

# **Evangel University**

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## **Sacramento Campus 2014 Annual Security Report**

**(2013 calendar year crime statistics)**



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## **Preparation of the Annual Disclosure of Campus Crime Statistics**

To comply with *the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act*, the Evangel University Director of Public Safety is designated as the Campus Security Survey Administrator, who is responsible for obtaining the Annual Security Report (consisting of campus security policy disclosures and campus crime statistics for the previous three calendar years) from each separate Evangel campus and for its submission by October 1 to the U.S. Department of Education.

This Annual Security Report is prepared by separate campus administration in cooperation with local law enforcement agencies surrounding the separate campus, which provides updated information on the University's educational programs and policy disclosures conducted in order to comply with the Clery Act.

Additionally, the Annual Security Report includes the frequency of occurrence of certain categories of crimes specified in the Clery Act. These crime statistics are collected from the following sources: incident reports written by separate campus administrators; information that may be provided by the local separate campus police department with jurisdiction, State Police and/or the local County Sheriff's Department; reports provided by campus victims of crime; and reports provided by EU officials designated as "Campus Security Authorities" (including, but not limited to: vice presidents, directors, department heads, , and faculty/staff advisors to student organizations, etc.). Once Evangel University's Separate Campus crime statistics report has been submitted to the U.S. Department of Education and reviewed by that staff, the Department of Education will make that data available to the general public at <http://ope.ed.gov/security>.

It is the policy of Evangel University that the administration for student development at the separate campus shall distribute by electronic mail, to all enrolled students, faculty and staff, the appropriate hyperlink to the Annual Security Report; that the Human Resources Director will notify prospective employees of the availability of the report; and that the Admissions Director will notify all prospective students of the availability of the report.

### **Access Control**

During business hours, the campus will be open to the students, parents, employees, contractors, guests, and invitees. During non-business hours access to all campus facilities is by key, if issued. Any security concerns that are identified should be reported to the separate campus director (SCD) who will notify the responsible party.

### **Campus Law Enforcement Authority**

Evangel Separate Campuses do not have any security personnel. Evangel University staff do not possess arrest power and are not commissioned police officers. Evangel University does not have a formal Memo of Understanding with the any police department.

All crime victims and witnesses are strongly encouraged to immediately report the crime to the Sacramento Police Department and to the Sacramento SCD. Prompt reporting to campus administration will assure timely warning notices on campus and timely disclosure of crime statistics.

**Procedure for Reporting Criminal Offenses**

To report a crime:

Contact local Police at (916) 264-5471 (non-emergencies), dial 9-1-1-(emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings should be reported to the police department. In addition you may report a crime to the following areas:

Sacramento Separate Campus Director, Dr. Nick Garza	Phone Number and office location (916) 856-5677
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All crimes should be reported as soon as possible to the SCD. Notification of the SCD insures that timely warning can be issued if required and that the crime is recorded for the annual statistical disclosure. The SCD will notify the Main Campus Director of Public Safety about the incident.

**Reporting procedures**

Evangel University encourages and expects victims and witnesses of crimes to report crimes to the local police department even if the victims do not want to pursue action within Evangel University’s Community Accountability Program or through the local or state criminal justice system.

Separate campuses do not have campus police departments. The university encourages and expects victims and witnesses of crimes to be reported to the SCD.

When the victim of a crime elects to, or is unable (physically/mentally) to make such a report either witnesses or Evangel Community members will make a report on behalf of the victim.

All reports are counted and disclosed in the annual crime statistics for the institution.

**Voluntary Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the Evangel University System or the criminal justice system, you may still want to make a confidential report. With your permission, the Sacramento SCD can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to keep your identity confidential while allowing others to take precautions to insure their safety. With such information, Evangel University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

## **Timely Warning**

### **A. Definitions:**

Clery Act Crimes—Criminal Homicide, including: a) Murder and Non-Negligent Manslaughter; and b) Negligent Manslaughter; Rape, Forcible Fondling, Statutory Rape and Incest.; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; Arson; Domestic Violence; Dating Violence; Stalking and Hate Crimes.

Campus Security Authorities—Campus police; non-police security staff responsible for monitoring campus property; individuals and offices designated by the campus security policies as those to whom crimes should be reported; and officials of the institution with significant responsibility for student and campus activities.

Pastoral counselor—A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

Professional counselor—A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

### **B. Requirements:**

In order to keep the campus community informed about safety and security issues on an ongoing basis, an institution must alert the campus community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes.

These crimes must include all Clery Act crimes that are:  
Reported to campus security authorities and local police agencies;  
and are considered by the institution to represent a serious or  
continuing threat to students and employees.

In addition to making timely warnings, an institution is required to  
have a timely warning policy. All Title IV institutions are subject  
to the timely warning regulations. There are no exceptions.

Timely warnings can be issued for threats to property, as well as  
for threats to persons. It is irrelevant whether the victims or  
perpetrators are members of the campus community.

Timely warnings must be issued in a manner that gets the word out  
quickly communitywide.

The responsibility for the warning rests solely with the institution.

The institution's policy on timely warnings should specify who or  
which office is responsible for issuing the warnings.

The issuing of a timely warning must be decided on a case-by-case  
basis in light of all the facts surrounding a crime, including factors  
such as the nature of the crime, the continuing danger to the  
campus community and the possible risk of compromising law  
enforcement efforts.

An institution is not required to provide a timely warning for  
crimes reported to a pastoral or professional counselor.

FERPA does not preclude an institution's compliance with the  
timely warning provision of the campus security regulations.

#### C. Summary and Procedures:

The campus crime "Timely Warning" is provided to heighten  
awareness and to provide students, faculty and staff timely  
notification of Clery Act crimes that are considered to represent a  
serious or ongoing threat to the campus community. The warning  
will provide pertinent information related to the crime and  
available suspect information.

The Sacramento SCD or their designee is responsible for preparing  
and issuing timely warnings. The Sacramento SCD will make the

decision to issue a timely warning on a case-by-case basis considering the facts surrounding a crime, including the continuing danger to the campus community and the possible risk of compromising law enforcement efforts.

When the Sacramento SCD issues a Timely Warning, it will be issued through the university email system to students, faculty, and staff. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Sacramento SCD may use any other means of communication, providing the community with more immediate notification. In such instances, a copy of the notice will be posted around the separate campus and updates regarding the situation will follow as more information becomes available.

Anyone with information warranting a timely warning should report the circumstances to the Sacramento SCD.

In the event Northwest University receives pertinent information that a Clery Act crime has occurred on or near the Sacramento campus and it is a serious or ongoing threat to students or employees a timely warning will be disseminated. A timely warning is provided to enable people to protect themselves. Timely warnings are usually provided via email, notices in common areas, and/or verbal notification.

### **Emergency Notification**

If there is an emergency on the Sacramento separate campus the SCD or faculty member would confirm that there was an emergency by contacting the Northwest University Administration. In the event of an actual emergency the Sacramento Campus community will be notified in person by the Sacramento SCD or faculty designee. Due to the fact that the separate campus student population is less than fifty students who are only on campus every Thursday from 5 to 10 pm January 24 through March 2, each day from 8 am to 3 pm June 13 through 15, and each day from 8 am to 5 pm November 14 through 16, 2013, they would be notified if they were in class while they were on campus. The notification would contain instructions on what to do to mitigate the emergency. The SCD or faculty designee would initiate the notification by informing the class on campus.

Localized incidents within a building, such as a small fire or hazardous material spill in a lab most likely will not require a mass notification.

The following Evangel University officials have authority to activate the Emergency Notification System:

- President
- Vice President for Business and, Finance and Information Services
- Vice President for Student Development
- Provost
- Director of Public Safety
- Assistant Director of Public Safety
- Public Safety Patrol Supervisors
- Sacramento Separate Campus Director
- Sacramento Separate Campus Faculty

After the appropriate notification system is selected, it may be used to transmit brief urgent messages as quickly as possible. Emergency notifications may include, but are not limited to:

- Campus Closures
- Weather Warnings (Severe Thunderstorm Warnings & Tornado Watches & Warnings)
- Fire
- Natural gas leaks or hazardous material spills
- Natural disasters affecting the Campus
- Campus wide power outages and/or utility failures
- Violent criminal behavior
- Bomb threats or other imminent violent threats
- Explosions on campus
- Terrorism incidents

Dependent upon the contact information supplied by faculty, staff, and students, notification may be made in the following manners:

- Personal email
- Cell phone
- In person
- Business phone
- Evangel University email
- Text to cell phone
- Home phone

Larger Community notifications will be accomplished through both regular media outlets as well as social media resources by the Sacramento SCD.

### **Security Awareness Programs**

The Sacramento separate campus did not offer any security awareness programs in 2013.

## **Crime Prevention Programs**

The Sacramento separate campus did not have any crime prevention programs in 2013.

## **Monitoring Criminal Activity Off-Campus**

When an Evangel University student is involved in any off-campus criminal activity, EU community members may assist with the investigation in cooperation with local, state, or federal law enforcement.

Evangel University does not operate any non-campus housing or non-campus student organization facilities.

## **Pastoral and Professional Counselors Reporting Policy**

In accordance with federal law U.S.C. Section 1092 (f), campus “Pastoral Counselors” and campus “Professional Counselors,” who are functioning within the scope of their responsibilities as counselors (per the definitions below), are not considered to be campus security authorities and, therefore, are not required to report crimes for inclusion in the annual disclosure of campus crime statistics.

As a matter of policy, however, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures and requirement to report crimes for inclusion in the annual campus crime statistics.

The rulemaking committee defines counselors as:

### *Pastoral Counselor*

An employee of an institution, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor

### *Professional Counselor*

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.

### **Disclosure to Alleged Victims of Crimes of Violence or Non-forcible Sex Offenses**

Evangel University will, upon request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the university against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Evangel University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

### **Sexual Assault, Domestic Violence, Dating Violence and Stalking Policy**

Respecting the human dignity of every employee, student and guest, Evangel University strives to maintain a safe, Christian community free from all forms of sexual or physical intimidation and exploitation. Sexual assault, domestic assault, dating violence or stalking are not only incompatible with biblical standards of Christian conduct, but also are criminal acts. Therefore, sexual assault, domestic violence, dating violence and stalking are prohibited by the University.

This policy pertains to sexual assaults including rape, forcible fondling statutory rape, and incest; domestic assaults, dating violence and stalking that occur between students or against a student by a non-student perpetrator. This policy addresses the definition of sexual assault, domestic violence, dating violence and stalking and prevention efforts, how to report these crimes and gain assistance if it occurs, and the procedures for resolution of an incident

#### **A. Definitions**

##### **1. Sexual Assault**

The term *sexual assault* is defined as any sexual physical contact that involves the threat or use of force or violence, or any other form of coercion or intimidation; any sexual physical contact with a person who is unable to give consent. It includes the crimes of rape, forcible fondling, statutory rape and incest as defined by the 2013 Violence Against Women Act. In California sex offenses are found under Penal Code, Sections 261-269.

Note: For reference, *sexual harassment* is defined as any unwelcomed action of a sexual nature by a person (of the same or opposite sex), which results in sexual discrimination or a hostile environment. In some instances sexual assault may also constitute sexual harassment. For

information regarding reporting of sexual harassment, as opposed to sexual assault, see the *Evangel University Sexual Harassment Policy*.

## 2. **Consent**

The term *consent* is defined as an unambiguous and willful participation or cooperation in an act or as an attitude that is commonly understood to be consistent with the exercise of free will. Consent requires participants who are fully conscious, are equally free to act, have clearly communicated their willingness, cooperation, or permission to participate in a specific sexual activity, are positive and clear in their desires, and are able to cease ongoing consensual activity at any time. Refusal to consent does not have to be verbal; it can be expressed with gestures, body language or attitude. A prior sexual history between the complainant and respondent does not constitute consent. Consent is not freely given if one of the following applies:

- a. The individual is unable to make an informed decision as a result of alcohol or other drugs (including but not limited to predatory drugs or prescribed medications); or
- b. The individual is unconscious, asleep, or suffering from shock; or
- c. The individual is under the age of seventeen and therefore legally unable to give consent; or
- d. The individual has a known mental disorder or developmental or physical disability, and therefore legally unable to give consent.

“No” means “No”

“No” can be expressed or implied, it does not have to be spoken.

“Yes” means “No” if conditions a, b, c, or d listed above exist.

Note: For the purposes of the University, use of alcohol by an offender neither diminishes personal responsibility nor is considered a mitigating factor in disciplinary sanctions should a violation be found to have occurred. In California, "Consent" means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution. In prosecutions in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

## 3. **Domestic Violence/Dating Violence**

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of California. "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

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

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

#### 4. Stalking

Stalking: Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress.

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

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

(h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones,

computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

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

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

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

(l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

## **B. Prevention of Sexual Assault**

The Sacramento separate campus students did not participate in any sexual assault prevention training in 2013.

## **C. Reporting Sexual Assault, Domestic Violence, Dating Violence or Stalking**

Student assistance is available 24 hours a day through the entire year by calling the Evangel University Main Campus Department of Public Safety at (417) 865- 2815 extension 7000. The Department of Public Safety personnel

will offer assistance in reporting the crime and in providing information for counseling support and medical treatment.

Sacramento campus community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents in a timely manner. To report a crime or an emergency, call 911 from any campus telephone to make a report. Outside the university system, call 911 and the dispatch operator will contact you to the appropriate law enforcement agency.

#### **D. Response to a Report of Sexual Assault, Domestic Violence, Dating Violence or Stalking.**

- 1. Assessment of Danger:** Upon receiving a call, the Sacramento SCD will determine if the survivor or others are in immediate danger, the survivor's name or other means by which the survivor can be identified, nature of the offense, and present location and phone number where the survivor may be reached.
  - a. Immediate Danger.** If there is an immediate danger to the caller, the caller will be directed to contact the local Police Department. When the immediate danger is past, the help of a Crisis Counselor will be offered.
  - b. No Immediate Danger.** When there is no indication of immediate danger, the Sacramento SCD will put the caller in touch with an on-duty public safety officer who will encourage the victim to accept the help of a Crisis Counselor, who has been trained to provide such assistance.
  - c. Preservation of evidence.** Once there is no immediate danger the Sacramento SCD or officer will advise the survivor of the importance of preserving evidence to prove any criminal case of domestic violence, dating violence, and sexual assault or stalking, of if needed to obtain a protective order.
- 2. Medical Assistance:** The Sacramento SCD shall encourage the survivor to seek medical treatment or examination, if needed, and offer to arrange transportation to a local hospital. Should the survivor desire counseling, the Sacramento SCD will offer to make the necessary arrangements outlined below.
  - a. Rape Kit.** If the sexual assault involved sexual intercourse, the Sacramento SCD will inform the survivor about the importance of the Rape Kit (if the sexual intercourse occurred within the last 72 hours) in order to preserve evidence. The Sacramento SCD should instruct the survivor to not wash, shower, douche, or change (destroy or clean) the clothes worn at the time of the assault. Not washing or changing clothes is important in order to preserve evidence.

**b. Support and Safety** Should the survivor require medical examination, University or Sacramento separate campus personnel, if available, can remain outside the examination or treatment room during the examination or treatment and then return the survivor to his or her residence or, if necessary, to a safe place other than the survivor's residence. If no University or Sacramento separate campus personnel are available the survivor should be referred to the local police department.

**3. Crisis Counseling Assistance:** The Sacramento SCD shall encourage the survivor to access support services from those specially trained to assist survivors of sexual assault, domestic violence, dating violence or stalking.

Victim/Witness Assistance Center – (916) 874-5701

WEAVE – (916) 319-4925

Women's Resource Center – (916) 278-7388

**Consent for Help:** If the survivor consents to talk with a counselor, the Sacramento SCD or officer will immediately seek to contact the counselor for immediate assistance. The Sacramento SCD or officer then will contact the survivor to provide the name of the proposed counselor. The victim then may ask for a different counselor if the proposed counselor is known to the survivor and unacceptable for any reason. In such an event, the Sacramento SCD or officer will request another counselor who is available and then repeat the identification process. When no proposed counselor is approved by the victim, the Sacramento SCD or officer will immediately refer the victim to the Women's Resource Center – (916) 278-7388

**Refusal of Help:** If the victim declines to talk with a counselor, any information obtained by the Sacramento separate campus director or officer will be reported to the AGTS Office of Continuing Education.

#### **4. Information**

The Sacramento SCD or officer will provide the survivor with the following information, including telephone numbers for the referral sources:

- a.** The survivor's right to anonymity
- b.** The University's willingness to appoint a person to serve as the survivor's liaison with school officials and other parties, including service as the survivor's advisor in any disciplinary proceeding against the alleged offender;
- c.** The availability of medical treatment, counseling services, and other resources;

- d. The procedure for reporting the incident to the Department of Public Safety, the Sacramento Police Department, or other appropriate law enforcement agencies.
- e. The University's willingness to assist in contacting the appropriate outside law enforcement agency if requested by the survivor;
- f. The University procedures for disciplinary action against students found guilty of sexual assault, domestic violence, dating violence or stalking and;
- g. The availability of local attorneys for legal counsel.

**5. Sexual Assault, Domestic Violence, Dating Violence and Stalking**

**Reporting:** The Sacramento SCD and/or officer shall take appropriate steps for the completion of a report in cooperation with the expressed wishes of the survivor.

- a. **Police Report Filed:** If the survivor chooses to file a Sacramento Police Department report, then the Sacramento SCD or officer will assist the survivor in contacting the Police Department and will also complete a brief report for statistical records.
- b. **No Police Report Filed:** If the survivor decides to not file a report with the police department, then the Sacramento SCD or officer will complete an Evangel University Incident Report containing the following:
  - i. **Survivor's Statement:** The Sacramento SCD or officer will record the survivor's account of the offender's action and any relevant background information.
  - ii. **Other Information:** The Sacramento SCD or officer will also seek and identify in the report as much potential corroborating information as possible
- c. **Incident Report Options:** The Sacramento SCD or officer will provide information to the survivor concerning the options for reporting the alleged offense and will use one of the following three formats selected by the survivor. Absent special circumstances the Sacramento SCD or officer will encourage the survivor to choose the third option (a formal complaint).
  - i. **Anonymous Report:** The report will not include the name of the survivor or other information about the victim's identity. The report will be used solely for information to enhance prevention programs and to prepare statistical records. The report will be signed by the Sacramento SCD or officer, who will verify that the survivor has requested that no further investigation or action be undertaken.
  - ii. **Signed Report:** The report will include the name of the survivor, but will be used solely for information to enhance prevention programs and to prepare statistical records.



- c. If the Incident Report requests disciplinary action, and if the offender is a student, then the Sacramento SCD will review the complaint for action pursuant to the Community Standards of Conduct published in the Evangel University Student Handbook. The policy for student disciplinary cases is established by the Community Standards of Conduct (copies are available for review at:

<https://web.evangel.edu/Apps/Public/studentHandbook/index>

.asp) and the Doctoral Program Handbook (copies are available for review at: <http://www.agts.edu/dmin/Participant-Handbook.pdf>). Disciplinary action under the Evangel University student conduct code is independent of any legal proceedings. This action may run concurrently with or in addition to any law enforcement investigation or court proceedings. The following sections of this protocol summarize some of the steps in the disciplinary procedures implemented by the Vice President of Student Development.

- i. **Parties.** In the disciplinary process, the victim of a sexual assault, domestic violence, dating violence or stalking is referred to as the complainant, and the student who assaulted or stalked the survivor is referred to as the accused student. Collectively, the complainant and the accused student are referred to as the parties for the particular case.
- ii. **Gender Balance.** The Vice President for Students Development may elect to handle sexual offense complaints in cooperation with another faculty or staff member of the opposite sex in order to eliminate the risk of any gender bias, either perceived or real.
- iii. **Administrative Resolution.** The Vice President for Student Development in partnership with local EU administration will conduct an investigation to determine if the complaint has merit. Unless the complaint is found to be without merit, the Vice President for Student Development will seek to resolve the matter administratively by determining the nature and severity of the violations and by reaching an agreement with the accused student on the appropriate sanctions for such violations. The Vice President for Student Development will confer with the complainant prior to completing an agreement with the accused student. If the complainant is dissatisfied with the completed agreement, the complainant may appeal to the University Accountability Board.
- iv. **Written Charges.** If the complaint cannot be resolved administratively by mutual consent, the Vice President for Student Development will prepare written charges against the accused student. The charges will be forwarded to the University

Accountability Board, and copies will be sent to the accused student and the complainant by the Vice President for Student Development.

- v. **Hearing Date.** The University Accountability Board will set the time and place for the hearing, and both the accused student and the survivor will be given notice of the hearing at least 48 hours in advance of the date. Either party may request the board to delay the hearing for good cause.
- vi. **Hearing Guidelines.** The hearing will be administrative in nature, and every attempt will be made to assure a fair and impartial hearing. Following is a summary of the guidelines for such hearings.
- vii. **Closed Hearings.** Hearings will be conducted in closed session. The parties may be present during the hearings, but may not be present during the deliberations of the board.
- viii. **Advisors.** The complainant and the accused student each will have the right to be assisted by an advisor.
- ix. **Admission of Others.** Admission of witnesses and other persons to the hearing will be subject to the discretion of the board, as permitted by the Family Educational Rights and Privacy Act.
- x. **Witnesses.** The parties will have the privilege of presenting witnesses, and the board may call additional witnesses.
- xi. **Cross-Examination.** The members of the board may question and cross-examine witnesses. The parties and/or their advisors may not cross-examine witnesses or other parties, but may suggest questions to be asked by the chairperson of the board.
- xii. **Deliberation and Voting.** After the hearing, the board will deliberate and then determined whether or not a majority of the members believe the accused student violated the Community Standards of Conduct.
- xiii. **Standard of Required Proof.** The board's determination will be made on the basis of whether it is more likely than not that the accused student violated the Community Standards of Conduct, which is equivalent to the "preponderance of the evidence" standard.
- xiv. **Reopening of Hearing on Question of Sanctions.** If the board finds that the accused student committed one or more violations of the Community Standards of Conduct, the board may recall the parties, and any other witnesses, to receive evidence or statements about the appropriateness of disciplinary sanctions. Such evidence may include testimony of character witnesses on behalf of the accused student, evidence of prior acts of misconduct, and/or a survivor's impact statement.
- xv. **Disciplinary Sanctions.** Based on its findings of violations, or the lack of violations, and its information about the appropriateness of sanctions, the hearing board will determine

the disciplinary sanctions to be recommended to the Vice President for Student Development for imposition against the accused student. If the accused is found to be in violation of the Sexual Assault policy, then the minimum sanction is *Immediate Suspension* for one year, plus evidence of successful counseling prior to readmission; and the maximum sanction is *Dismissal*, meaning permanent separation from the University. For a complete list of possible sanctions refer to section V, B of the student handbook.

**Announcement of Decision.** Upon conclusion of its deliberations, the board will unconditionally inform both parties of its findings and any sanctions simultaneously in writing. Both the complainant and the accused student may appear the hearing board decision to the University Appeals Board.

## **Sex Offender Registry**

In accordance with the *Campus Sex Crimes Prevention Act of 2000*, which amends the *Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act*, the *Jeanne Clery Act*, and the *Family Educational Rights and Privacy Act of 1974*, the Evangel University Sacramento Separate Campus provides a link to a publicly accessible Internet web site containing the *Sacramento County Sex Offender Registry* and the *Sacramento County Sex Offender List*. This law also requires sex offenders, who already are required to register in a state, to provide notice of each institution of higher education in that state at which the person is employed or enrolled as a student.

Individuals included on the web sites are included solely by virtue of their conviction record and state law. The primary purpose of providing this information is to make the information easily available and accessible, not to warn about any specific individual. Anyone who uses this information to commit a criminal act against another person is subject to criminal prosecution.

Follow the link below to access the *Sacramento County Sex Offender List* website. The Sacramento County Sheriff's Office is responsible for maintaining this registry:

<http://www.icrimewatch.net/index.php?AgencyID=54136>

Any person required to register as a sex offender can go to the Sacramento County Sheriff's Home Detention Office located at 700 North 5th Street, Sacramento, California, 95814. The telephone number is 916-874-1413.

## **Alcoholic Beverages**

All students, faculty, and staff, while on or off University property, are expected to refrain from the possession or use of alcoholic beverages. Providing, purchasing, attempting to purchase, or facilitating the purchase of alcoholic beverages is likewise prohibited. "Use" includes consumption by any means. Students are considered "in possession" and responsible for alcoholic beverages that have been determined to be on their person or in their residence or vehicle. The University prohibits the use or possession of an alcohol beverage vaporizer. The University reserves the right to check for compliance with this alcohol policy by various means, including active and passive alcohol sensors. For a complete statement on Evangel's policy regarding alcohol use, see "Alcohol and Drugs" in Section VI, University Policies.

It is unlawful to sell furnish, or provide alcohol to anyone under age. The possession of alcohol, including possession by consumption, by anyone under age is illegal. Individuals violating these policies may be subject to sanctions by Evangel University, criminal prosecution, fine and imprisonment.

## **Illegal Drug Possession**

Everyone in the Evangel University community (including employees, resident students, commuter students, and graduate/professional studies students), while on or off University property, is expected to refrain from the manufacture, possession, use or distribution of illegal drugs. Purchasing, attempting to purchase, or facilitating the purchase of illegal substances is likewise prohibited. Students are considered "in possession" and responsible for illegal substances found on their person or in their residence or vehicle. Possession of drug paraphernalia is prohibited. If an illegal substance is suspected, the university policy is to call police and secure the area until their arrival. Individuals violating these policies may be subject to sanctions by Evangel University, criminal prosecution, fine and imprisonment. For a complete statement on Evangel's policy regarding drug use, see "Alcohol and Drugs" in Section VI, University Policies.

## **Drug and Alcohol Abuse Prevention Program**

### **Preamble**

Evangel University is affiliated with the Assemblies of God, a community of churches that emphasizes the importance of surrendering our lives to Christ and living lives which, by the power of the Holy Spirit, demonstrate God's call for us to be Christ-like in all that we do. As a result of this affiliation and commitment to God's call, and in compliance with the *Drug Free Schools and Communities Acts Amendments of 1989*, Evangel University defines in this policy the lifestyle expectations and requirements for students

that relate to the manufacture, possession, use, or distribution of illegal drugs, alcoholic beverages, and tobacco products as well as the abuse of prescription and nonprescription medications.

### **A. Policy**

Maintaining our personal health and mental well-being is an essential part of our commitment at Evangel University to serve Christ. As a demonstration of that commitment, we expect everyone in the Evangel University community (including employees, resident students, commuter students, and graduate/professional studies students), while on or off University property, to refrain from the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages and tobacco products, and to avoid the abuse of prescription or nonprescription drugs.

This policy also applies to all guests while visiting on our campus or attending University sponsored events outside of the campus. As Christians, we believe that this commitment to abstinence is a responsible way to avoid the alcohol and drug abuse problems that cause such great damage and cost to our society and its families.

### **B. Support Services**

The Sacramento separate campus does not have on-site counseling services. Off-campus community counseling and treatment services are available from the following organizations at a potential cost to the student:

Al-Anon/Alateen  
[www.al-anon.org](http://www.al-anon.org)  
(916) 334-2970  
(916) 483-4806

Alcoholics Anonymous  
[www.alcoholics-anonymous.org](http://www.alcoholics-anonymous.org)  
(916) 454-1100

Narcotics Anonymous  
[www.na.org](http://www.na.org)  
1-877-NA3-6363

Focus Healthcare of California  
[www.focusrecoverycenter.com](http://www.focusrecoverycenter.com)  
(916) 514-8500

Medmark Treatment Center  
[www.medmarktreatmentcenters.com](http://www.medmarktreatmentcenters.com)

(916) 391-4293

Gateway Foundation for Women  
www.gatewayforwomen.org  
(916) 451-9312

New Dawn Treatment Center  
www.newdawnTreatmentcenters.com  
(916) 723-1319

### **C. Consequences for Violations of this Policy**

For a few, it is sometimes necessary to be confronted and to experience consequences before they recognize that their actions and habits are detrimental to their Christian witness, their own health, and the well-being of the community. In compliance with our own standard as well as the laws of the land, we advise both traditional and nontraditional students as well as employees that the following consequences will occur when the policy is violated:

1. Students or employees who violate city ordinances or state or federal statutes law regarding the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages, tobacco products or medications will be reported to the legal authorities.
2. Those who violate University standards, city ordinances or state or federal statutes regarding (a) the manufacture, possession, use or distribution of illegal drugs, synthetic drugs (K2 and other synthetic cannabinoids, bath salts, or products used in a similar manner), alcoholic beverages or tobacco products or (b) the abuse of medications will be subject to disciplinary action, including discharge for employees and dismissal for students.
3. If found to be in violation of University standards but permitted to continue as a part of the community on probationary status, the student may be subject to mandatory counseling (on or off campus), periodic inspections and/or supervised, random drug tests at a medical facility over a given period of time. The student will be responsible solely for costs of the drug screens and off-campus counseling.
4. Any member of the Evangel University community who refuses to take a field sobriety test and/or a Breathalyzer test, when asked to submit to either or both by an Evangel staff member for reasonable cause, shall be considered to be in violation of the University's standards prohibiting the possession, use, or distribution of alcohol. "Reasonable cause" includes the odor of alcohol on a person's breath, slurred speech, glassy eyes, being unsteady or unstable on a

person's feet, and/or similar observations.

5. Any member of the Evangel University community who refuses to submit to a drug test or refuses to provide written consent permitting Evangel University to be apprised of the testing results, shall be considered to be in violation of the University's illegal drug policy. Reasonable grounds for drug testing may include, but are not limited to: incoherent, erratic or violent behavior; repeated tardiness and/or absenteeism; drug-related odors on person, clothing, room or vehicle; sudden unexplainable drop in academic or work performance; possession of drug paraphernalia; previous positive drug screen results; being cited for substance abuse violations by University or municipal authorities; a report that is provided by a reliable and credible source regarding use of illegal substance.
6. Student organizations are under the same legal requirements as individuals concerning local, state, and federal laws. Any violation of these laws in conjunction with a student organization activity constitutes a violation of University policy. Violations of policy could result not only in disciplinary action against the individual(s) involved, but also in suspension or loss of University recognition of the organization.

#### **D. Special Obligations of Employees and the University**

1. Employer's statement:  
All University employees are notified hereby that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the University workplace and that a violation of this prohibition shall result in immediate disciplinary action up to and including discharge.
2. Conditions of employment:  
As a condition of employment, all University employees must: (1) abide by the terms of the prohibition referred to in the preceding paragraph; and (2) notify the University of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction.
3. Employer's obligations:
  - a. Notification of agency  
The University will notify the appropriate law enforcement agency within 10 days after receiving the 5-day notice from an employee referred to in the preceding paragraph or upon otherwise receiving actual notice of such a conviction.
  - b. Responsive action  
Within 30 days of receiving notice from an employee of a criminal drug statute conviction for a violation occurring in the workplace, the University shall, with respect to any employee who is so convicted: (1) take appropriate personnel action against such an employee, up to and including termination;

or (2) require such employee to participate satisfactorily in a drug abuse assistance or a rehabilitation program approved for such purposes by a federal, state or local health, law enforcement, or other appropriate agency.

## **E. Definitions**

1. "University activities" are defined as those activities that are sponsored by a University department or are sponsored by a recognized student organization.
2. "University property" is defined as University-owned or leased grounds, facilities, or vehicles.

## **F. Description of Local, State and Federal Legal Sanctions**

1. State sanctions
  - a. Alcohol offenses:

(1) (a) Except as provided in Section 25667, any person under the age of 21 years who has any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of two hundred fifty dollars (\$250) or the person shall be required to perform not less than 24 hours or more than 32 hours of community service during hours when the person is not employed or is not attending school. A second or subsequent violation shall be punishable as a misdemeanor and the person shall be fined not more than five hundred dollars (\$500), or required to perform not less than 36 hours or more than 48 hours of community service during hours when the person is not employed or is not attending school, or a combination of fine and community service as the court deems just. It is the intent of the Legislature that the community service requirements prescribed in this section require service at an alcohol or drug treatment program or facility or at a county coroner's office, if available, in the area where the violation occurred or where the person resides. This section does not apply to possession by a person under the age of 21 years making a delivery of an alcoholic beverage in pursuance of the order of his or her parent, responsible adult relative, or any other adult designated by the parent or legal guardian, or in pursuance of his or her employment. That person shall have a complete defense if he or she was following, in a timely manner, the reasonable instructions of his or her parent, legal guardian, responsible adult relative, or adult designee relating to disposition of the alcoholic beverage. (b) Unless otherwise provided by law, where a peace officer has lawfully entered the premises, the peace officer may seize any alcoholic beverage in plain view that is in the possession of, or provided to, a person under the age of 21 years at social gatherings, when those gatherings are open to the public, 10 or more persons under the age of 21 years are participating, persons under the age of 21 years are consuming alcoholic beverages, and there is no supervision of the social gathering by a parent or guardian of one or more of the participants. Where a peace officer has seized alcoholic beverages pursuant to this subdivision, the officer may destroy any alcoholic

beverage contained in an opened container and in the possession of, or provided to, a person under the age of 21 years, and, with respect to alcoholic beverages in unopened containers, the officer shall impound those beverages for a period not to exceed seven working days pending a request for the release of those beverages by a person 21 years of age or older who is the lawful owner or resident of the property upon which the alcoholic beverages were seized. If no one requests release of the seized alcoholic beverages within that period, those beverages may be destroyed. (c) The penalties imposed by this section do not preclude prosecution or the imposition of penalties under any other provision of law, including, but not limited to, Section 13202.5 of the Vehicle Code.

(2)(a) It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle. (b) It is unlawful for a person who has 0.08 percent or more, by weight, of alcohol in his or her blood to drive a vehicle. (c) It is unlawful for a person who is addicted to the use of any drug to drive a vehicle. This subdivision shall not apply to a person who is participating in a narcotic treatment program approved pursuant to Article 3 (commencing with Section 11875) of Chapter 1 of Part 3 of Division 10.5 of the Health and Safety Code. (d) It is unlawful for a person who has 0.04 percent or more, by weight, of alcohol in his or her blood to drive a commercial motor vehicle, as defined in Section 15210. (e) It is unlawful for a person who is under the influence of any drug to drive a vehicle. (f) It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle.

(3)(a) No person shall have in his or her possession on his or her person, while driving a motor vehicle upon a highway or on lands, as described in subdivision (b) of Section 23220, any bottle, can, or other receptacle, containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed.

b. Illegal drug offenses:

- (1) Except as otherwise provided in this division, every person who possesses (1) any controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (2) Except as otherwise provided in this division, every person who possesses any controlled substance specified in subdivision (e) of Section 11054 shall be punished by imprisonment in a county jail for not more than one year or pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (3) Except as otherwise provided in this division, whenever a person who possesses any of the controlled substances specified in subdivision (a) or (b), the judge may, in addition to any punishment provided for pursuant to subdivision (a) or (b), assess against that person a fine not to exceed seventy dollars (\$70) with proceeds of this

fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

- (4) Except in unusual cases in which it would not serve the interest of justice to do so, whenever a court grants probation pursuant to a felony conviction under this section, in addition to any other conditions of probation which may be imposed, the following conditions of probation shall be ordered: For a first offense under this section, a fine of at least one thousand dollars (\$1,000) or community service. For a second or subsequent offense under this section, a fine of at least two thousand dollars (\$2,000) or community service. If a defendant does not have the ability to pay the minimum fines specified in paragraphs (1) and (2), community service shall be ordered in lieu of the fine.
- (5) Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale (1) any controlled substance specified in subdivision (b), (c), or (e) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for two, three, or four years.
- (6) Except as otherwise provided in this division, every person who possesses for sale or purchases for purposes of sale cocaine base which is specified in paragraph (1) of subdivision (f) of Section 11054, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.
- (7) (a) Except as otherwise provided in this division, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport (1) any controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years. (b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years. For purposes of this section, "transports" means to transport for sale. (d) This section does not preclude or limit the prosecution of an individual for aiding and abetting the commission of, or conspiring to commit, any act prohibited by this section.

- (8) (a) The Legislature hereby declares that the dispensing and furnishing of prescription drugs, controlled substances, and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety, and welfare of all persons residing in the state. It is the intent of the Legislature in enacting this provision to enhance the penalties attached to this illicit and dangerous conduct. (b) Notwithstanding Section 4321 of the Business and Professions Code, and in addition to any other penalties provided by law, any person who knowingly and unlawfully dispenses or furnishes a dangerous drug or dangerous device, or any material represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code, or who knowingly owns, manages, or operates a business that dispenses or furnishes a dangerous drug or dangerous device or any material represented as, or presented in lieu of, any dangerous drug or dangerous device, as defined in Section 4022 of the Business and Professions Code without a license to dispense or furnish these products, shall be guilty of a misdemeanor. Upon the first conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both that fine and imprisonment. Upon a second or subsequent conviction, each violation shall be punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed ten thousand dollars (\$10,000), or by both that fine and imprisonment.
- (9) The court shall impose a fine not exceeding fifty thousand dollars (\$50,000), in the absence of a finding that the defendant would be incapable of paying such a fine, in addition to any term of imprisonment provided by law for any of the following persons: (1) Any person who is convicted of violating Section 11351 of the Health and Safety Code by possessing for sale 14.25 grams or more of a substance containing heroin. (2) Any person who is convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell 14.25 grams or more of a substance containing heroin. (3) Any person convicted of violating Section 11351 of the Health and Safety Code by possessing heroin for sale or convicted of violating Section 11352 of the Health and Safety Code by selling or offering to sell heroin, and who has one or more prior convictions for violating Section 11351 or Section 11352 of the Health and Safety Code.
- (10) 11353. Every person 18 years of age or over, (a) who in any voluntary manner solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this chapter or Section 11550 with respect to either (1) a controlled substance which is specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic drug, (b) who hires, employs, or uses a minor to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any such controlled substance, or (c) who unlawfully sells, furnishes, administers, gives, or offers to sell, furnish, administer, or give, any such controlled substance to a minor, shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

- (11) (a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11353, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows: (1) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year. (2) If the offense involved heroin, cocaine, cocaine base, or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years. (3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court. (b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact. (c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law (d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.
- (12) Except as authorized by law, every person who possesses any concentrated cannabis shall be punished by imprisonment in the county jail for a period of not more than one year or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment, or shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.
1. Except as authorized by law, every person who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100).
  2. Except as authorized by law, every person who possesses more than 28.5 grams of marijuana, other than concentrated cannabis, shall be punished by imprisonment in a county jail for a period of not more than six months or by a fine of not more than five hundred dollars (\$500), or by both such fine and imprisonment.

3. Except as authorized by law, every person 18 years of age or over who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in a county jail for a period of not more than 10 days, or both.
4. Except as authorized by law, every person under the age of 18 who possesses not more than 28.5 grams of marijuana, other than concentrated cannabis, upon the grounds of, or within, any school providing instruction in kindergarten or any of grades 1 through 12 during hours the school is open for classes or school-related programs is guilty of a misdemeanor and shall be subject to the following dispositions:

- (1) A fine of not more than two hundred fifty dollars (\$250), upon a finding that a first offense has been committed.
- (2) A fine of not more than five hundred dollars (\$500), or commitment to a juvenile hall, ranch, camp, forestry camp, or secure juvenile home for a period of not more than 10 days, or both, upon a finding that a second or subsequent offense has been committed.
- (a) Every person who sells, dispenses, distributes, furnishes, administers, or gives, or offers to sell, dispense, distribute, furnish, administer, or give, or possesses for sale any synthetic cannabinoid compound, or any synthetic cannabinoid derivative, to any person, is guilty of a misdemeanor punishable by imprisonment in a county jail not exceeding six months, or by a fine not exceeding one thousand dollars (\$1,000), or by both that fine and imprisonment.
- (13) Every person who plants, cultivates, harvests, dries, or processes any marijuana or any part thereof, except as otherwise provided by law, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (14) Every person who possesses for sale any marijuana, except as otherwise provided by law, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (15)(a) Except as otherwise provided by this section or as authorized by law, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any marijuana shall be

punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three or four years. (b) Except as authorized by law, every person who gives away, offers to give away, transports, offers to transport, or attempts to transport not more than 28.5 grams of marijuana, other than concentrated cannabis, is guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100). In any case in which a person is arrested for a violation of this subdivision and does not demand to be taken before a magistrate, such person shall be released by the arresting officer upon presentation of satisfactory evidence of identity and giving his written promise to appear in court, as provided in Section 853.6 of the Penal Code, and shall not be subjected to booking.

- (16)(a) Every person 18 years of age or over who hires, employs, or uses a minor in unlawfully transporting, carrying, selling, giving away, preparing for sale, or peddling any marijuana, who unlawfully sells, or offers to sell, any marijuana to a minor, or who furnishes, administers, or gives, or offers to furnish, administer, or give any marijuana to a minor under 14 years of age, or who induces a minor to use marijuana in violation of law shall be punished by imprisonment in the state prison for a period of three, five, or seven years. (b) Every person 18 years of age or over who furnishes, administers, or gives, or offers to furnish, administer, or give, any marijuana to a minor 14 years of age or older shall be punished by imprisonment in the state prison for a period of three, four, or five years.
- (17) (a) It is unlawful to possess an opium pipe or any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking (1) a controlled substance specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, specified in subdivision (b) or (c) of Section 11055, or specified in paragraph (2) of subdivision (d) of Section 11055, or (2) a controlled substance which is a narcotic drug classified in Schedule III, IV, or V.

2. Federal sanctions--United States Code prohibits the following acts:

- a. Alcohol offenses: Legal sanctions for the unlawful possession or distribution of alcohol are found primarily in state and local law.
- b. Illegal drug offenses:
  - (1) Simple possession. It is illegal for any person to knowingly or intentionally possess a controlled substance unless obtained by a valid prescription. 21 U.S.C. ~844.
  - (2) Violations of this section are punishable by imprisonment for up to 1 year, a minimum fine of \$1,000, or both. After a prior conviction for any drug offense, the violator shall be imprisoned for a term of at least 15 days and not more than 2 years and fined a minimum of \$2,500. A third conviction carries a penalty of imprisonment for at least 90 days but no more than 3

years and a minimum fine of \$5,000. 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 a 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.

- (3) Where a person at least 18 years of age distributes a controlled substance to any person under 21 years of age, or where a person possesses with intent to distribute, distributes or manufactures a controlled substance in or on, or within 1000 feet of a public or private elementary, secondary, vocational or public or private college, junior college or university, or playground or housing facility owned by a public housing authority, or within 100 feet of a youth center, public swimming pool or video arcade facility, the punishment shall be twice the maximum punishment provided in 21 U.S.C. 841 , which provides in part 1, 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 \$4,000,000 if the defendant is an individual or \$10,000,000 if the defendant is other than an individual, or both.
- (4) Any person convicted of a drug offense under these federal laws shall forfeit to the government any property derived from or obtained directly or indirectly as a result of the violation, or any property used to commit or facilitate the violation. 21 U.S.C. ~853.
- (5) Ineligibility to receive or purchase a firearm. 18 U.S.C. ~922(g).
- (6) Miscellaneous: Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, are vested within the authority of individual federal agencies.

## **G. Health Risks Associated with Use of Illegal Drugs and Abuse of Alcohol**

1. Alcohol:
  - a. Alcohol consumption causes a number of 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 increases 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.
  - b. 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.

- c. Infants and children develop fetal alcohol syndrome (FAS) as a result of maternal alcohol intake during pregnancy. In severe cases, children with FAS are born with physical abnormalities and mental retardation. But central nervous system damage leading to learning problems, lack of impulse control, hyperactivity and emotional/social difficulties in children can occur with even small amounts of maternal alcohol intake. There is no safe level of alcohol consumption during pregnancy. [Paragraph 1.c. revised 10-12-04.]
2. Cannabis:
    - a. All forms of cannabis have negative physical and mental effects. Several regularly observed physical effects of cannabis are a substantial increase in the heart rate, bloodshot eyes, a dry mouth and throat and increased appetite.
    - b. Use of cannabis may impair or reduce short-term memory and comprehension, alter sense of time and reduce ability to perform tasks requiring concentration and coordination, such as driving a car. Research also shows that students do not retain knowledge when they are "high." Motivation and cognition may be altered, making the acquisition of new information difficult. Marijuana can also produce paranoia and psychosis.
    - c. Because users often inhale the unfiltered smoke deeply and then hold it in their lungs as long as possible, marijuana is damaging to the lungs and pulmonary system. Marijuana smoke contains more cancer-causing agents than tobacco smoke.
    - d. Long-term users of cannabis may develop psychological dependence and require more of the drug to get the same effect. The drug can become the center of their lives.
  3. Inhalants:
    - a. The immediate negative effects of inhalants include nausea, sneezing, coughing, nosebleeds, fatigue, and lack of coordination and loss of appetite. Solvents and aerosol sprays also decrease the heart and respiratory rates and impair judgment. Amyl and butyl nitrates cause rapid pulse, headaches and involuntary passing of urine and feces. Long-term use may result in hepatitis or brain damage.
    - b. Deeply inhaling the vapors, or using large amounts over a short time, may result in disorientation, violent behavior, unconsciousness, or death. High concentrations of inhalants can cause suffocation by displacing the oxygen in the lungs or by depressing the central nervous system to the point that breathing stops.
    - c. Long-term use can cause weight loss, fatigue, electrolyte imbalance and muscle fatigue. Repeated sniffing of concentrated vapors over time can permanently damage the nervous system.
  4. Cocaine:

- a. Cocaine stimulates the central nervous system. Its immediate effects include dilated pupils and elevated blood pressure, heart rate, respiratory rate and body temperature. Occasional use can cause a stuffy or runny nose, while chronic use can ulcerate the mucous membrane of the nose.
  - b. Injecting cocaine with contaminated equipment can cause AIDS, hepatitis and other diseases.
  - c. Preparation of freebase, which involves the use of volatile solvents, can result in death or injury from fire or explosion.
  - d. Cocaine can produce psychological and physical dependency, a feeling that the user cannot function without the drug. In addition, tolerance develops rapidly.
  - e. Crack or freebase rock is extremely addictive and its effects are felt within 10 seconds. The physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia and seizures.
  - f. The use of cocaine can cause death by cardiac arrest or respiratory failure.
5. Other stimulants:
- a. Stimulants can cause increased heart and respiratory rates, elevated blood pressure, dilated pupils and decreased appetite. In addition, users may experience sweating, headaches, blurred vision, dizziness, sleeplessness and anxiety. Extremely high doses can cause a rapid or irregular heartbeat, tremors, loss of coordination and even physical collapse.
  - b. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure.
  - c. In addition to the physical effects, users report feeling restless, anxious and moody. Higher doses intensify the effects.
  - d. Persons who use large amounts of amphetamines over a long period of time can develop an amphetamine psychosis that includes hallucinations, delusions and paranoia. The symptoms usually disappear when drug use ceases.
6. Depressants:
- a. The effects of depressants are in many ways similar to the effects of alcohol. Small amounts can produce calmness and relaxed muscles, but somewhat larger doses can cause slurred speech, staggering gait and altered perception. Very large doses can cause respiratory depression, coma and death. The combination of depressants and alcohol can multiply the effects of the drugs, thereby multiplying the risks.
  - b. The use of depressants can cause both physical and psychological dependence. Regular use over time may result in a tolerance to the drug, leading the user suddenly stop taking large doses, they may develop withdrawal symptoms ranging from restlessness, insomnia and anxiety to convulsions and death.
  - c. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems also may result.

7. Hallucinogens:
  - a. Phencyclidine (PCP) interrupts the functions of the neocortex, the section of the brain that controls the intellect and keeps instincts in check. Because the drug blocks pain receptors, violent PCP episodes may result in self-inflicted injuries. The effects of PCP vary, but users frequently report a sense of distance and estrangement. Time and body movements are slowed down. Muscular coordination worsens and senses are dulled. Speech is blocked and incoherent. Chronic users of PCP report persistent memory problems and speech difficulties. Some of these effects may last 6 months to a year following prolonged daily use. Mood disorders--depression, anxiety and violent behavior--also occur. In later stages of chronic use, users often exhibit paranoid and violent behavior and experience hallucinations. Large doses may produce convulsions and coma, as well as heart and lung failure.
  - b. Lysergic acid (LSD), mescaline and psilocybin cause illusions and hallucinations. The physical effects may include dilated pupils, elevated body temperature, increased heart rate and blood pressure, loss of appetite, sleeplessness and tremors. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to LSD, mescaline and psilocybin. The user may experience panic, confusion, suspicion, anxiety and loss of control. Delayed effects, or flashbacks, can occur even after use has ceased.
  
8. Narcotics:
  - a. Narcotics initially produce a feeling of euphoria that often is followed by drowsiness, nausea and vomiting. Users also may experience constricted pupils, watery eyes and itching. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma and possible death. Tolerance to narcotics develops rapidly and dependence is likely.
  - b. The use of contaminated syringes may result in disease such as AIDS, endocarditis and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants who experience severe withdrawal symptoms.
  
9. Designer drugs:
  - a. Illegal drugs are defined in terms of their chemical formulas. To circumvent these legal restrictions, underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be several hundred times stronger than the drugs they are designed to imitate.
  - b. Many of the so-called designer drugs are related to amphetamines and have mild stimulant properties but are mostly euphorants. They can produce severe neuro-chemical damage to the brain. The narcotic analogs can cause symptoms such as those seen in Parkinson's disease: uncontrollable tremors, drooling, impaired speech, paralysis and irreversible brain damage. Analogs of amphetamines and methamphetamines cause nausea, blurred vision, chills

or sweating and faintness. Psychological effects include anxiety, depression and paranoia. As little as one dose can cause brain damage. The analogs of phencyclidine cause illusions, hallucinations and impaired perception.

*Description of Health Risks was obtained from "What Works: Schools without Drugs," United States Department of Education, 1989.*

#### **H. Program Review**

The University will conduct a biennial review of this program to determine its effectiveness, make changes where necessary and ensure that it is consistently followed.

#### **I. Program Notification**

Every student receives a copy of this policy annually in conjunction with registration for classes and every employee of the University shall receive a copy of the Drug and Alcohol Abuse Prevention Program annually through the campus mail. Additional copies of the program can be obtained from the office of the Vice President for Student Development.

### Crime Statistics

Offenses	On Campus			Residential facilities*			Non-Campus			Public Property			Totals		
	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013	2011	2012	2013
Murder/ Non-negligent manslaughter	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Negligent Manslaughter	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Rape	-	-	0	-	-	0	-	--	0	-	-	0	-	-	0
Forcible Fondling	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Statutory Rape	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Incest	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Dating Violence	**	**	0	**	**	0	**	**	0	**	**	0	**	**	0
Domestic Violence	**	**	0	**	**	0	**	**	0	**	**	0	**	**	0
Stalking	**	**	0	**	**	0	**	**	0	**	**	0	**	**	0
Robbery	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Aggravated Assault	-	-	0	-	-	0	-	-	0	-	-	1	-	-	1
Burglary	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Motor Vehicle Theft	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Arson	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Liquor law Arrests	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Liquor Law violations referred for disciplinary action	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Drug law Arrests	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Drug Law violations referred for disciplinary action	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Illegal Weapons Possession Arrests	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
Illegal Weapons Possession referred for disciplinary action	-	-	0	-	-	0	-	-	0	-	-	0	-	-	0
<b>Total</b>	-	-	<b>0</b>	-	-	<b>0</b>	-	-	<b>0</b>	-	-	<b>1</b>	-	-	<b>1</b>

\*\* These categories were added for the 2014 ASR and were not collected for the two previous years

Evangel University acquired this separate campus in 2013

## **Hate Crime Statistics**

There were no hate crimes reported in 2011, 2012, and 2013.