Instructions and Drill Observations:
  - Did everyone take all personal possessions: \_\_\_\_\_
  - Are all rooms empty and doors locked? \_\_\_\_\_
  - Did everyone evacuate immediately: \_\_\_\_\_
  - Are people moving in an orderly manner: \_\_\_\_\_
  - Are people stopping to use restrooms: \_\_\_\_\_
  - Is everyone proceeding to designated Assembly Area: \_\_\_\_\_
  - Are you able to monitor status of Radio Traffic? \_\_\_\_\_
  - Other \_\_\_\_\_

Map below included with the College of Alameda safety drill announcements. The text above the map indicated basic locations of buildings, etc. and assembly areas for the drill.

**EMERGENCY DRILL ASSEMBLY AREAS BUILDINGS G, C, D, E, CV, ONE STOP, ASTI – C PARKING LOT BUILDINGS A, B, LIBRARY, F, CHILDCARE CENTER– ADMIN PARKING LOT**



Merritt College - **Sample** Earthquake & Evacuation Drill:

Earthquake & EVACUATION DRILL 2019 Updated January 16, 2019 (DRAFT)

INCIDENT COMMANDER: PRESIDENT MARIE BURNS

# of radios: \_\_\_\_\_

| Building                   | A & Child Development Lab School  | D   | E & F   | H   | L  | P   | Q  | R  | ***   | Children's Center  | Perimeter Traffic Control  | Bus Stop   |
|----------------------------|---|---|---|---|--|---|--|--|---|--|--|--|
| <b>Building Monitor</b>    | <p><u>Margaret Dixon</u> (1st Flr)- pulls alarm,</p> <p>2nd Flr Cadets, Inga Marciulionis lead &amp; assist</p> | <p><u>Dan Eng.</u> 1st Fl Pulls alarm; Denise Woodward, Dr. Syed Hussein, COVAH-Neshawn, Dr. Abad, Victor Little assist</p> | <p><u>Brock Drazen</u> pulls alarm, Fred and Ahmad Assist</p> | <p><u>Maril Bull</u> pulls alarm, Lawrence Lee &amp; Molly Assist</p> | <p><u>Jim Gordon;</u> 2nd Flr - Pulls Alarm; Charlotte Victorian &amp; Walter Johnson (1st Fl.), Nghiem Thai (3rd Fl) &amp; Christiana &amp; Isela (3rd Fl) assist</p> | <p><u>Mitra Mofidi</u> or <u>Lee Pulls Alarm</u> (3rd Fl); Simon Tran (1st Fl), Ron Moss (3rd Fl), assist</p> | <p><u>Ron Perez</u> pulls alarm (2nd Fl); Sal Perez, Tara Marrero (2nd Fl), Berenice Herrera &amp; VPI Johnson (3rd Fl) assist</p> | <p><u>Murphy</u> pulls alarm (2nd Fl); H. Kitchen &amp; J. Murphy, Dr. Chavez, Margie Rubio, &amp; Jamila Saleh assist</p> | <p><u>Waaduda Karim</u> pulls alarm (3rd Fl) - See Plan below</p> | <p><u>Newt McDonald</u> or <u>Asia Capers</u> pull alarm(?) Staff follow pre set plan for evacuation</p> | <p>Sheriff &amp; Cadets coordinated with Safety Aid Dispatch</p> | <p>Command Ctr President Burns or VPI Johnson near here or near 2nd Fl Entry to Q Bldg to radio key emergency Responders</p> |
| <b># of Merritt Cadets</b> | 2 Cadets  | 1   | 1   | 1   | 2  | 1   | 1  | 2  | 2   | 3  | Security   | 2  |
| <b>Evacuation Site</b>     | Lot E   | Lot A   | Lot G   | Tennis Court  | Lot C  | Bus Stop  | Lot C  | Lot C South End  | Lot's C(north), & D, & E -- (see below)                           | TBD  |  |  |

**Step I:**

1. All Classrooms including all Students Must Have Viewed the Mandatory Drop, Cover and Hold Video found at the Link sent

**Step II: Drill Instructions for Earthquake:**

1. Fire Alarm Sounds
2. Everybody will perform the Drop, Cover, and Hold as instructed in the 1-minute video or #3
3. Hold on until All Occupants are Directed that it safe to Evacuate Your Areas.
4. Wait for this Guidance to Evacuate your Buildings
5. Instructors: Take Personal Belongings with you
6. Instructors: Remind students to Take all belongings when exiting
7. Every Building Must Be Evacuated to the Outside Locations as
8. Depicted on the attached Evacuation 1 Pager-Schematic See Attachment

**Step III: Return to Buildings?**

1. Only After Your Incident Command Team Member Directs you to do so
2. He/She will Announce “All Clear for Re-entry”

|                |                  |         |              |
|----------------|------------------|---------|--------------|
| Vacant         | <b>1ST FLOOR</b> | 103-120 | <b>LOT E</b> |
| Cadet          | <b>2ND FLOOR</b> | 202-221 | <b>LOT D</b> |
| Waaduda        | <b>3RD FLOOR</b> | 303-315 | <b>LOT E</b> |
| Grace I.       | <b>3RD FLOOR</b> | 316-344 | <b>LOT D</b> |
| Cadet          | <b>3RD FLOOR</b> | 346-354 | <b>LOT C</b> |
| Jason Holloway | <b>4TH FLOOR</b> | 403-419 | <b>LOT E</b> |
| Sinead         | <b>4TH FLOOR</b> | 437-421 | <b>LOT D</b> |
| Kinga          | <b>4TH FLOOR</b> | 444-455 | <b>LOT C</b> |

## **Berkely City College – Sample Safety Drill:**

### **BERKELEY CITY COLLEGE Instructions for Evacuation**

- When the alarm sounds begin to evacuate the building.
- **TAKE THE CLIPBOARD**
- **DO NOT USE THE ELEVATORS**

**Note: The elevators will continue to operate unless there is a fire in the Atrium. Please direct everyone to the stairs. Those with mobility concerns can use the elevator or they can go to the stairwell and wait for assistance.**

- Evacuate by the northwest staircase (front) or center staircase (back).
- Exit to the park located between Martin Luther King and Center Street.
- Once your floor has assembled outside:
- Take roll call.
- Report roll call to Safety Coordinators, Shirley Slaughter, Brenda Johnson.
- "All present," or  
"All but so-and-so accounted for," or
- "Disabled person needs rescue in Room #, southeast stairwell or center stairwell or 2nd floor elevator." Note: Convey this information ASAP!
- When all are accounted for, return to the building only when instructed to do so.

### Emergency Preparedness Floor Monitors

| Floor                     | Location   | Primary                  | Secondary                    |
|---------------------------|--|--------------------------|------------------------------|
| <b>2000 Center Street</b> | Classrooms   | Marina Security Services |                              |
|                           |  |                          |                              |
| <b>Atrium</b>             | Custodial Services, Classrooms, and Auditorium, Eastside of Building       | Anthony Edwards          | Scott Barrington             |
|                           | Associated Students, Classrooms and both restrooms. Westside of Building   | Roger Toliver            | Loan Nguyen                  |
| <b>1st Floor</b>          | Business Office, Financial Aid, A & R Restrooms and the Duplicating Center | John Pang                | Joanna Louie                 |
|                           | LRC, Library and Computer Labs   | Gail Pendleton           | Heather Dodge/<br>John Saenz |
| <b>2nd Floor</b>          | Counseling, DSP&S – West Wing  | Jasmine Martinez         | Martin De Mucha Flores       |
|                           | Classrooms, Labs, ASL, Restrooms – EastWing                                | Phu Le                   | Willis Liu                   |
|                           | Roberto Gonzalez   | Jeejun Bertuso           | Jasmine Martinez             |
|                           | Lynn Massey  | Bobby Birks              | Dolores Harshaw              |
| <b>3rd Floor</b>          | Classrooms/Labs/Restrooms - East Wing                                      | Vincent Koo              | Joe Bay                      |
|                           | 3 <sup>rd</sup> Floor Faculty Offices, EOPS, CalWORKS, TLC - West Wing     | Ramona Butler            | Ke (Joyce) Van Valkenburgh   |
| <b>4th Floor</b>          | Administrative Suite - West Wing   | Marilyn Montague         | Cynthia Reese                |
|                           | Classrooms/Labs, Restrooms – East Wing                                     | Johnny Dong              | VanessaPhillips              |
| <b>5th Floor</b>          | Faculty Offices/Restrooms – West Wing                                      | Donna Dorsey             | Sylvia Espinosa              |
|                           | Classrooms, Student Lounge, Bookstore, Restrooms - East Wing               | Natalia Fedorova         | Francine Lewis               |

**Sample Roll Call – Atrium**

| <b>ROOM NUMBER</b> | <b>NAME OF OCCUPANTS</b> | <b>REMARKS</b> |
|--------------------|--------------------------|----------------|
| 51/57              | Associated Students      |                |
| 52                 | Classroom                |                |
| 053                | Classroom                |                |
| 054                | Classroom                |                |
| 055                |                          |                |
| 056                | Security Room            |                |
| Auditorium         |                          |                |
| 034                | Classroom                |                |
| 033                | Classroom                |                |
| 032                | Classroom                |                |
| 031                | Classroom                |                |
| 026                | Engineers Office         |                |
| 025                | Custodians               |                |
| 024                |                          |                |
| 016                | Felix Smith              |                |
| 015                | Classroom                |                |
| 014                | Classroom                |                |
| Restrooms          |                          |                |

**Sample Roll Call – First Floors**

| <b>Room Number</b> | <b>Office Description</b>       | <b>Occupants</b>  |
|--------------------|---------------------------------|---|
| 112                | Learning Resource Center        |   |
| 113                | LRC Coordinator                 | John Saenz  |
| 114                | Faculty Offices                 |   |
| 121                | Assessment                      | Gail Pendleton  |
| 122                | Workroom                        | Student Workers   |
| 124A               | PACE Staff Assistant            | Marilyn Clausen   |
| 124B               | Learning Community Counselor    | Christina Taing   |
| 124C               | Learning Community Counselor    | Skyler Barton   |
| 125                | Basic Skills Lab                |   |
| 126                | Assessment/Library Computer Lab |   |
| 131                | Library                         | Heather Dodge, Kye Ocasio- Pare, Joshua Boatright, JordanYee, Jenny Yap |
| 141                | Business Services Suite         | Roger Toliver and Joanna Louie  |
| 142                | Business Manager                | Shirley Slaughter   |
| 143                | Business Supervisor             | John Pang   |
| 151                | Campus Life                     | Andre Singleton   |
| 152                | Admissions & Records            | Loretta Newson/Elinor Chin/Tam Vo/ Hue Huynh                            |
| 153                | Bursar/Cashier                  | Guang Chen/Yolanda Young  |
| 156                | Duplicating Center              | Karen Shields   |
| 165                | Financial Aid                   | Loan Nguyen/Kent Nguyen/Tammie Perry/ Nghi Dong/Ada Clark/Jamie Redmon  |

**Sample Roll Call – Second Floor**

| <b>ROOM NUMBER</b> | <b>OFFICE DESCRIPTION</b>   | <b>NAME OF OCCUPANTS</b>                               |
|--------------------|-----------------------------|--|
| 251                | Dean of Enrollment Services | Barbara Godoy  |
| 252                | Counselor                   | Emie Mitsuno   |
| 253                | Counselor                   | Fatima Shah  |
| 254                | Counselor                   | Susan Truong   |
| 255                | Counselor                   | Hermia Yam   |
| 256                | Counselor                   | Gabriel Martinez                                       |
| 257                | Counselor                   | Denise Jones   |
| 258                | Counselor                   | Catherine Nichols                                      |
| 259                | P/T General Counselor       | Denise Fontenot, Saba Gebre, Norma Guido, Kelvin Cheah |
| 261                | DSPS                        | Lynn Massey/Dolores Harshaw                            |
| 263                | DSPS                        | Windy Franklin   |
| 265                | DSPS                        | Maricela Becerra                                       |
| 241                | Staff Assistant             | Jasmine Martinez                                       |
| 242                | VP of Student Services      | Jason Cifra  |
| 243                | Transfer Center             | Andrea Williams  |
| 244                | Alternate Media             | Roberto Gonzalez                                       |
| Restrooms          |                             |  |
| 211                | Print Room                  |  |
| 213                | Computer Lab                |  |
| 214                | Classroom                   |  |
| 216                | Classroom                   |  |
| 218                | Digital Video Lab           |  |
| 222                | ASL Faculty Office          |  |
| 223                | Classroom                   |  |
| 225                | ASL Testing Room            |  |
| 226                | Classroom                   |  |



**Sample Roll Call – Third Floor**

| <b>Room Number</b> | <b>Office Description</b>   | <b>Remarks</b>                                |
|--------------------|---|---|
| 311                | Classroom   |   |
| 312                | Lab   |   |
| 313                | Writing Lab   |   |
| 315                | Classroom   |   |
| 316                | Classroom   |   |
| 321                | Lab   |   |
| 322                | Classroom   |   |
| 323                | Computer Lab  |   |
| 324                | Computer Lab  |   |
| Restrooms          |   |   |
|                    |   |   |
| 341A               | Teaching & Learning Center  |   |
| 341B               | Interim Curriculum & Student Learning Outcome & Assessment Specialist | Nancy Cayton                                  |
| 342                | EOPS Director   | Ramona Butler                                 |
| 343                | Faculty Offices   |   |
| 344                | EOPS/CARE Counselor   | Alejandria Oseguera                           |
| 345                | Veteran Affairs   | Amy Herrera/<br>Jennifer<br>Lenahan           |
| 346                | CAYFES/CalWORKS Counselor   |   |
| 347                | Veteran's Resource Center   | Amy Herrera/<br>Jennifer<br>Lenahan           |
| 349                | CAYFES Staff Assistant  | Ronda Johnson                                 |
| 351                | Articulation Officer  | Joseph Bielanski                              |
| 352                | Dean of Student Services  | Brenda Johnson                                |
| 353                | Faculty Offices   |   |
| 354                | Staff Assistant to Dean   | Joyce Van<br>Valkenburgh                      |
| 355                | Faculty Offices   |   |
| 356                | IT Department   | Phi Le, Phu Le, Vincent Koo and<br>Willis Liu |
| 357                | Audio Visual Department   | Joe Bay                                       |

### Sample Roll Call – Fourth Floor / Administrative

| Room Number | Office Description                    | Occupants              |
|-------------|---------------------------------------|------------------------|
| 443         | President's Office                    | Rowena Tomaneng        |
| 441         | President's Executive Assistant       | Cynthia Reese          |
| 442         | VP of Instruction                     | Kuni Hay               |
| 452         | VPI's Assistant                       | Lisa Gwyn-Laigo        |
| 450A        | Switchboard                           | Marilyn Montague       |
| 450B        | Staff Assistant                       | Donna Dorsey           |
| 450C        | Staff Assistant                       |                        |
| 450D        | Basic Skills Project Manager          | Stefanie Harding       |
| 450E        | Staff Assistant                       | Sylvia Espinosa        |
| 450F        | Contract Ed                           | Francine Lewis         |
| 450G        | CE Project Manager                    | Ally Tomas             |
| 453         | Associate Dean                        | Martin De Mucha Flores |
| 454         | Dean                                  | Lisa R. Cook           |
| 455         | Dean                                  | Francisco Gamez        |
| 456         | Program Specialist                    | Johnny Dong            |
| 457         | Research & Systems Technology Analyst | Phoumy Sayavong        |
| 458         | PIO                                   |                        |
| 459         | Workroom                              | Student Workers        |
| 411         | Art Studio                            |                        |
| 413         | Art Studio                            |                        |
| Restrooms   |                                       |                        |
| 421         | Classroom                             |                        |
| 422         | Classroom                             |                        |
| 423         | Classroom                             |                        |
| 424         | Classroom                             |                        |
| 425         | IT Storage                            |                        |
| 426         | Storage                               |                        |
| 432         | Head Custodian                        | Dwayne Cain            |

**Sample Roll Call – Fifth Floor / Faculty & Information Technology**

| <b>Room</b> | <b>Description</b>  | <b>Occupants</b> |
|-------------|---|------------------|
| 523         | Science   |                  |
| 541         | Distant Education   |                  |
| 542         | Faculty Offices   |                  |
| 543         | Faculty Conference Room   |                  |
| 551         | Social Science  |                  |
| 552         | Vacant  |                  |
| 553         | Multi Media   |                  |
| 554         | No Sign   |                  |
| 555         | Art   |                  |
| 556         | CIS   |                  |
| 557         | Social Science<br>(Global Study,<br>History,<br>Sociology, Women's Studies)     |                  |
| 558         | ESL   |                  |
| 559         | Social Science/<br>(Anthropology, History,<br>Political Science,<br>Psychology) |                  |
| 560         | English   |                  |
| 562         | Modern Language   |                  |

**Sample Roll Call – Fifth Floor / Classrooms**

| <b>Room Number</b> | <b>Description</b>       | <b>Occupants</b>               |
|--------------------|--------------------------|--------------------------------|
| 511                | Faculty Offices          | Science Department, Azul Lewis |
| 512                | Physical Science Service | Science Department ServiceRoom |
| 513                | Physical ScienceLab      | Biology Lab                    |
| 514                | Classroom                | Organic Chemistry Lab          |
| 515                | Service Room             | Biotechnology + Chemistry Lab  |
| 516                | Student Lounge           |                                |
| 517                | Bookstore                |                                |
| 518                | Classroom                | Physics + Physical Science Lab |
| 521                | Chemistry Lab            |                                |
| 522                | Biology Lab              |                                |
| 523                | Faculty Offices          | Natalia Fedorova               |

## **H. Emergency Response**

### **Prepare for an Earthquake**

Learn evacuation routes and participate in evacuation drills. Review the Evacuation Route signs posted near the entrance to the building or near elevators. Review the Emergency Procedures Flipchart that is posted in your classroom. If you don't see an Emergency Procedures Flipchart in your classroom, please alert your instructor or call the college business office. Once staff is alerted, the missing Emergency Flipchart will be replaced.

### **Evacuation and Disability**

If you are disabled, please provide specific instructions in advance that will direct any volunteer rescue attempt on your behalf. Know where you can shelter safely in buildings.

### **Prepare Emergency Kits**

Put together an emergency kit with personal supplies including flashlight, spare batteries, food bars, prescription medicines, extra glasses/contact lens with solution and other necessary personal supplies. Your kit should include a hardcopy list of emergency telephone numbers for your family and friends.

### **Active Shooter on Campus**

If you witness any armed individual on campus, immediately call Marina Security Services or 911 from any campus phone or at 510-466-7236 (Police Services). If sheltering or escaping from danger is impossible, you should remain quiet, but we encourage you to DO SOMETHING.

### **Fleeing**

If it is possible to flee the area safely and avoid danger, do so. If it is safe to do so, consider escaping the area and move to the central and secure area within the building or go far away from the shooting scene and then contact Police and notify them of your location. Do not attempt to flee if the shooter is in your escape route. If you are unsure of the shooter's whereabouts, do not attempt to flee. If you have no choice but to flee, when hiding is no longer possible, if the shooter sees you, and has an open shot, then you can be forced to run. When running, self-defense experts say to crouch down and bend forward with your hands protecting your head and run diagonally back and forth making yourself a difficult target and less vulnerable to a shot to the head, neck, and internal organs at the front of the body that could potentially be fatal.

### **Hiding**

If it is not possible to flee the area of danger, then go dark. Turn off the lights if safe to do so. Lock windows and doors, if possible and safe to do so. Get everyone down on the floor or under the desk and out of the line of fire. Remain quiet.

### **Notifying Others**

Attempt to get the word out to others in your building or nearby if possible, safely.

**Dial 911 or call Marina Security Services 510-466-7236** to notify police of your location, if safe to do so. Do not pull the Fire Alarm.

### **If the Shooter Confronts You**

Law Enforcement does not have a single guaranteed procedure to address this situation.

Attempting to negotiate with the shooter may be very dangerous. Attempting to overcome or overpower the shooter with force is dangerous and should only be considered in the most extreme circumstances. Attempting to remain quiet is also dangerous. If you feel you must act, then do something.

### **Wait for a Valid “All-Clear”**

Wait for an “all-clear” from an authorized person you recognize and trust. If the staff and other students do not respond to the “all clear,” remain cautious until the situation is known to be safe. There may be more than one shooter, or the shooter may be employing tactics, such as a FALSE “all clear” to trick you or others into revealing their positions. Remain cautious until you feel the situation is safe.

After a Valid “All-Clear” threatening gestures or movements as you leave the area. Do not disturb the area if it was involved in the crime or may have been involved in the crime.

### **Tell Others You’re Safe**

The Red Cross hosts a virtual bulletin board that will enable you to report your location and leave messages for concerned family and friends during and after an emergency. The Red Cross “Safe and Well” website is <http://safeandwell.communityos.org>.

### **In the Case of Fire**

Fire safety is everyone’s responsibility, and your preparation, awareness and response can save your life and the lives of others. Review the Emergency Flipchart in your classroom for information on responding to a fire. Locate and learn the building’s evacuation routes posted near entrances and elevators. Locate and memorize the locations of Fire Alarm Pull Stations in the building. If you become aware of a fire, pull the fire alarm and call Marina Security Services at 510-466-7236.

### **Fire Evacuation**

- Take all Fire Alarms Seriously!
- Evacuate the building immediately.
- If safe to do so, take wallet, purse, keys, and backpacks.
- Feel door handles, and if they are warm, do not open them. Take the alternate evacuation route or find another way out of the building.
- Close doors behind you.
- If smoke is a threat, stay low where the air is cleaner and cooler.
- Never use elevators.
- Once outside, Do Not Go back into the building until you receive a valid “All-Clear”

### **If you are on fire**

Stop, Drop and Roll on the ground to extinguish flames. Quickly cool any burns with water and seek immediate medical attention.

### **In the case of other threats**

District/College Emergency Preparedness Program evaluates all possible threats to and hazards in your college community. Please refer to the Emergency Procedure Flipchart for what to do in the following:

- First Aid Supplies

- Gunfire, Shooter, Sniper
- Explosion
- Aircraft Crash
- Civil Disturbance
- Hazardous Materials Release
- Bomb Threats
- Utility Failure

## I. Medical Emergencies

**Immediately Report: Any life-threatening medical emergency, such as:**

- CHEST PAINS
- RESPIRATORY DISTRESS OR CESSATION OF BREATHING (NOT BREATHING)
- CARDIAC ARREST (NO PULSE)
- DROWNING OR NEAR-DROWNING
- SHOCK
- BURNS
- UNCONTROLLED BLEEDING
- UNCONSCIOUSNESS
- CHOKING
- POISONING
- OVERDOSE
- SUSPECTED FRACTURE OF BACK, NECK, OR SPINE OR MULTIPLE FRACTURES
- PSYCHOLOGICAL CRISIS

## J. Weapons on Campus

For the safety of everyone, all types of weapons are strictly prohibited on campus. This includes, **but is not limited to:** firearms, ammunition, explosives, air guns, slingshots, firecrackers, fireworks, cherry bombs, metal knuckles, Billy-clubs and illegal dirks/daggers and knives.

However, it is legal to carry pepper spray and use it to protect yourself without having any special state or Federal permits. It is also legal to carry pepper spray on California campuses. CA laws do regulate the size and/or weight of the defense spray products you can carry and buy. The legal container size must be equal to or below 2.5 ounces of active product. There are many pepper spray items and models that comply with this state set standard (The Pepper Spray Store, U.C. Berkeley ASR.)

The pepper spray carried, shipped, sold or used in California should also be labeled with a warning stating that the product is only intended for self-defense. In general, most laws (California included) enforce that pepper spray should only be used in self-defense situations where you fear your life or safety is in danger. Illegal use of pepper spray products (perhaps dispensing them out of anger or as non-self-defense violence against another person) can bring fines of \$1000 and up and/or three years in prison.

**NOTE:**

***"Penal Code Title 2: Control of Deadly Weapons Chapter 4: Tear Gas Weapons Article 1: General Provisions Section 12403.7 Notwithstanding any other law, any person may purchase, possess, or use tear gas and tear gas weapons for the projection or release of tear gas if the tear gas and tear gas weapons are used solely for self-defense purposes, subject to the following requirements:***

*(a) No person convicted of a felony or any crime involving an assault under the laws of the United States, the State of California, or any other state, government, or country or convicted of misuse of tear gas under subdivision (g) shall purchase, possess, or use tear gas or tear gas weapons.*

*(b) No person who is addicted to any narcotic drug shall purchase, possess, or use tear gas or tear gas weapons.*

*(c) No person shall sell or furnish any tear gas or tear gas weapon to a minor.*

*(d) No person who is a minor shall purchase, possess, or use tear gas or tear gas weapons.*

*(e) (1) No person shall purchase, possess, or use any tear gas weapon that expels a projectile, or that expels the tear gas by any method other than an aerosol spray, or that contains more than 2.5 ounces net weight of aerosol spray."*

The campus crime statistics are listed for the previous three years and are updated on an annual basis. You can also visit Alameda County Sheriff's Office/Marina Security Services website at <https://www.alamedacountysheriff.org>

The Alameda County Sheriff's Office/Marina Security Services Unit makes a good faith effort to secure each campus crime statistics from appropriate campus officials, other than law enforcement agencies, and from our own crime data. These efforts include contacting local police agencies where Peralta colleges are located and obtaining their crime data and statistical information regarding reports they may have taken on/or about the campus or at college sponsored activities.

Police services also sends out an annual letter to appropriate campus authorities requesting that they ensure that the required campus officials notify police services of any crime and statistical information to be included in the annual report. Annual crime statistics are gathered from both police and non-police campus officials, who are required to provide such information. (See enclosed crime statistics for College of Alameda, Berkeley City College, Laney College and Merritt College)

**XI. MEGAN'S LAW**

In 2005, sex offender information will no longer be available via CD-ROM at your local law enforcement agency. A California law was signed by Governor Schwarzenegger (AB 488) that requires detailed information on sex offenders be posted on the California Attorney General's web site [www.caag.state.ca.us](http://www.caag.state.ca.us).

California Penal Code #290.01 – Sex Offenders Required to Register with Campus Police.

Effective October 28, 2002, every person required to register under Section 290 of the California Penal Code, who is enrolled as a student of any university, college, community college, or institution of higher

learning, or is, with or without compensation, a full-time or part-time employee of that university, college, community college, or other institution of higher learning, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall, in addition to the registration required by Section 290, register with the campus police department within five working days of commencing enrollment or employment at that university, college, community college, or other institution of higher learning, on a form as may be required by the Department of Justice.

The terms "employed or carries on a vocation" include employment whether financially compensated, volunteered, or performed for government or educational benefit. The registrant shall also notify the campus police department within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation, at the university, college, community college, or institution of higher learning. Failure to comply is a misdemeanor crime, punishable on the first offense, by a fine up to \$1000.00 and on the second offense by a fine and confinement in the county jail. The above would apply to anyone required to register under 290 P.C. who attends, works (with or without compensation), or carries on vacation at, private or public university, college, community college, or institution of higher learning, including any students, faculty, staff (paid or non-paid), contractors and transients. If the university, college, community college, or institution of higher learning has no campus police, then the person must register with the local law enforcement agency having jurisdiction over the college.

All of the above requirements are in addition to the current requirement of persons subject to 290 P. C. to register with the local law enforcement agency within the jurisdiction where the registrant resides.

The above-described persons at these campuses must register with the Alameda County Sheriff's Office. This unit is located at 333 E. 8th Street, Oakland, CA. Anyone with questions regarding sex offender registration requirement should contact local police services immediately. Marina Security Services phone number is (510) 465-3456.



## **XII. ANNUAL DISCLOSURE OF CRIME STATISTICS**

**The Alameda County Sheriff's Office, Marina Security Services, Inc. (previously Peralta Police Services), and designees assist in the preparing of annual campus crime statistics. The information is available at the end of this report and in the personal safety handbook prepared by the Peralta Community College District. These handbooks are also located at the Marina Security Services office at 333 East 8th Street, Oakland, CA.**

**Crimes Reported by the Alameda County Sheriff's Office/Marina Security Services (Previously Peralta Police Services)**

|                              | Murder | Manslaughter | Rape | Fondling | Incest | Statutory Rape | Robbery | Assault & Battery | Domestic Violence | Dating Violence | Stalking | Larceny | Burglary | Auto Theft | Arson | Drug Poss. | Arrests Made |
|------------------------------|--------|--------------|------|----------|--------|----------------|---------|-------------------|-------------------|-----------------|----------|---------|----------|------------|-------|------------|--------------|
| <b>Merritt College</b>       | 2018   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 2        | 1          | 0     | 0          | 0            |
|                              | 2019   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 1                 | 0               | 0        | 0       | 0        | 1          | 0     | 0          | 0            |
|                              | 2020   | 0            | 0    | 0        | 0      | 0              | 0       | 1                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 0            |
| <b>Laney College</b>         | 2018   | 0            | 0    | 0        | 0      | 0              | 4       | 1                 | 1                 | 0               | 0        | 0       | 13       | 4          | 0     | 21         | 29           |
|                              | 2019   | 0            | 0    | 1        | 1      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 7        | 0          | 0     | 13         | 2            |
|                              | 2020   | 0            | 0    | 0        | 0      | 0              | 0       | 2                 | 0                 | 0               | 0        | 1       | 9        | 0          | 6     | 0          | 5            |
| <b>College of Alameda</b>    | 2018   | 0            | 0    | 0        | 0      | 0              | 1       | 0                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 4            |
|                              | 2019   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 0            |
|                              | 2020   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 1        | 1          | 0     | 0          | 0            |
| <b>Berkeley City College</b> | 2018   | 0            | 0    | 0        | 0      | 0              | 1       | 0                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 2            |
|                              | 2019   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 0            |
|                              | 2020   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 0            |
| <b>District Office</b>       | 2018   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 0            |
|                              | 2019   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 0       | 0        | 0          | 0     | 0          | 0            |
|                              | 2020   | 0            | 0    | 0        | 0      | 0              | 0       | 0                 | 0                 | 0               | 0        | 1       | 0        | 0          | 0     | 1          | 0            |
| <b>TOTAL</b>                 | 2018   | 0            | 0    | 0        | 0      | 0              | 6       | 1                 | 1                 | 0               | 0        | 0       | 15       | 5          | 0     | 21         | 35           |
|                              | 2019   | 0            | 0    | 1        | 1      | 0              | 0       | 0                 | 1                 | 0               | 0        | 0       | 7        | 1          | 0     | 13         | 2            |
|                              | 2020   | 0            | 0    | 0        | 0      | 0              | 0       | 3                 | 0                 | 0               | 0        | 2       | 10       | 1          | 6     | 1          | 5            |

### **XIII. REFERRALS FOR SERVICES ON AND OFF-CAMPUS**

If you would like a referral for help with substance abuse, victims of crime, personal counseling, health concerns or other issues, contact the following:

#### **LAW ENFORCEMENT & SECURITY SERVICES**

**Marina Security Services** (510) 465-7236  
**Oakland Police Dept.** (510) 777-3211  
**Alameda Police Dept.** (510) 337-8340  
**Berkeley Police Dept.** (510) 981-5900  
**U.C. Berkeley Police** (510) 642-6760  
**BART Police** (510) 464-7000

#### **SEXUAL ASSAULT/RAPE**

(Law Enforcement - See above)

**Bay Area Women Against Rape** (510) 845-7273 Rainn (Rape, Abuse & Incest National 1-800-656-Hope Network)

**San Francisco Trauma Recovery Center** (415) 437-3000

**San Francisco Women Against Rape (SFWAR) Crisis:** (415) 647-7273

**Office:** (415) 861-2024

**Sexual Assault Counseling and Information Service (SACIS) 24-Hour Crisis Line:** (888) 345-2846

#### **Rape Trauma Services in Peninsula**

**Service in Spanish and English:** (650) 652-0598

#### **Crisis Hotline**

**Alameda Suicide Prevention** (800) 309-2131

#### **Health**

#### **Health and Wellness Center**

- Berkeley City College (510) 981-2996
- College of Alameda (510) 748-2320
- Laney College (510) 464-3535
- Merritt College (510) 436-2533

#### **Mental Health Counseling Services (510) 748-2320**

- Berkeley City College (510) 981-2919
- College of Alameda (510) 748-2320
- Laney College (510) 464-3535
- Merritt College (510) 436-2533
- Alameda County Mental Health (800)491-9099
- Asian Community Mental Health (510) 451-6729

**WALK-IN URGENT HELP** Sausal Creek Outpatient Clinic: 2620 26th Ave., Oakland A psychological crisis walk-in service for adults 18 and older. 510-473-2363 M-F. 8a-8p Sat. & Holidays 8-4:30p

**BERKELEY MENTAL HEALTH SERVICES** Day-to-day skills and support for individuals with serious mental illnesses. 510-981-5290 (18 or older) 510-981-5280 (youth and family)

**CRISIS INTERVENTION AND BRIEF TREATMENT BHCS Crisis Response Program** M-F, 8:30am-5pm North County (Alameda, Oakland and Emeryville) 510-383-5020

Multi-Lingual Counseling Center. If you have Medi-Cal we can help: We are here to help!

**WE ARE LOCATED IN OAKLAND, NEWARK and SAN-LEANDRO Call us at:**

**OFFICE: 510-451-0661**

**CELL/TEX: 510-575-6746**

638 Webster St. Suite 400. Oakland, CA 94607.

39675 Cedar Blvd. Newark, CA 94560.

303 West. Joaquin Ave, Suite 100 San Leandro, CA 94577

<http://multilingualcounseling.com/>

### **DRUG & ALCOHOL PROGRAMS**

- Narcotics Anonymous (510) 444-4673
- Alcoholics Anonymous/Oakland (510) 839-8900
- Berkeley Addiction Treatment (510) 644-0200
- La Familia – Alcohol & Drug (510) 536-4760
- College of Alameda COA-Anonymous  
Addiction support group  
(510) 748-2320
- Berkeley City College –Anonymous Addiction Referral  
(510) 981-2919
- Laney College –Anonymous Addiction Referral  
(510) 464-3134
- Merritt College – Anonymous Addition Referral  
(510) 436-2534

### **DOMESTIC VIOLENCE**

(Law Enforcement - See above)

National Domestic

Violence Hotline 1-800 799-7233 (1-800-799-SAFE) Domestic Violence Law Project (510) 574-2250

STAND 24- hour Crisis Line 1-888-215-5555

National Center for Victims of Crime Stalking Resource Center

<http://Victims of Crime.org/Stalking Resource Center>

### **SHELTERS:/ FOLLOWING DOMESTIC VIOLENCE/STALKING/SEXUAL VIOLENCE**

Domestic Shelters [https:// www.domesticshelters.org](https://www.domesticshelters.org)

La Casa de las Madres Shelter

Office: (415) 503-0500

Crisis Line: (877) 503-1850

Teen Line: (877) 923-0700

Riley Center and Emergency Shelter

Office: (415) 503-4101

Crisis Line: (415) 255-0165

### **GENERAL RESOURCES FOR VICTIMS OF CRIME**

Alameda County Victims of Crime Services (510) 272-6180

National Center for Victims of Crime 1-855-484-2486 (1-800-4VICTIM)

<http://www.victimsofcrime.org>

## PARENT SUPPORT HOTLINE

Hotline for parents and caregivers of children 0-21 years of age. Call anonymously for support, resources, and positive parenting tips. English and Spanish spoken. Multilingual translation. Multiple Phone session available. 24-hours a day 7 days a week. 1-800-829-3777

## Jewish Family and Children's Services

Russian and English: (415) 449-2907

## COMMUNITY RESOURCES - CHILD SEXUAL ABUSE

- Child and Adolescent Sexual Abuse Resource Center at SFGH
- Counseling and Medical Service: (415) 206-8386
- Stop Sexual Abuse of Asian Children
- Wu Yee Children's Service: (415) 391-8993 or (415) 391-4956

## Legal Services

|   |  |
|---|--|
| Alameda County Family Justice Center (ACFJC) <a href="http://www.acfjc.org">www.acfjc.org</a>                         | 510.267.8800<br>*470 27 <sup>th</sup> St., Oakland, CA 94612   |
| Asian Pacific Islander (API) Legal Outreach<br><a href="http://www.apilegaloutreach.org">www.apilegaloutreach.org</a> | Oakland: 510.251.2846<br>San Francisco: 415.567.6255   |
| Family Violence Law Center (FVLC)<br><a href="http://www.fvlc.org">www.fvlc.org</a>                                   | 24-Hour Crisis Hotline for Alameda County: 800.947.8301<br>Oakland Office: 510.208.2220 *470 27 <sup>th</sup> St., Oakland, CA 94612   |
| Legal Aid Society Employment Law Center<br><a href="http://www.las-elc.org">www.las-elc.org</a>                       | Workers' Rights Clinics Info Line: 415.864.8208<br>Project SURVIVE-Domestic Violence & Employment Rights Helpline: 888.864.8335<br>Language Rights Helpline: 800.864.1664<br>Work & Family Project Helpline: 800.880.8047<br>*180 Montgomery St. Ste. 600, San Francisco, CA 94104 |
| National Center for Lesbian Rights (NCLR)<br><a href="http://www.ncrights.org">www.ncrights.org</a>                   | 415.392.6257<br>*870 Market St. Ste. 370, San Francisco, CA 94102  |
| Transgender Law Center<br><a href="http://www.transgenderlawcenter.org">www.transgenderlawcenter.org</a>              | 415.865.0176<br>Collect line for inmates & detainees: 510.380.8229<br>*SFLGBT Center 1800 Market St., San Francisco, CA 94102  |

**UNDOCUMENTED COMMUNITY RESOURCE CENTER- BERKELEY CITY COLLEGE**

For more information, please stop by our office, located at: 2050 Center St, Berkeley, CA 94704 On the 2nd floor next to the counseling office.

We are open: Monday through Thursday: 9:00am to 7:00pm Friday: 9:00 am to 4:00 pm

Program Coordinator, Carolina Martinez

2nd floor of the Berkeley City College. Room number 255A

Or call us at (510) 981-5004

Email us: [bcc-ucrc@peralta.edu](mailto:bcc-ucrc@peralta.edu)

**ALAMEDA COUNTY IMMIGRATION LEGAL & EDUCATION PARTNERSHIP (ACILEP)**

Centro Legal de La Raza <https://centrolegal.org> (510) 437-1554

**Clinic Locations****Oakland – Fruitvale Village 3400 E. 12th Street Oakland, CA94601**

Oakland – Medical Building

3022 International Boulevard, Suite #410

Oakland, CA 94601

**Hayward – No Walk-In Tennyson High School, Rm. F15**

27035 Whitman Street

Hayward, CA 94544

**San Francisco – No Walk-In**

39 Drumm Street

San Francisco, CA 94111

**COMMUNITY HEALTHCLINICS**

La Clinica de la Raza, Inc.

P.O. Box 22210 Oakland, CA 94623-2210 Phone: (510) 535-4000 <http://www.laclinica.org/>

**WEST OAKLAND HEALTH CENTER**

700 Adeline Street

Oakland, CA 94607

Tel: 510-835-9610

**Medical / Mental / Dental / Pharmacy**

Monday-Friday: 8:15am - 5:00pm

After Hours Care

Tuesday and Thursday: 5:00pm - 8:00pm

**EAST OAKLAND HEALTH CENTER**

Saturday: 9:00am - 1:00pm 8:30am - 5:00pm

7450 International Blvd. Oakland, CA 94621 Tel: 510-835-9610

Monday-Friday: 8:15am - 5:00pm

**For a more extensive listing of health care clinics visit:**

<https://www.alamedahealthconsortium.org/health-center/west-oakland-health-council/>

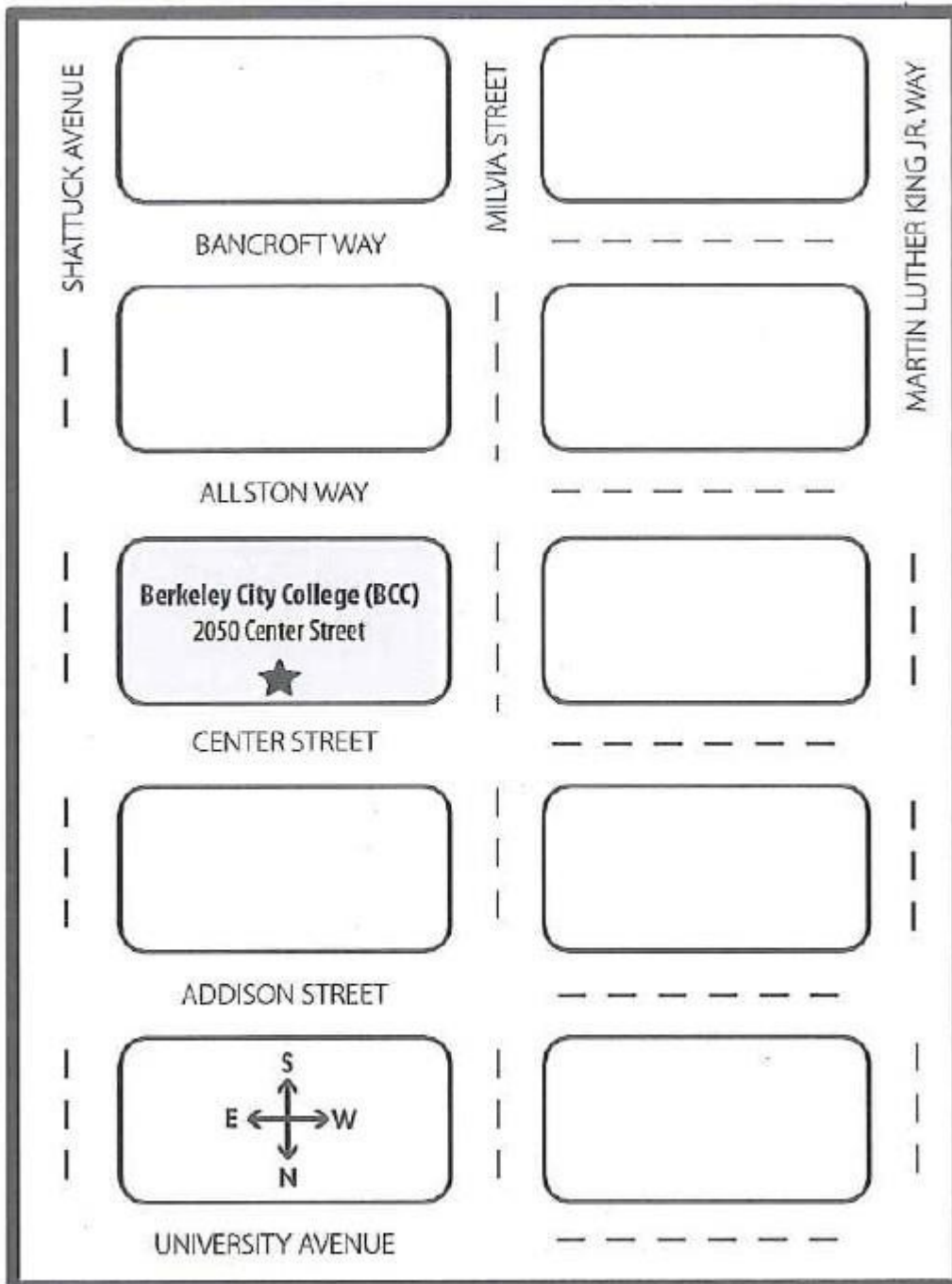
<https://www.westoaklandhealth.org>

# XIV. CAMPUS MAPS

## BERKELEY CITY COLLEGE

2050 Center Street, Berkeley, CA 94704

(510) 981-2800 – Webpage: <http://www.berkeleycitycollege.edu/wp/>





# Campus Map

555 Ralph Appezatto Memorial Parkway, Alameda, CA 94501 • (510) 522-7221 • [www.alameda.peralta.edu](http://www.alameda.peralta.edu)



**Building Guide**

- A** 1st Level Administration, Business Office, Cashier, Office of Instruction, President's Office, Student Services, Student Payroll, Welcome Center
- 2nd Level Business, Dental Assisting
- B** 1st Level Auto Body, Automotive Technology
- C** 1st Level Anthropology, Certified Nursing Assistant Program
- D** 1st Level FabLab, Programs & Services for Students with Disabilities
- 2nd Level Entrepreneurship Center
- E** 1st Level Diesel Mechanics
- F** 1st Level Bookstore, Mental Health Services, Police Services,
- 2nd Level ASCOA, Student Leadership Office, Lost & Found, Cafeteria

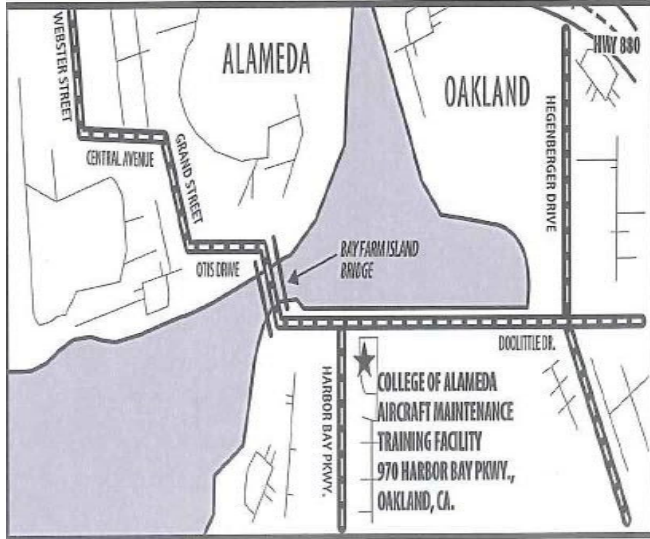
- G** 1st Level Gym, Men's Locker Room, Music, Veterans Center, Dance
- 2nd Level Women's Locker Room, Athletic Director, Coaches
- H** Social Sciences, Liberal Arts
- 1st Level Café and public seating, general classrooms
- 2nd Level Liberal Studies and Languages Arts Division Offices, Career and Workforce Education Division Offices, Faculty Offices, Art classrooms/labs, general classrooms
- 3rd Level Apparel Design and Merchandising, general classrooms
- L** 1st Level Library
- 2nd Level Assessment, Learning Resources Center, Open Computer Lab, Tutoring
- P** One-Stop Career Center
- S** Alameda Science and Technology Institute
- CV** Cougar Village

**ATLAN: 860 Atlantic Avenue, Alameda, CA**  
 Note: Science classes have been relocated 1 mile from main campus at 860 Atlantic Avenue, Alameda, CA. A free shuttle is available for transport in front of the college at 555 Ralph Appezatto Memorial Parkway.

For specific AC Transit and BART routes and schedule information, visit [www.actransit.org](http://www.actransit.org) or [www.bart.gov](http://www.bart.gov)



**College of Alameda Aviation Maintenance Training Facility**  
970 Harbor Bay Parkway, North Field T-Hangar



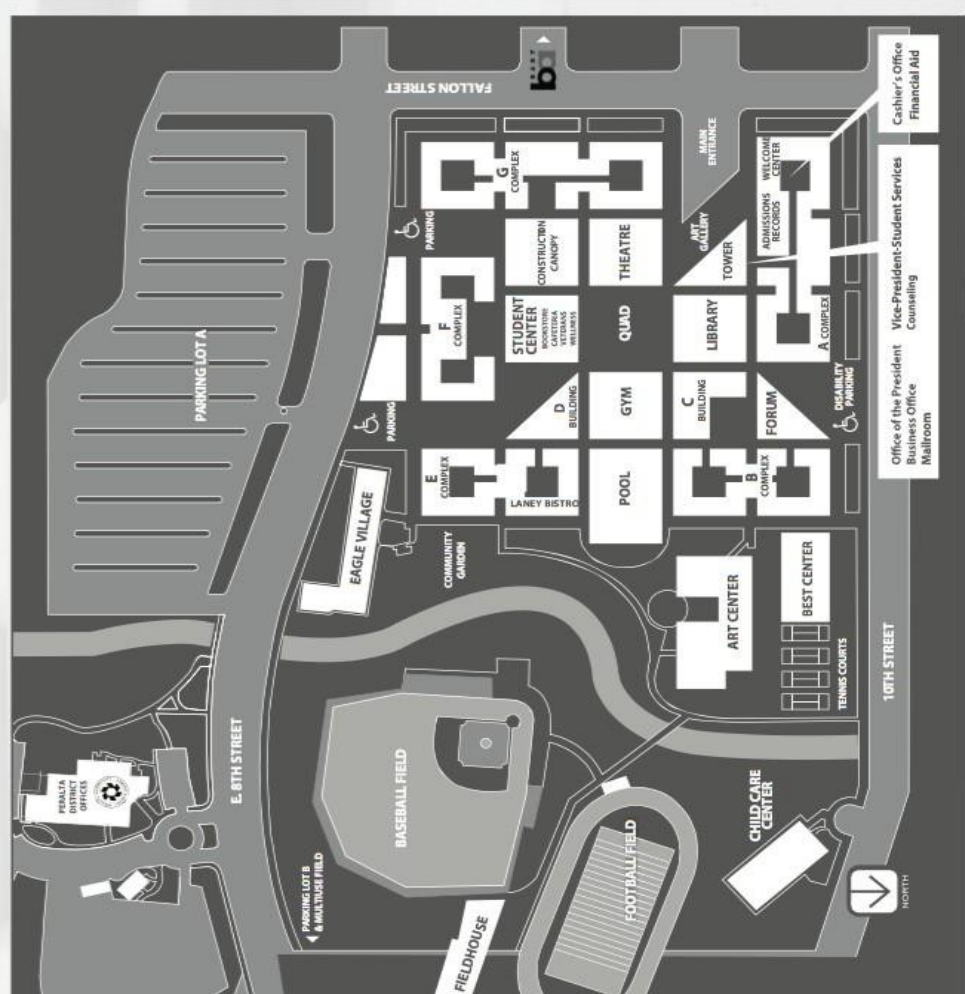
The College of Alameda Aviation Maintenance Facility is located at the North Field of Oakland Airport, .3 mile from the intersection of Harbor Bay Parkway and Doolittle Drive.

LANEY COLLEGE 900 Fallon St Oakland, CA 94607  
 (510) 834-5740 – Webpage: <http://www.laney.edu/>

# Campus Map



- A COMPLEX**  
 Admissions and Records  
 Assessment and Orientation  
 CARE  
 Cashier's Office  
 EOPS  
 Financial Aid  
 Gateway to College Program  
 Welcome Center
- F COMPLEX**  
 Business Lab  
 Technology Center
- G COMPLEX**  
 CIS Lab  
 Math Lab
- STUDENT CENTER**  
 Bookstore  
 Cafeteria  
 Clubs  
 Safety Aides  
 Student Government  
 Veteran's Services  
 Wellness Center
- TOWER BUILDING**  
 Office of the President  
 Art Gallery  
 Business Office  
 Counseling  
 Faculty Offices  
 Mailroom  
 Mental Health Services.  
 Student Services
- B COMPLEX**  
 James Oliver Writing Center
- EAGLE VILLAGE**  
 Tutoring Resource Center (EV-1)  
 Umoja-UBAKA (EV-2)  
 Asi Se Puede (EV-3)  
 APASS (EV-4)
- E COMPLEX**  
 DSPS  
 Bistro



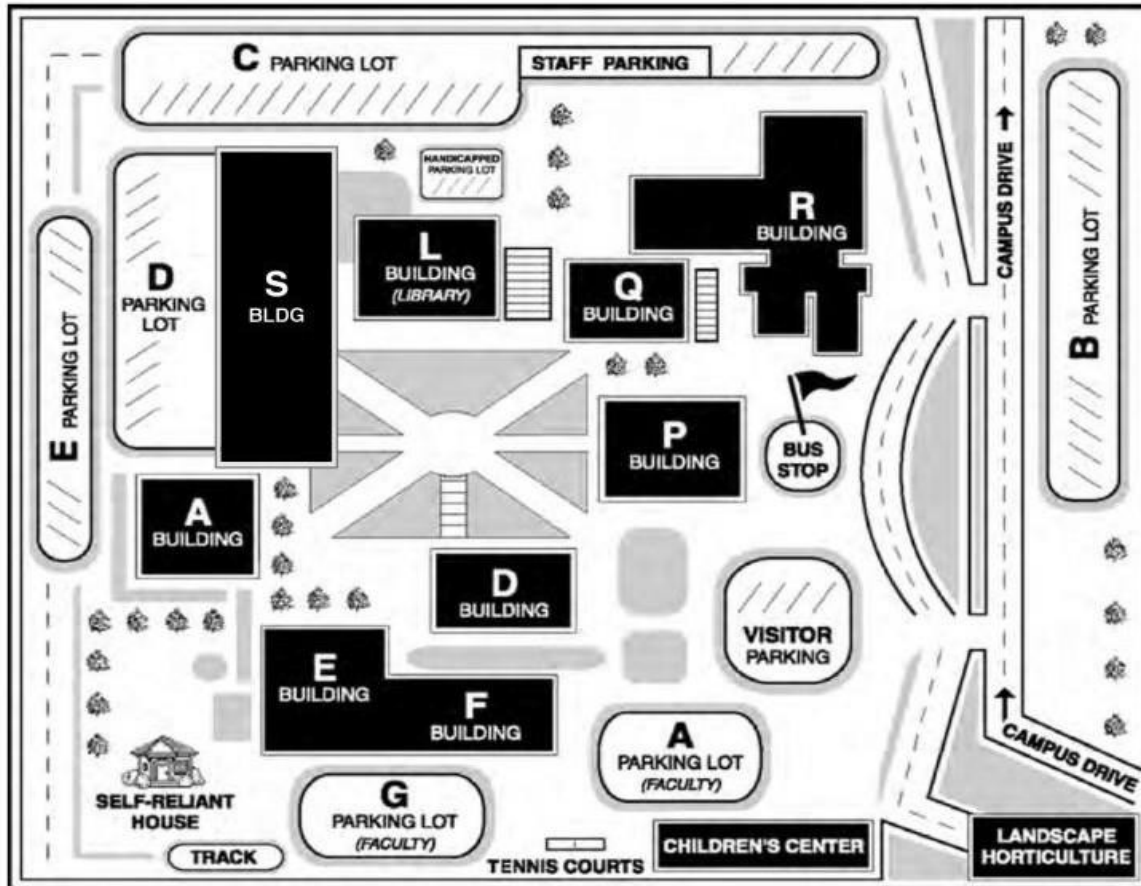
Last updated 4/4/17

**MERRITT COLLEGE**

12500 Campus Drive, Oakland, CA 94619

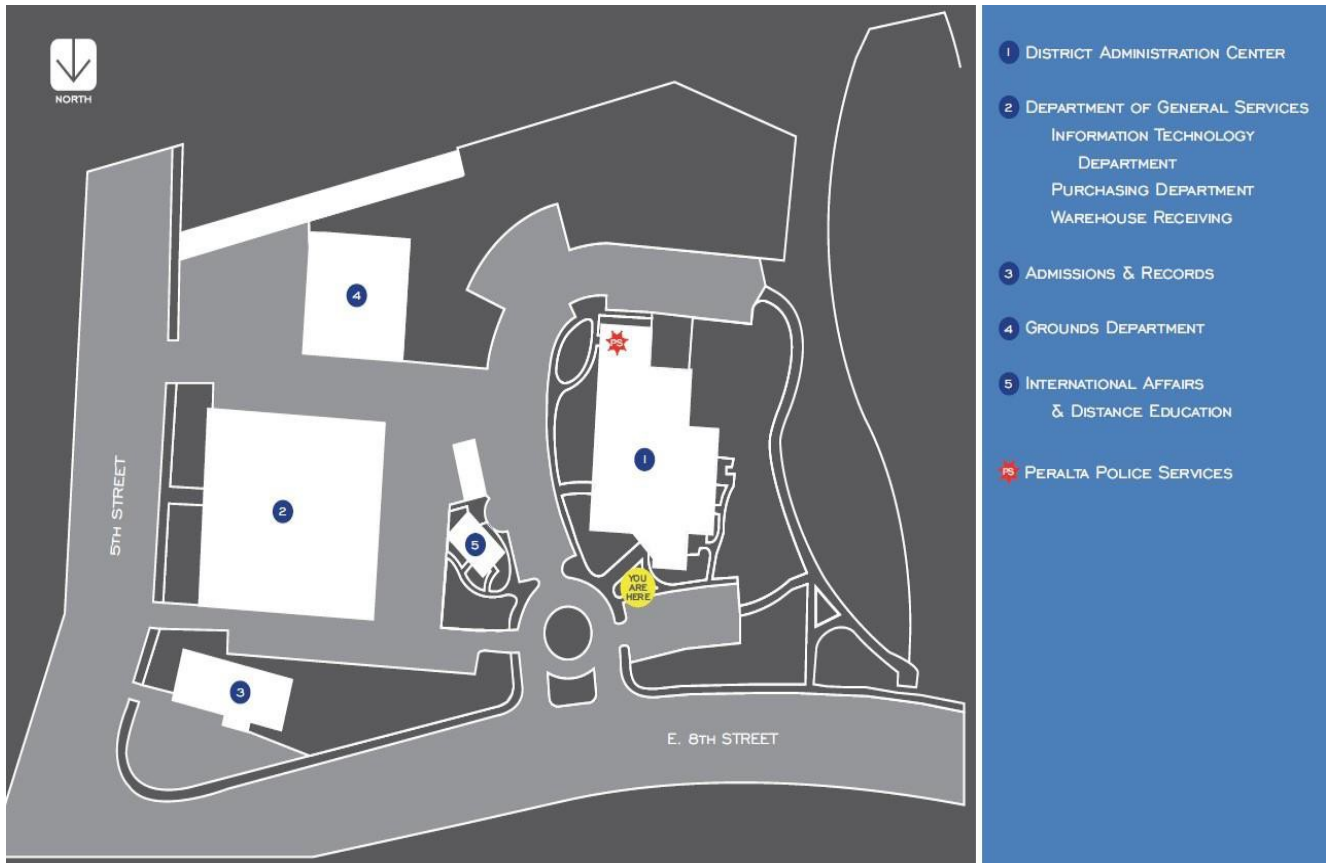
(510) 531-4911- Webpage: <http://www.merritt.edu/wp/>

**CAMPUS MAP**



| BUILDING | PROGRAMS/OFFICES   |
|----------|--|
| A        | Art, Child Development, Fitness Center, Music, Classrooms  |
| D        | Building Closed - All Programs Moved to S Building   |
| E        | Gymnasium, Classrooms  |
| F        | Locker Rooms, Faculty Offices  |
| H        | Landscape Horticulture   |
| L        | Library, Learning Center (Electronic Classroom, Math/Science Lab, Tutorial Center)   |
| P        | Classrooms, Computer Access Lab/DSP&S, Computer Labs   |
| Q        | Administration (President's Office, Vice President of Instruction), Business Services, Cashier's Office, Mailroom & Switchboard, Production Center   |
| R        | Admissions and Records, Assessment, Bookstore, Counseling, Disabled Students Programs & Services, EOPS, Financial Aid, Police Services, Puente Program, Student Activities, Student Health Services, Transfer Center, Veterans Affairs, Vice President of Students |
| S        | Science and Allied Health Programs, Classrooms & Labs, Division I and II Offices   |
| SRH      | Self-Reliant House (Environmental Management Program)  |

**District Administrative Center (DAC) 333 East 8th Street, Oakland, CA**  
(510) 466-7200 – Webpage: <http://web.peralta.edu/quicklinks/district-office/>



END ASR



[www.knowledgesaveslives.com](http://www.knowledgesaveslives.com)



Email: [training@knowledgesaveslives.com](mailto:training@knowledgesaveslives.com)  
(209) 710-0271  
3321 G St suite C, Merced, CA 95340, USA

The District shall provide access to its services, classes and programs without regard to, national origin, religion, age, sex or gender, gender identification, race or ethnicity, color, medical condition, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy or because he/she is perceived to have one or more of the foregoing characteristics or based on association with a person or group with one or more of these actual or perceived characteristics.

