

# Evangel University

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## Sacramento Separate Campus 2016 Annual Security Report (2015 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**

The Sacramento Separate Campus is located at The Assemblies of God District Resource Center. During business hours the facilities will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to these facilities is by key, if issued. Any security or maintenance 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 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) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles or 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: (916) 856-5677
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All crimes should be reported as soon as possible to the SCD. Notification of the SCD insures 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.

Sex crimes or misconduct may also be reported to the Evangel University Title IX officers, the Director of Human Resources and the Vice President for Student Development or any Campus Security Authority.

## Prompt and Accurate Reporting

Evangel University encourages and expects victims and witnesses of crimes to report crimes to the local police department and the SCD 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 report 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 can make a report on behalf of the victim.

All reports made to local law enforcement, Evangel Public Safety or a Campus Security Authority are counted and disclosed in the annual crime statistics for the institution and will be evaluated by the Director or his designee to determine if an immediate notification, timely warning, or public safety announcement should be made.

## 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 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. Efforts will be made to avoid unnecessarily identifying the victim in such cases.

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 his or her designee is responsible for preparing and issuing timely warnings. The 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 SCD issues a Timely Warning, it will be issued when deemed appropriate 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 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 SCD.

In the event the SCD receives pertinent information that a Clery Act crime has occurred on or near the separate 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 separate campus, the SCD or faculty member will confirm that there was an emergency by contacting the Resource Center offices. In the event of an actual emergency the Sacramento separate 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 January 15-17, February 26-28, April 16-18, May 7-9, July 8-10, September 10-12, October 15-17, and November 12-14, 2015, 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 SCD.

### **Primary Prevention, Security Awareness Programs & Bystander Intervention Training Programs**

Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage

safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

Awareness programs: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

All students and employees are encouraged to take the online violence prevention training called Haven offered free to the campus community.

## **Crime Prevention Programs & Ongoing Campaigns**

Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a wide range of strategies with audiences throughout the institution.

The Sacramento separate provided crime prevention education and information through programs like the National Campus Safety Awareness Month social media campaign.

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

When an Evangel University student is involved in any off-campus criminal activity, EU Department of Public Safety officers 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 only 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. It should be noted if a Pastoral Counselor or Professional Counselor qualifies as a CSA



under some other standard they are not exempt and are 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, Sexual Harassment and Stalking Policy**

Evangel University is committed to the respect of the human dignity of all employees, students and campus community and strives to maintain a safe, Christian community free from all forms of sexual or physical intimidation and exploitation. Sexual assault, domestic violence, dating violence, sexual harassment, sexual exploitation, or stalking are not only incompatible with biblical standards of Christian conduct, but also are criminal acts that infringe on the rights of others. Evangel University has a zero tolerance policy for sexual violence and will not tolerate retaliation (threatened, attempted, or actual) against any individual for making a complaint under this policy. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator's attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and identify procedures for determining when those expectations have been violated. Reference materials gathered from: <https://www.notalone.gov/schools/>, <http://atixa.org>, <http://www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr106.html#S31>, and <https://www.federalregister.gov/articles/2014/10/20/2014-24284/violence-against-women-act>

Therefore, sexual assault, domestic violence, dating violence, sexual harassment and stalking are prohibited by the University.

In educational institutions, sexual violence and other forms of harassment are prohibited by federal law (Title IX and Title VI of the Civil Rights Act of 1964); thus, is strictly prohibited as a matter of Evangel University policy. As a religious institution, Evangel retains the right to make legitimate employment, admission, and educational decisions on the basis of an individual's religious beliefs and conduct, consistent with applicable law.

Evangel encourages victims of sexual violence to report the incident to the university, as well as to law enforcement officials as soon as possible, so that we may care well for our community members.

This policy pertains to sexual assaults including rape, fondling, statutory rape, and incest; domestic assaults, dating violence and stalking. 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.

## LEGAL DEFINITIONS

**Sex based violence includes, but is not limited to, dating violence, domestic violence, sexual assault (nonconsensual sexual contact, nonconsensual sexual intercourse), sexual exploitation, and stalking, as defined by the 2013 Violence Against Women Act and California Penal Code Title 9, Chapter 1 (261-289), Title 9, Chapter 1 (646.9), and Family Code, Division 10 (6210-6211). It is important to remember that the use of alcohol or and/or other drugs will never function to excuse any behavior that violates this policy.**

### 1. Sexual Assault

The term *sexual assault* is defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. It includes the crimes of rape, fondling, statutory rape and incest as defined by the 2013 Violence Against Women Act.

- *Rape*- The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- *Fondling*-The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- *Incest*-Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape*-Sexual intercourse with a person who is under the statutory age of consent.

In California, penal code Title 9, Chapter 1 (261-263) defines rape as:

[261](a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the

person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

(a) As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) 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.

(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

[262] (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

(1) 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.

(2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

(3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(4) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(5) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

(a) As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) 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.

(c) As used in this section, “menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

[263] The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

California Penal Code Title 9, chapter 1, (261.5) defines unlawful sexual intercourse:

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

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

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

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

## **2. Sexual Harassment**

Any unwelcome action of a sexual nature, including unwelcome sexual advances, requests for sexual favors or acts, and other verbal, nonverbal, graphic, or physical conduct of a sexual nature, which results in sexual discrimination or a hostile environment. It occurs where work, academic, or personal relationships are inappropriately and intentionally sexualized, and encompasses such conduct as:

a) The explicit or implicit solicitation or use of sexual favors as a basis for actions affecting an individual's welfare, grades or advancement as a student or employee.

b) Repeated sexual advances, requests for sexual favors and physical contacts of a sexual nature which impedes another's work or academic performance.

c) Repeated demeaning verbal or visually expressive behavior of a sexual nature, which creates a hostile work, learning or living environment.

d) Unwelcome sexual conduct resulting in the acceptance of such conduct becoming a term or condition of an individual's academic standing, continued employment, or employment advancement.

Any form of sexual harassment stated above will be cause for complaint. A hostile environment can be created by persistent/pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment.

Often, sexual harassment involves relationships of unequal physical power or unequal power of authority, and, therefore, can contain elements of coercion and threat. Consequently it is University

policy to strongly discourage any consensual relationship involving a subordinate employee or student that could lead to alleged or actual sexual harassment.

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

### **3. 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 is 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.

In California penal code Title 9, chapter 1 (261.6) “consent” is defined as:

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

### **4. 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 intimate partner; 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 Missouri.

**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 victim's statement and 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.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

In California, "domestic violence" is defined in California Family Code, Division 10 (6211):

"Domestic violence" is abuse perpetrated against any of the following persons:

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.
- (c) A person with whom the respondent is having or has had a dating or engagement relationship.
- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).
- (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
- (f) Any other person related by consanguinity or affinity within the second degree.

California Family Code, Division 10 (6210):

"Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affection or sexual involvement independent of financial considerations.

Both Dating Violence and Domestic Violence are defined in 42 U.S.C. 13925(a) as follows:

**Domestic Violence:**

1. A felony or misdemeanor crime of violence committed--

- (i) By a current or former spouse or intimate partner of the victim;
- (ii) By a person with whom the victim shares a child in common;
- (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- (v) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

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.

1. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
2. For the purpose of this definition-
  - (i) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
  - (ii) Dating violence does not include acts covered under the definition of domestic violence.

## 5. Stalking

Section 40002(a) of the Violence Against Women Act of 1994 defines "stalking" to mean "engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress."

In the Violence Against Women Act the following terms are defined:

•*Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

•*Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

•*Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.



In California, Penal Code 646.9 defines “stalking” as:

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.

#### **A. Prevention of Sexual Assault**

The Sacramento separate campus students did not participate in any sexual assault prevention training in 2015.

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

To students assistance is available 24 hours a day through the entire year by calling the SCD or the Evangel University Department of Public Safety at (417) 865- 2815 extension 7000. The SCD or Department of Public Safety personnel will offer assistance in reporting the crime and in providing information for counseling support and medical treatment. Victims will be provided with written copies of their rights, options and services available regardless of if the offense occurred on or off campus.

Sacramento separate 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 9-1-1 from any campus telephone to make a report.

Additionally, anonymous reports can be made by victims and/or third parties using the online reporting form posted at <https://www.evangel.edu/offices/student-development/public-safety/>. Note that these anonymous reports may prompt a need for the institution to investigate. Phone calls or in-person reports may be made to the SCD.

Inquiries concerning the application of Title IX also may be referred to the United States Department of Education’s Office for Civil Rights. For further information on notice of nondiscrimination, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm>. The State of California regional Office of Civil Rights is located in San Francisco and is available to provide assistance.

San Francisco Office  
Office for Civil Rights  
U.S. Department of Education  
50 Beale Street, Suite 7200  
San Francisco, CA 94105-1813  
Telephone: 415-486-5555  
FAX: 415-486-5570; TDD: 800-877-8339  
Email: [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

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

**1. Assessment of Danger:** Upon receiving a call, the 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 the SCD believes that 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 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. Evangel University Public Safety shift supervisor will be contacted and assume charge of the situation.
        - c. Preservation of evidence.** Once there is no immediate danger the SCD 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, or if needed to obtain a protective order.
- 2. Medical Assistance:** The SCD or officer 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 SCD or officer will offer to make the necessary arrangements outlined below.
  - a. Rape Kit.** If the sexual assault involved sexual intercourse, the SCD or officer 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 SCD or officer 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, the SCD or other campus representative 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 separate campus personnel are available the survivor should be referred to the local police department.
- 3. Crisis Counseling Assistance:** The SCD or officer 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, Inc. Sexual Assault Center – (916) 319-4925  
Women's Resource Center – (916) 278-7388

  - a. Consent for Help:** If the survivor consents to talk with a counselor, the SCD or officer will immediately seek to contact a counselor at one of the above agencies for immediate assistance. The SCD or officer 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 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 SCD or officer will immediately refer the victim to the Women's Resource Center at (916) 278-7388.
  - b. Refusal of Help:** If the victim declines to talk with a counselor, any information obtained by the SCD or officer will be reported to the AGTS Office of Continuing Education.
- 4. Information**

The 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; and that the survivor can decline to report to these agencies if they wish.
  - e. The University's willingness to assist in contacting the appropriate outside law enforcement agency if requested by the survivor; survivor has the right to decline to report the incident to law enforcement if they wish.
  - 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, Sexual Harassment and Stalking Reporting:** The SCD 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 SCD or officer will assist the survivor in contacting the Sacramento 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 Sacramento Police Department, then, as soon as possible, the SCD or officer will interview the survivor in an area free from distractions and complete an Evangel University Incident Report containing the following:
    - i. **Survivor's Statement:** The SCD or officer will record the survivor's account of the offender's action and any relevant background information.
    - ii. **Other Information:** The SCD or officer will also seek and identify in the report as much potential corroborating information as possible
  - c. **Incident Report Options:** The 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 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 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. The report will be signed by the survivor and will verify that the he or she has requested that no further investigation or action be undertaken.
    - iii. **Formal Report:** The report will be signed by the survivor and will request further investigation and appropriate disciplinary action. If a police report was filed the survivor will provide the University a copy of the report.
  - d. **Confidentiality:** Regardless of the type of report, the name of the survivor and other information about the victim's identity will be kept confidential by the SCD or officer and other University employees to the extent possible. Personally Identifying Information (PII) will not be disclosed that could identify a survivor as part of the normal annual Clery crime reporting process.

**Filing of Report:** Promptly after the completion of a report, the SCD or officer will deliver the original copy of the report to the Director of Public Safety. Upon receipt of a report, if the Director of Public

Safety determines there is a safety threat to the community, the survivor will be consulted and an appropriate timely warning will be issued to the community.

University Response to Reported Sexual Assault, Domestic Violence, Dating Violence, Sexual Harassment and Stalking and subsequent proceedings. Evangel University is committed to prompt, fair and impartial investigation of any allegation of sexual assault, domestic violence, dating violence, and sexual harassment or stalking:

The university encourages victims of sex-based offenses, or third-party witnesses, to report the incident to the Title IX Coordinator, deputy coordinator, Office of Public Safety, and/or appropriate law enforcement officials (if desired). We will take appropriate action when informed of an allegation.

When an employee (mandated reporter) is informed of an incident, he or she must report the allegation to the Title IX Coordinator or Deputy Coordinator, who will initiate a Title IX inquiry. The preliminary inquiry is to determine if there is reasonable cause to believe an offense has occurred. When reasonable cause is identified, the university will initiate an investigation that is thorough, reliable, impartial, prompt and fair to both parties. This investigation determines whether the university's Sex-Based Offenses Policy has been violated. If so, the university will promptly implement an effective remedy designed to end the conduct, prevent its recurrence and address its effects. The university aims to bring all allegations to a resolution within a sixty (60) business day time period, which can be extended for appropriate cause by the Title IX Coordinator with notice to the parties.

To provide support, the reporting party and responding party may have an advisor present during reporting, investigative, and resolution procedures.

Additionally, anonymous reports can be made by victims and/or third parties using online reporting posted at <https://www.evangel.edu/offices/student-development/public-safety/> . Anonymous reports may prompt a need for the institution to investigate; however, the university may be limited in the investigation and outcome of such reports.

An individual reporting a sex-based offense (reporting party) has the right to:

- Investigation and appropriate resolution of all credible reports or notice of sex-based offenses made in good faith to university officials;
- Notification in advance, when possible, of any public release of information regarding incident;
- Have no personally identifiable information released to the public, without his or her consent;
- Respectful treatment by university officials;
- Be fully informed and have university policies/procedures followed without material deviation;
- Formal resolution of any reported misconduct involving violence;
- Support from university officials in reporting sex-based offenses;
- Be informed of options to notify law enforcement authorities (and for assistance by campus authorities to notify such authorities), or to not to report, if desired;
- Notification of services (counseling, advisory, health, assistance, etc.—on or off campus);

- Notification of possible interim measures to redress violence, such as: a change in campus housing; work assignment rescheduling; academic accommodations, no contact order;
- Maintain interim measures for as long as is necessary, and to remain as confidential as possible;
- Ask investigator to question relevant witnesses and be aware of witnesses questioned, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (excludes name of the alleged victim/reporting party, who is always revealed);
- Review the investigative summary regarding the allegation, subject to the privacy limitations imposed by state and federal law, prior to findings;
- Not have irrelevant prior sexual history admitted as evidence in a campus hearing;
- Regular updates on the status of the investigation and/or resolution;
- Have report heard by Title IX officers who have received annual sex-based offenses training;
- Preservation of privacy, to the extent possible and permitted by law;
- Meetings and interviews that are closed to the public;
- Bring an advisor of the reporting party's choosing to all phases of investigation and resolution;
- Make or provide an impact statement in person or in writing to be included in the investigation summary following any determination of responsibility, but prior to sanctioning;
- Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- Be informed in writing: when a decision of the university is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.

The individual accused of a sex-based offense (responding party) has the right to:

- Investigation and appropriate resolution of all credible reports of sex-based offenses made in good faith to university officials;
- Notification in advance, when possible, of any public release of information regarding report.
- Respectful treatment by university officials;
- Be fully informed and have university policies/procedures followed without material deviation;
- Notification of services (counseling, advisory, health, assistance, etc.—on or off campus);
- Notification of possible interim measures to redress alleged violence, such as: a change in campus housing; work assignment rescheduling; academic accommodations, no contact order;
- Maintain interim measures for as long as is necessary, and to remain as confidential as possible;

- Ask investigator to question relevant witnesses and be aware of witnesses questioned, except in cases where a witness' identity will not be revealed to the responding party for compelling safety reasons (excludes name of the alleged victim/reporting party, who is always revealed);
- Be fully informed of the nature of the reported violation and possible sanctions, policies and procedures of the campus resolution process, and timely written notice of all alleged violations;
- Review the investigative summary regarding the allegation, subject to the privacy limitations imposed by state and federal law, prior to findings;
- Not have irrelevant prior sexual history admitted as evidence in a campus hearing;
- Have reports heard by Title IX officers who have received annual sex-based offenses training;
- Meetings, interviews and hearings that are closed to the public;
- Bring an advisor of the responding party's choosing to all phases of investigation and resolution;
- A fundamentally fair resolution, as defined in the sex-based offenses policy and procedures;
- Make or provide an impact statement in person or in writing to be included in the investigation summary following any determination of responsibility, but prior to sanctioning;
- A decision based solely on evidence presented during the resolution process. Such evidence shall be credible, relevant, based in fact, and without prejudice;
- Be informed of outcome of the resolution process in writing, without undue delay between the notifications to the parties, and usually within 7 business days of the end of the process;
- Be informed in writing: when a decision of the university is final; any changes to a sanction (in case of appeal); appeal a finding/sanction of resolution process, and procedures for doing so.

### **1. Disciplinary Action:**

- a.** If the Incident Report requests disciplinary action, and if the offender is a visitor or vendor, then the Director of Public Safety will contact the Springfield Police Department to investigate.
- b.** If the Incident Report requests disciplinary action, and if the offender is a University employee, then the Director of Public Safety will contact the Springfield Police Department to investigate and will forward the Incident Report to the Director of Human Resources and the appropriate Vice President for resolution in accordance with policies governing employee conduct.

Employee Discipline-Violations of our standards will result in one of the following forms of corrective action: verbal reprimand, written reprimand, demotion, compensation reduction, suspension, or discharge. In arriving at a decision for proper action, the following will be considered: The seriousness of the infraction, the past record of the employee, and the circumstances surrounding the matter.

If the Incident Report requests disciplinary action, and if the offender is a student, then the Vice President for Student Development will review the complaint for action or additional investigation, 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, and copies are available for review at: <https://web.evangel.edu/Apps/Public/studentHandbook/index.asp>. 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.

## INVESTIGATION PROCESS

The university utilizes a civil rights single investigator model, not a hearing panel, to resolve allegations of sex-based offenses. The process is intended to be equitable for all parties involved. If, at any time, it is determined that “reasonable cause” does not exist to move forward in the process, the case will be closed. In general, the parties can expect the following:

- 1. Initial report.** Can be received by any employee and will be forwarded to a Title IX officer (Coordinator or Deputy Coordinator to identify any necessary interim measures).
- 2. Preliminary inquiry and finding.** Title IX Coordinator assigns Deputy Coordinator (if not already done) to contact reporting party (typically 1-3 days in duration), review the conflict and determine if there is reasonable cause to proceed. Based on the preliminary finding, deputy coordinator may initiate an informal resolution or may ask for an investigator to be appointed.
- 3. Informal Resolution.** For allegations that do not involve sexual violence, the Deputy Coordinator may facilitate conversations among the reporting party and the responding party to try and resolve the conflict, if both parties are willing. If informal resolution fails, is not appropriate, or if an allegation involves sexual violence, an investigator is appointed.
- 4. Formal investigation.** Investigator meets with all parties (ranges from days to weeks, depending on complexity of allegations, typically 10-14 days). The reporting party and responding party are regularly apprised of the status of the investigation as it unfolds.
- 5. Investigation summary.** The investigator will document statements from reporting party, responding party, and any applicable witnesses to produce a timeline of the evidence. Both parties will have opportunity to review the summary and add additional information or clarification.
- 6. Formal Resolution.** After input from both parties, the investigator will finalize the investigative summary, make a determination as to preponderance of the evidence, and forward it to the deputy coordinator (typically completed 10-14 days from the end of the investigation barring necessary extensions).
- 7. Finding/Sanction.** Deputy coordinator (and/or designees) determines appropriate sanctions according to the policy, will share the findings and explain sanctions to both parties at approximately the same time in writing, typically within 7 days.
- 8. Appeal, if desired.** Appeals may be requested, within a three-day window to file once a formal determination is reached, a three-day window to grant or deny the appeal request, and another 7-10 days for a final resolution to be reached.

## FINDINGS AND SANCTIONS

The Title IX Deputy Coordinator (and applicable designees) will review the investigative report with finding based on the standard of proof, preponderance of the evidence, to determine appropriate sanctions, consistent with university policy, and will share the findings/sanctions with the Title IX Coordinator, and the responding and reporting parties (and advisor/s), typically within seven days. Both parties will receive written notification of the outcome, to the extent permitted by or mandated by law. In cases involving sex-

based violence, the written notification includes the finding, any resulting responsive actions, and the rationale for the decision. This written notification of final decision is delivered to the parties without undue delay between the notifications. It also explains appeals options and procedures for appeal, as well as any changes to the results that could occur before the appeal decision is finalized.

## **APPEALS**

Sanctions imposed from the formal resolution process can be appealed by any party according to grounds, below.

All sanctions imposed will be in effect during an appeal unless a specific request is made to the Title IX Coordinator (or designee) to delay implementation, but the presumptive stance is that sanctions will go into effect immediately. Graduation, study abroad, internships, conferences, etc. do NOT in and of themselves constitute exigent circumstances, and individuals may not be able to participate in those activities during their appeal. In cases where an appeal results in resumption of privileges or reinstatement to the university, all reasonable attempts will be made to restore the individual to his/her prior status, recognizing that some opportunities lost may be irreparable.

All parties may seek review of a decision in a sex-based offense case by making an appeal to the appropriate appeals officer.

For students: the appeals officer is the Vice President for Student Development.

For staff: the appeals officer is the Vice President for Business and Finance.

For faculty: the appeals officer is the Vice President for Academic Affairs.

Grounds for appeal.

- a) A procedural [or substantive] error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.);
- b) To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included; and/or
- c) The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

Criteria for Appeal.

- Appeals must be in writing and submitted to the Office of Student Development (Title IX Coordinator) for processing, during regular business hours (Monday - Friday, 8 a.m. to 4:30 p.m.) within three (3) business days of the decision. After this time, the decision is final.
- Clear error or compelling justification must be shown, as findings/sanctions are presumed to have been decided reasonably and appropriately during the original hearing. It is not enough to simply assert one of the grounds for appeal. The written appeal must provide information that specifically supports grounds upon which the individual bases the appeal. If an appeal does not contain sufficient information to support the grounds upon which the appeal is based, review of the appeal will be denied.
- Only one request for an appeal may be submitted by either party.

Based on written requests/responses or on interviews as necessary, the appeals officer will send a letter of outcome for the appeal to all parties. In response to a request, the appeals officer can take one of three possible actions: 1) the officer may dismiss an appeal request as untimely or ineligible, 2) grant an appeal and remand the finding and/or sanction for further investigation or reconsideration at the hearing level, or 3) modify a sanction.

A written decision concerning the appeal will be provided in person and/or mailed to the mailing address of the respective party as indicated in university records and emailed to the parties'



university-issued email accounts. Once received in person, mailed or emailed, the notice of decision will be deemed presumptively delivered.

The procedures governing the hearing of appeals include the following:

- All parties should be timely informed of the status of requests for appeal, the status of the appeal consideration, and the results of the appeal decision;
- Every opportunity to return the appeal to the original hearing body for reconsideration (remand) should be pursued;
- Appeals are not intended to be full re-hearings of the allegation (de novo). In most cases, appeals are confined to a review of the written documentation or record of the original hearing, and pertinent documentation regarding the grounds for appeal;
- Appeals decisions are to be deferential to the original hearing body, making changes to the finding only where there is clear error and to the sanction only if there is a compelling justification to do so;
- An appeal is not an opportunity for appeals officers to substitute their judgment for that of the original hearing body merely because they disagree with its finding and/or sanctions.
- The appeals officer will typically render a written decision on the appeal to all parties within five (5) business days from hearing of the appeal. The appeals officer decision to deny an appeal request is final.

## **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 Department of Public Safety provides a link to publicly accessible Internet web sites containing the *California 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 California 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 *California Sex Offender Registry* website. The California Department of Justice Office of the Attorney General is responsible for maintaining this site:

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

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>

## **Alcohol & Drug 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. 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. Consistent with Missouri law, 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.

We offer support services to students and employees who may be struggling with this area of their commitment to a Christian lifestyle. They can seek professional Christian counseling services and health services at the Student Union Wellness Center (865-2815 ext. 7280). There is no charge for these short-term counseling and health services, and confidentiality is guarded carefully. No information is shared with anyone without the client's permission. Students or employees needing long-term therapy generally are referred to professionals off campus at their own expense. The campus pastor is available for pastoral counseling. Students are encouraged also to seek prayer, guidance and encouragement from members of the faculty and Student Development staff.

Students and employees may obtain, from the office of the Vice President for Student Development, a free copy of the University's complete Drug and Alcohol Abuse Prevention Program policy, which includes a listing of off-campus community counseling and treatment facilities; a description of local, state and federal legal sanctions; plus University consequences for violations that include the following provisions: 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.

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.

Any member of the Evangel University community who refuses to take a field sobriety test, Breathalyzer test, or drug test, and/or refused to provide consent for Evangel to be apprised of the testing results, shall be considered to be in violation of the University's Alcohol and Other Drug Policy. "Reasonable cause" for alcohol tests may include 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. 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.

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.

### **Possession, Use or Sales of Alcoholic Beverages**

All students, faculty, and staff, while on or off University property, are expected to refrain from the possession, use or sale 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. Consistent with Missouri law, 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 21 years of age. The possession of alcohol, including possession by consumption, by anyone under 21 years of age is illegal. Individuals violating these polices 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 Springfield Police and secure the area until their arrival. Individuals violating these polices 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**

We offer support services to students and employees who may be struggling with this area of their commitment to a Christian lifestyle. They can seek professional Christian counseling services and health services at the Student Union Wellness Center (865-2815 ext. 7280). There is no charge for these short-term counseling and health services, and confidentiality is guarded carefully. No information is shared with anyone without the client's permission. Students or employees needing long-term therapy generally are referred to professionals off campus at their own expense. The campus pastor is available for pastoral counseling. Students are encouraged also to seek prayer, guidance and encouragement from members of the faculty and Student Development staff.

Off-campus community counseling and treatment services are available from the following organizations at a potential cost to the student:

- **Right Path Drug Rehab of Sacramento**, 770 L Street, Sacramento, CA 95814, (916) 476-2989
- **United Drug Rehab Sacramento**, 1215 K Street, Sacramento, CA 95814, (888) 823-4592
- **Alcoholics Anonymous**, 9930 Business Park Drive, Suite 110, Sacramento, CA 95827, (916) 454-1100
- **Narcotics Anonymous**, [www.na.org](http://www.na.org), (866) 565-2135

## **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 Public Safety Officer 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. Local sanctions—Sacramento City Code prohibits the following alcohol-related offenses:
  - a. It is unlawful for any person under the age of twenty-one years to consume any alcoholic beverage on private property, with the exception of a family gathering. A violation is a misdemeanor. Violators are liable for civil penalties of not less than \$250 or more than \$25,000 for each separate offense. Sacramento City Codes 9.12.210 & 9.12.250.
  - b. It is unlawful for any person to consume beer, wine, or any intoxicating liquor on any street, sidewalk, alley, highway or public court except where expressly permitted pursuant to the terms of a permit issued by the city for temporary use and occupancy of such public property. A violation is a misdemeanor. Sacramento City Code 9.04.050(A).
    - It is unlawful for any person to consume beer, wine, or any intoxicating liquor:
      - Upon any property used, or intended to be use as an accessory use, for the parking of motor vehicles by the patrons of any commercial establishment authorized by the state of California to sell alcoholic beverages; or
      - Upon any unimproved property which adjoins such commercial establishment not used for the parking of motor vehicles, which is owned, operated or possess by the owner, lessee or agent of such commercial establishment; or
      - Upon private property open to the public, including, but not limited to, parking lots and shopping centers except where expressly permitted pursuant to the terms of a license issued by the ABC; or
      - Upon a private drive, stairway, doorway or other private property open to public view without the express permission of the owner, the owner's agent or the person lawfully in possession of the private property.
    - It is an infraction for any person who has in his or her possession 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, to enter, be, or remain on the premises of, including the parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licenses premises, if the premises and parking lot contain clearly visible notices to the patrons of the licensee and parking lot and to persons on the public sidewalk as follows:
      - Unlawful to enter, be or remain on these premises, adjacent parking lot or adjacent public sidewalk with an open alcoholic beverage container. A violation is a misdemeanor. Sacramento City Code 9.04.050(B).
  - c. It is unlawful for any person to possess an open container on public property except as provided herein. Violation is an infraction. Sacramento City Code 9.04.055.
2. State sanctions--California statutes prohibit the following acts:

### *California Liquor Laws (California Business & Professions Code)*

In the state of California, any person under 21 years of age who purchases any alcoholic beverage, or any person under 21 years of age who consumes any alcoholic beverage in any

on-sale premises, is guilty of a misdemeanor (25658(b)). Except as otherwise provided, every person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor (25658(a)). Any person who violates subdivision (a) by purchasing any alcoholic beverage for, or furnishing, giving, or giving away any alcoholic beverage to, a person under 21 years of age, and the person under 21 years of age thereafter consumes the alcohol and thereby proximately causes great bodily injury or death to himself, herself, or any other person, is guilty of a misdemeanor (25658(c)). Any person under the age of 21 years who attempts to purchase any alcoholic beverage from a licensee, or the licensee's agent or employee, is guilty of an infraction and shall be punished by a fine of not more than 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, or a combination of fine and community service as determined by the court. A second or subsequent violation of this section shall be punished by a fine of not more than five hundred dollars (\$500), or the person shall be 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 (25658.5) Any person under the age of 21 years who presents or offers to any licensee, his or her agent or employee, any written, printed, or photostatic evidence of age and identity which is false, fraudulent or not actually his or her own for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any alcoholic beverage, or who has in his or her possession any false or fraudulent written, printed, or photostatic evidence of age and identity, is guilty of a misdemeanor and shall be punished by a fine of at least two hundred fifty dollars (\$250), no part of which shall be suspended; or the person shall be required to perform not less than 24 hours nor more than 32 hours of community service during hours when the person is not employed and is not attending school, or a combination of fine and community service as determined by the court (25661). Any person under 21 years of age 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 (25662).

*California Offenses Involving Alcohol & Drugs (California Vehicle Code)*

It is unlawful for a person under the age of 21 years who has 0.05 percent or more, by weight, of alcohol in his or her blood to drive a vehicle. A person may be found to be in violation if the person was, at the time of driving, under the age of 21 years and under the influence of, or affected by, an alcoholic beverage regardless of whether a chemical test was made to determine that person's blood-alcohol concentration and if the trier of fact finds that the person had consumed an alcoholic beverage and was driving a vehicle while having a concentration of 0.05 percent or more, by weight, of alcohol in his or her blood (23140). It is unlawful for a person who is under the influence of any alcoholic beverage to drive a vehicle. 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. 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. 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. It is unlawful for a person who is under the influence of any drug to drive a vehicle. It is unlawful for a person who is under the combined influence of any alcoholic beverage and drug to drive a vehicle (23152). No driver shall drink any alcoholic beverage while in a motor vehicle upon a highway, and no passenger shall drink any alcoholic beverage while in a motor



vehicle upon a highway (23220 & 23221). 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, 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. Except as authorized by law, every person who possesses, while driving a motor vehicle upon a highway or on lands, not more than one avoirdupois ounce of marijuana, other than concentrated cannabis as defined by Section 11006.5 of the Health and Safety Code, is guilty of an infraction punishable by a fine of not more than one hundred dollars (\$100) (23222). No passenger shall have in his or her possession, while in a motor vehicle upon a highway or on lands, any bottle, can, or other receptacle containing any alcoholic beverage that has been opened or a seal broken, or the contents of which have been partially removed (23223).

#### *Refusal to Take Blood Alcohol Test (California Vehicle Code)*

California law specifies any person under the age of 21 years who drives a motor vehicle is deemed to have given his or her consent to a preliminary alcohol screening test or other chemical test for the purpose of determining the presence of alcohol in the person (23136(c)). A person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood or breath for the purpose of determining the alcoholic content of his or her blood, if lawfully arrested for an offense allegedly committed in violation of Section 23140, 23152, or 23153. If a blood or breath test, or both, are unavailable, then paragraph (2) of subdivision (d) applies. A person who drives a motor vehicle is deemed to have given his or her consent to chemical testing of his or her blood for the purpose of determining the drug content of his or her blood, if lawfully arrested for an offense allegedly committed in violation of Section 23140, 23152, or 23153. If a blood test is unavailable, the person shall be deemed to have given his or her consent to chemical testing of his or her urine and shall submit to a urine test (23612).

#### *California Administrative Sanctions*

Individuals arrested for driving while intoxicated, driving with a blood alcohol content of **.08** or higher, or driving under the influence of drugs (DUI) are processed administratively as well as criminally. If a person's privilege to operate a motor vehicle is required to be suspended or revoked by the department under other provisions of this code upon the conviction of an offense described in California Vehicle Code commencing with Section 23152, that person shall surrender each and every operator's license of that person to the court upon conviction. The court shall transmit the license or licenses required to be suspended or revoked to the department under Section 13550, and the court shall notify the department. This section does not apply to a separate administrative proceeding by the department to suspend or revoke the driving privilege of any person pursuant to other provisions of law (23660).

#### *California Drug Laws*

The manufacturing, possession, sale, distribution and use of illicit drugs (*i.e. controlled substance or imitation controlled substance*) are prohibited by state law (*California Health & Safety Code, Division 10*). The tables below give information on penalties and fines for specific drug crimes in California (see *California Health & Safety Code, Division 10 [Uniform Controlled Substances Act* for the scheduling information of controlled substances in California).

California Drug Offenses (*California Health and Safety Code [11350-11356.5, 11053-11058] and Penal Code [1170]*)

Possess:	Penalty:
Opium, opiates, opium derivatives	Imprisonment in a county jail for up to 3 years, or probation and fines of up to \$2,000 and/or community service
Cocaine base, cocaine	
Mescaline, peyote	
Synthetic cannabis	
Any hallucinogenic substance	
Any controlled substance classified in schedule III, IV, or V which is a narcotic (except for a valid prescription)	
Central nervous system depressants	Imprisonment in a county jail for up to 1 year, or probation and fines of up to \$2,000 and/or community service
Possess or purchase for purposes of sale:	Penalty:
Opium, opiates, opium derivatives	Imprisonment of up to 4 years in county jail
Mescaline, peyote	Imprisonment of up to 4 years in county jail
Synthetic cannabis	
Any hallucinogenic substance	
Any controlled substance classified in schedule III, IV, or V which is a narcotic (except for a valid prescription)	
Central nervous system depressants	
Cocaine base	
Transport (for sale), import across county lines, sell, furnish, administer, or give away, or offer to do any of the above, or attempt to import across county lines or transport (for sale):	Penalty:
Opium, opiates, opium derivatives	Imprisonment of up to 9 years in county jail
Mescaline, peyote	
Synthetic cannabis	
Any hallucinogenic substance	
Any controlled substance classified in schedule III, IV, or V which is a narcotic (except for a valid prescription)	
Central nervous system depressants	
Cocaine base	
Possession for sale, sale, or attempt to sell:	Penalty:
14.25 or more grams of a substance containing heroin	Imprisonment of up to 4 years in a county jail and up to \$50,000 fine

3. 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			No residential facilities at this location			No non-campus property at this location			Public Property			Totals		
	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
Murder/ Non-negligent manslaughter	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Rape	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Fondling	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Statutory Rape	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Incest	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Dating Violence	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Domestic Violence	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Stalking	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Robbery	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Aggravated Assault	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Burglary	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Arson	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Liquor law Arrests	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Liquor Law violations referred for disciplinary action	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Drug law Arrests	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Drug Law violations referred for disciplinary action	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
Illegal Weapons Possession referred for disciplinary action	0	0	0	**	**	**	**	**	**	0	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>**</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

\*\*This location does not have any residential or non-campus property.

### **Hate Crime Statistics**

There were no hate crimes reported in 2013, 2014, & 2015.

### **Unfounded Clery Crimes**

There were no Clery Crimes reported that were later reclassified as unfounded for 2013, 2014, or 2015. Unfounded crimes are defined as crimes reported and later found by law enforcement to have no factual basis and are thus unfounded. In these rare circumstances reported crimes will be re-classified as unfounded and reported here.



## FBI UCR Crime Definitions

Crime Definitions from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program

*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, personal property of another, etc.

*Criminal Homicide—Manslaughter by Negligence*- The killing of another person through gross negligence.

*Criminal Homicide—Murder and Non-negligent Manslaughter*- The willful (nonnegligent) killing of one human being by another.

*Rape*- The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

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

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

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

*Motor Vehicle Theft*- The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

*Weapons: Carrying, Possessing, Etc.*-The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

*Drug Abuse Violations*- The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or 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 relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

*Liquor Law Violations*- 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.

#### Crime Definitions from the National Incident-Based Reporting System (NIBRS) User Manual from the FBI's UCR Program

*Sex Offenses*- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

A. *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

B. *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

C. *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.

#### Crime Definitions from the Hate Crime Data Collection Guidelines and Training Manual From the FBI's UCR Program

*Larceny-Theft (Except Motor Vehicle Theft)*- The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

*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.

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

*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.