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**GROSSMONT-CUYAMACA**  
COMMUNITY COLLEGE DISTRICT

**2021 Annual Security  
Report**

**Includes Annual Crime Statistics from January 1, 2020 through  
December 31, 2020 and Clery Act Reporting Requirements**

**Posted on 09/27/2021**

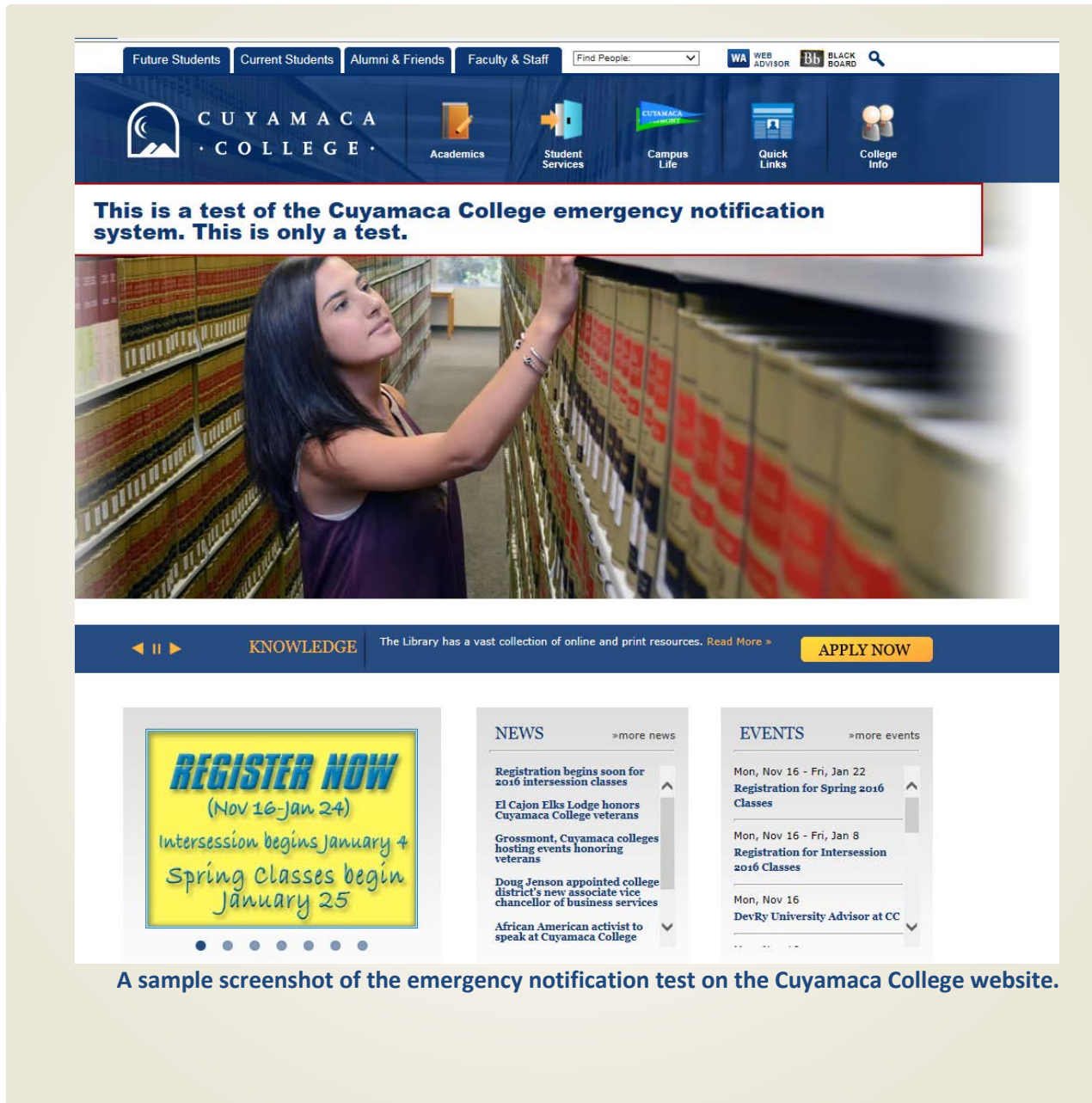


Photo Credit: Stephen Harvey

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A sample screenshot of the emergency notification test on the Cuyamaca College website.

## District Contact Information

### For Campus Emergencies:

From an intercampus landline.....	9-1-1
From a cell phone .....	9-1-1
Campus Emergency information Line .....	1-800-550-3922
Emergency Information Webpage .....	<a href="http://www.gcccd.edu/emergency/default.html">http://www.gcccd.edu/emergency/default.html</a>
San Diego Sheriff’s Department Non-Emergency Line from a landline .....	858-565-5200
San Diego Sheriff’s Department Non-Emergency Line from intercampus line .....	7800
Hazardous Materials Spill .....	619-644-7654
Campus and Parking Services.....	619-644-7654
El Cajon Police Department .....	619-579-3311

### San Diego Sheriff’s Department:

On-campus location at Grossmont College .....	Building 57
On-campus location at Cuyamaca College.....	Building A-101
Mailing Address .....	8811 Cuyamaca Street, Santee, CA 92071
Webpage .....	<a href="http://www.sdsheriff.net">http://www.sdsheriff.net</a>
San Diego Sheriff’s Department Non-Emergency Line from a landline .....	858-565-5200
San Diego Sheriff’s Department Non-Emergency Line from intercampus line .....	7800
Anonymous Crime Reporting .....	<a href="http://www.sdcrimestoppers.com">http://www.sdcrimestoppers.com</a> and <a href="http://www.wetip.com">http://www.wetip.com</a>

### Other Important Numbers:

Grossmont College Counseling Center .....	619-644-7208
Grossmont College Student Affairs Office .....	619-644-7600
Grossmont College Health and Wellness Center .....	619-644-7192
Cuyamaca College Counseling Center .....	619-660-4429
Cuyamaca College Student Affairs Office .....	619-660-4295
Cuyamaca College Health & Wellness Center .....	619-660-4200



CAMPUS AND PARKING SERVICES SPECIALISTS DELIVERING MASKS TO ALL CLASSROOMS AND OFFICE SPACES DURING THE 2020 SHUTDOWN

## About the Grossmont-Cuyamaca Community College District

The Grossmont-Cuyamaca Community College District (GCCCD) is comprised of two campuses located in San Diego County. The District serves approximately 18,000 students and 2,00 employees. The Cuyamaca Campus lies at the margin of the Sweetwater River Valley in Rancho San Diego, an unincorporated area of eastern San Diego County near the city of El Cajon. The Grossmont Campus resides in the Fletcher Hills area of El Cajon, just off state Route 125 on a 135 acre area. The campus does not provide any on or off-campus residential facilities or have off-campus student organizations.

The mission of GCCCD is to provide outstanding learning opportunities that prepare students to meet community needs and future challenges of a complex, global society.

### The Clery Act

In 1990, the Higher Education Act of 1965 (HEA) was amended to include the Crime Awareness and Campus Security Act of 1990. This amendment required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics in memory of Jeanne Clery, a Lehigh University student who was killed in her dorm room in 1986. On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill were amendments to the Clery Act that afforded additional rights to victims of dating violence, domestic violence, sexual assault and stalking.

The Clery Act as amended by VAWA requires colleges to:

- Collect, classify and count crime reports and statistics
- Issue campus alerts
- Submit crime statistics to the U.S. Department of Education
- Maintain a daily crime log
- Disclose missing student notification procedures

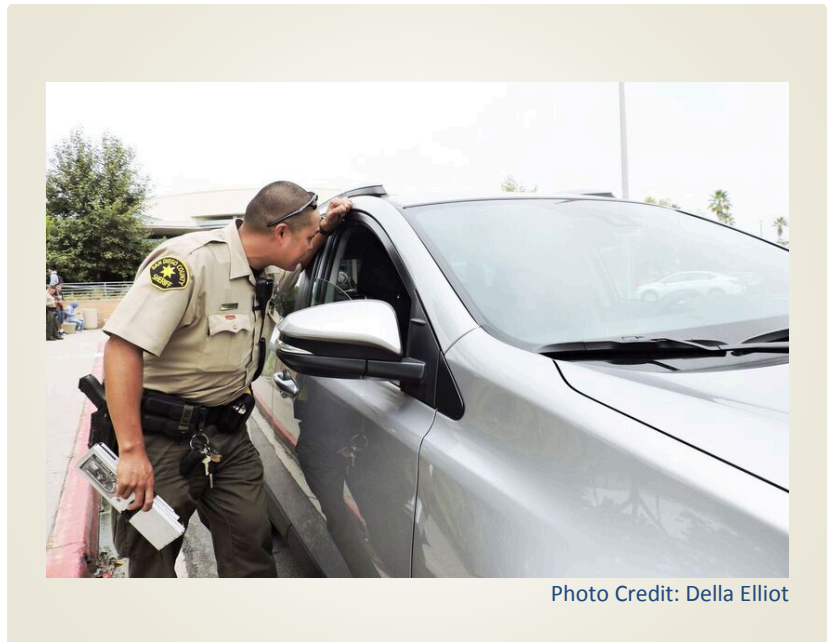


Photo Credit: Della Elliot



Jeanne Clery

- Provide fire safety information
- Provide crime and safety prevention programs
- Provide programs and procedures relating to the crimes of dating, violence, domestic violence, sexual assault and stalking

The College distributes a notice of the availability of the Annual Security Report by October 1st of each year to every member of the College community via campus email. Hard copies of the Clery Act are available free of charge at the Public Safety offices located at Grossmont College Campus Building 57 and Cuyamaca College Campus Building A-101. The Clery Act Report is available to all regular or prospective students and employees. For further information on the Clery Act, please contact Campus Public Safety at 619-644-7654 or extension 7654.

**A summary of Clery requirements is listed below:**

- Schools must publish an annual report disclosing campus security policies and three years' worth of specified crime and arrest statistics.
- Schools must make this report available to students, faculty and staff, and applicants for employment.
- Schools must make timely warnings to the campus community about crimes that pose an ongoing threat to students and employees.
- Each institution with a police or security department must have a public crime log.
- The U.S. Department of Education centrally collects and disseminates the reported statistics ([ope.ed.gov/security](http://ope.ed.gov/security)).
- Campus sexual assault victims are assured of basic rights.
- Schools that fail to comply can be penalized by the U.S. Department of Education.



## Preparing the Annual Security Report

This Annual Security Report and disclosure of crime statistics is compiled and prepared in a cumulative effort with many campus departments, including:

- San Diego Sheriff's Department
- The GCCCD Department of Public Safety
- Grossmont and Cuyamaca Health Services Departments
- Grossmont and Cuyamaca Student Affairs Departments
- GCCCD Title IX Coordinator
- Human Resources

- Districtwide Public Information Officer for Timely and Emergency Notification Information

Crime and disciplinary referral statistics are collected from the San Diego Sheriff's Department and Student Affairs offices. Off campus statistical information for activity that occurs is retrieved from the internal NET RMS System which is converted to the Automated Regional Justice Information System (A.R.J.I.S.), a San Diego County criminal justice database based on the geography identified by the Sheriff's Department. For purposes of making timely warning reports and the annual statistical disclosure required under the Clery Act, the campus community should report crimes to the San Diego Sheriff's Department. The San Diego Sheriff's Department closely reviews all data to ensure accuracy and to avoid any possible duplication. The San Diego Sheriff's Department is responsible for consulting open records laws when local law enforcement agencies do not respond to the Sheriff's request for crime statistics.



Emergency Preparedness Table Top Exercise with CalOES

This handbook reflects the Districts interpretations and guidance, as the date of publication, and was written to assist you, in a step-by-step and readable manner, in understanding and meeting the various HEA requirements. It is intended for use by the District's program reviewers who are responsible for evaluating an institution's compliance with the requirements as well as post-secondary institutions and outside reviewers. Each year the ASR is published by October 1<sup>st</sup>. This revised handbook replaces the previous versions of the handbook.

## Law Enforcement Authority [\(AP3520\)](#)

[The San Diego Sheriff's Department](#) provides Police Services for the College Community and their property on District grounds, facilities and parking lots. The District does not have its own police force. However, all persons on college grounds are primarily responsible for their own safety and property.

San Diego Sheriff's Deputies are sworn peace officers in compliance with the California Education Code and the California Penal Code, and have the same full law enforcement authority and responsibilities as local police and sheriff's deputies in your home community.

We encourage the reporting of all criminal activity directly to the San Diego Sheriff's Department or to any college administrator, faculty, staff, Athletic Directors, team coaches and advisors to student groups. Both Colleges have Threat Assessment Teams which notify appropriate personnel of incident(s) and the response is shared, tracked and documented. More information is available on page 10.



The San Diego Sheriff's Department retains primary jurisdiction. The San Diego Sheriff's Department has investigative services on district property and has numerous resources available. Local law enforcement agencies can be called for assistance and mutual aid as appropriate. Copies of these agreements are available to the public at the San Diego Sheriff's Department Headquarters. Off campus activity is policed by the agency of geographical jurisdiction.

The San Diego Sheriff's Department reminds you to call 911 from your cell phone to report any emergency or crime occurring at the time. The San Diego Sheriff's Department recommends you program the campus dispatcher's telephone number, 858-565-5200, into your cell phone to report any non-emergency or other incidents on campus. You can also dial x7800 from any campus phone to reach the Sheriff's non-emergency line.

The San Diego Sheriff's Department resources include:

- A.S.T.R.E.A.- Aerial Support
- Crime Prevention
- Crime Analysis
- Sheriff's K-9 Unit
- Sheriff's Search and Rescue
- Bomb and Arson Squad
- PERT
- Sexual Assault Team

## Law Enforcement Partnerships

In addition to the San Diego Sheriff's Deputies, the College District employs uniformed College and Parking Services (CAPS) Specialists who provide assistance with special events, escorts and parking issues. Building Marshals and Emergency Operations team members have been trained to assist rescue personnel and the Sheriff's Department during emergencies. CAPS employees do not make arrests and are observe and report only.

The San Diego Sheriff's Department has established Memorandums of Understanding (MOUs) with local law enforcement agencies that share borders with the

## Security is everyone's responsibility!

### Helpful reminders for your personal safety:

- Lock your vehicle doors, roll up the windows and keep valuables out of sight.
- Refrain from leaving personal property in common areas.
- If you believe an individual seems suspicious, notify security. Be sure to note details about the person's appearance so that you can thoroughly describe her/him.
- When walking by yourself, get off your cell phone and walk with purpose, making eye contact.
- Get to know your buildings and co-workers. Never be afraid to ask a stranger for identification.

Visit the Public Safety webpage for more information at:

<http://www.gccd.edu/public-safety/default.html>.

communities in whose jurisdictions our two colleges are located. The Sheriff's Department seeks assistance from federal, state, and county law enforcement agencies as needed. Members of the Sheriff's department consult with other college campus police throughout the region such as monthly UCLET meetings and County Office of Emergency Services Managers meetings. Deputies also assist with campus wide drills and planning for the Campus Emergency Operations Committees and serve on both the Grossmont and Cuyamaca Crisis and Behavioral Intervention Teams.

**Cuyamaca College Crisis Prevention Team**

The purpose of the Crisis Prevention Team is to utilize a collaborative approach to prevent and monitor any potential situations that may pose a threat to the health and safety of our students and the Cuyamaca campus. The Crisis Prevention Team will provide input to address these issues and determine if any follow-up is necessary to protect the safety of the students and the campus. In addition, this team, which can also be utilized as a resource for faculty and staff, can also provide educational trainings to the campus. Procedure: If you aware of an emergency or immediate threat, call 911 on campus or off campus to report the danger to Law Enforcement. For non-emergencies, faculty and staff can make a student referral by sending the Crisis & Prevention form to Lauren Vaknin at [Lauren.Vaknin@gccd.edu](mailto:Lauren.Vaknin@gccd.edu) or calling 660-4295.

**Grossmont College Prevent, Assess and Care Team (PACT)**

The Prevent, Assess and Care Team (PACT) is committed to improving community safety through a proactive, collaborative, coordinated, objective, and thoughtful approach to the prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, a threat to the safety and well-being of the campus community. In addition, the team can also be utilized as a resource for faculty and staff to provide educational trainings as needed. If there is a medical or psychological emergency or immediate threat of violence, please dial 911. For Sheriff non-emergency concerns please call 858-565-5200. To make a referral to the PACT contact Sara Varghese at [sara.varghese@gccd.edu](mailto:sara.varghese@gccd.edu) or call the Office of Student Affairs at 619-644-7600.

**Reporting Crimes [\(AP3515\)](#)**

San Diego Sheriff's Department Deputies have complete police authority to apprehend and arrest anyone involved in illegal acts and investigate suspected criminal activity anywhere in the State of California. Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to campus Sheriff's Deputies. San Diego County Sheriff's Deputies are available 7 days a week 24 hours a day. The District encourages all staff and students to properly report crimes which they are privy to under [board policy 3515](#).

**24 Hour Assistance Dial:**

Emergencies – 911  
 Sheriff's Non-Emergency Dispatch – 858-565-5200

***Note: No coins are needed to dial 911 from any pay phones in San Diego.***

**How to Report a Crime to Police**

Provide the dispatcher with a description of the type of situation which is occurring, location, time of occurrence, any injuries or medical emergency, and weapons involved. Provide a

description of the people and vehicles involved (e.g. make, model, color, and license plate of the vehicle, and the directions of travel.)

✓ **Where** – Where is the incident occurring? Location, Location, Location the dispatcher cannot send assistance if we do not know where the incident is occurring. We understand that someone may walk into your office or classroom and ask for assistance, so please ask where the incident is occurring.

**For Emergencies Dial 911**

Non-emergency Number: 858-565-5200  
 Anonymously Call Crime Tips:  
 1-888-580-8477  
 Anonymous Crime Reporting:  
<http://www.wetip.com>

✓ **What** – What is happening? The dispatcher needs to know if this is an emergency such as a people fighting, whether there are weapons involved, is anyone injured. Or, are we coming to take a report or jump start a vehicle.

✓ **Who and Descriptions** – Who is involved in the incident, student, staff, adult, juvenile?

✓ **Person**, when taking a description for a person, start from the top of the head and work down. Gender; adult or juvenile; hair color, style and length; facial hair, beard, moustache; does the person wear glasses.

✓ **Clothing**, start at the top and go down. Yellow t-shirt with black writing, blue jeans, and black cowboy boots.

✓ **Vehicles**, start with the color, if two toned start from the top to the bottom, black over red sedan. Make, model and year of the vehicle. License number and any distinguishing markings that would make the vehicle stand out when officers are searching for the vehicle.

✓ **Direction of Travel**, know the campus and use the landmarks to describe the direction of travel. For example: the black pickup drove out the Grossmont College Drive exit from Lot 1.

## Campus Security Authority (CSA) [\(BP 3515\)](#)

Although the reporting of criminal activity directly to the San Diego Sheriff's is encouraged, crimes may also be reported to a Campus Security Authority (CSA). The Clery Act defines CSA's as:

- Police or Public Safety department members
- Others who have responsibility for security (e.g., someone responsible for monitoring entrance to campus property, event security)
- People or offices to which campus policy directs that crimes be reported
- Officials with significant responsibilities for student and campus activities, including discipline and judicial proceedings

A Campus Security Authority (CSA) is defined as:

✓ A campus police department or a campus security department of an institution.

- ✓ Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department under paragraph (1) of this definition, such as an individual who is responsible for monitoring entrances into institutional property.
- ✓ Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- ✓ An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.

CSA’s may include college deans, assistant deans, athletics directors, assistant athletic directors, team coaches, faculty advisors to student groups and campus staff involved in disciplinary and judicial proceedings. CSA’s are responsible for forwarding crime information to the San Diego Sheriff’s Department for including in the Annual Security Report, regardless of whether or not the victim chooses to file a report with law enforcement or press charges. Any CSA who becomes aware of a Clery-reportable crime must report the incident to the San Diego Sheriff’s Department as soon as possible, in order to ensure that the College complies with the Timely Warning provision of the Clery Act if applicable.

Information forwarded by CSA’s to the San Diego Sheriff’s is for statistical purposes to determine whether a timely warning should be issued to the campus community. If you wish to have your case reviewed by a detective and possibly pursue criminal charges, you must file a report with the Sheriff’s Department.

The District strives to provide an educational environment that fosters cultural awareness, mutual understanding, and respect that ultimately also benefits the global community. No person shall be unlawfully subjected to discrimination or denied full and equal access to District programs or activities

## Professional and Pastoral Counselors

**Professional Counselors**, as defined by the negotiated rules committee is 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. Professional Counselors if and when they deem it appropriate, inform those persons that they are counseling of any procedures to report crimes on a voluntary basis for inclusion in the annual disclosure of crime statistics. The District currently employs several Professional Counselors in the Student Health Services Departments. GCCCD does not currently have a policy in place for Professional Counselors.

**Pastoral Counselors**, as defined by the negotiated rules committee is an employee of an institution, who is associated with a religious order or denomination, recognized by that religious order or denomination as



CAPS Specialists at work.

someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor. The District does not have pastoral counselors nor does it have a policy in place for them.

Although counselors may typically have significant involvement in student and campus activities, they are exempt from Clery reporting requirements. Crimes can also be reported anonymously via the San Diego County Crime Stoppers website at [sdcrimestoppers.com](http://sdcrimestoppers.com).



ANNONYMOUS CRIME REPORTING AT:

<http://www.wetip.com> or [www.sdcrimestoppers.com](http://www.sdcrimestoppers.com)

## Confidential Reporting

If you are the victim or the witness of a crime we encourage you to file a report. If you would like to maintain confidentiality and do not wish to pursue action within the campus or criminal justice system, you are encouraged to consider filing a confidential report for purposes of inclusion in the annual disclosure of crime statistics. These types of reports can be made to the San Diego Sheriff's Department or any Campus Security Authority. The information can enhance community safety by allowing the campus to keep a more accurate record of crimes, helping to determine whether a pattern of crime exists, and alerting the campus to potential danger. Crimes can also be reported anonymously via the San Diego County Crime Stoppers website at [sdcrimestoppers.com](http://sdcrimestoppers.com).

The District has an obligation to evaluate, and sometimes investigate, reports of Sexual Assault, Dating Violence, Domestic Violence, and Stalking (Prohibited Acts of Conduct) made to non-confidential resources. If a victim requests confidentiality, the College's ability to respond may be limited, including pursuing discipline against the accused; although, where feasible, the College will take reasonable steps to prevent Prohibited Acts of Conduct and limit its effects. It is not always possible to provide confidentiality depending on the seriousness of the allegation and other factors, which will be weighed by the College in conjunction with an individual's request for confidentiality. These factors include circumstances that suggest an increased risk of the accused committing additional acts of sexual violence or other violence, whether the sexual violence was perpetrated with a weapon or with extreme force, the age of the student, and the ability of the College to obtain evidence by other means. The College takes requests for confidentiality seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students and the campus community.

## Security and Access to Campus [\(AP3501\)](#)

Pursuant to GCCCD Board Policy 3501 all District facilities and grounds are closed between the hours of 11:00pm and 5:00am each day. During business hours, the Grossmont-Cuyamaca Community College District (District) will be open to students, parents, employees, contractors, guests, and invitees. Campus buildings are protected by intrusion alarms. There are no on campus residence halls at GCCCD. Outside entities requiring access to a campus facility must submit a Facilities Request Form for approval and granted access.

### Smoking Policy [\(AP/BP 3570\)](#)

GCCCD is a smoke free district. Smoking and/or other tobacco use is prohibited on all property owned or controlled by the District. Any San Diego Sheriff's Deputy may warn or cite any person who is in violation of this policy. Campus and Parking Services may warn and refer students to the Student Affairs office for discipline.

**Animal Policy ([AP/BP 3440](#))**

Unless animals are involved in the instructional process, all District property is closed to dogs and other pets, with the exception of service dogs for the visually impaired and disabled. Service dog fraud is a crime. (California Penal Code 365.7) Punishment may be up to a maximum penalty of \$1,000 per instance and up to six (6) months in jail. Services animals are defined by the ADA as dogs that are individually trained to do work or perform tasks for people with disabilities. The word or task a dog has been trained to provide must be directly related to the person disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as a service animal under the ADA. Any attempt to present a comfort or emotional support service animal or pet as a service dog is fraud.

**Staff and Facility Keys ([AP/BP 3501](#))**

Keys are provided to individual staff members on a need-to- enter basis as determined by the appropriate supervisor and Vice President. Lost keys must be reported immediately to one's supervisor and to the Public Safety Office. Keys must never be loaned to other staff members or students. Public Safety will confiscate any keys which have not been specifically issued to a particular individual. Duplication and unlawful possession of District keys is a misdemeanor. Lost keys and access cards are subject to a replacement and re-keying fee.

**Emergency Calls**

Emergencies and other incidents can be reported to the San Diego Sheriff's Department by using the emergency phone located in each classroom and dialing 9-1-1. All elevators at both colleges are equipped with emergency call boxes.

**College Closure Hours**

For the safety of the college community, all California Vehicle Codes are enforced. Vehicles are not permitted to be left on campus after 11:00pm without prior authorization from the Campus and Parking Services Director and only in extenuating circumstances.

**District Property**

District property may not be removed from the campus without prior written authorization from the department Dean or area supervisor. Unauthorized removal of District property from the campus is a violation of law and violators may face prosecution.

A Caps Specialist practices CPR



## Operational Enhancement

The San Diego Sheriff's Department and District Public Safety is committed to continuously implementing measures to enhance the community's safety. In 2015 a Districtwide Public Safety and Emergency Preparedness Council was established. The Council has taken steps throughout the past several years to improve campus wide communications regarding emergency operations and individual safety. Through a districtwide newsletter and publications sent to the campus community, the campus is able to articulate emergency response to a wider audience. The Council has a charge to review security concerns that arise and are brought forward as an agenda item.

The San Diego Sheriff's Department brings all security concerns such as lighting, physical door security and others to the attention of the District for review and upgrades as necessary. Currently, the District is undergoing renovations to its access control system. The new system will provide a more robust application and allow the District to implement a one button lock down in case of emergency for the majority of doors at each campus.

In addition, in early 2020 a new camera security system was scheduled to be implemented districtwide to deter crime, as well as an emergency pop up notification for districtwide networked computers. This project has been put on hold pending union negotiations.

In August 2021, the District Public Safety Compliance Specialist implemented an anonymous [safety hazard reporting form](#). The form was an alternative development to emailing complaints or concerns while maintaining anonymity.

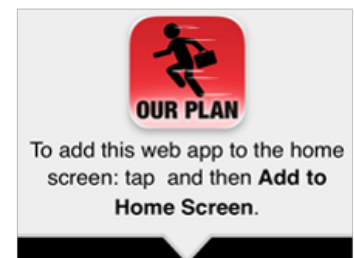
In September of 2021 the Public Safety Department did a hazard assessment for fire mitigation of both campuses. ASCIP, the Districts insurance company, provided the services free of charge to help implement mitigation techniques and give feedback and advice for changes necessary to protect district property. Steps include brush clearance, transient mitigation and defensible space recommendations.

In October 2021, the Public Safety Department will be implementing a new emergency alert system called Informacast. [Informacast](#) is top of the line software developed specifically for addressing emergencies in a timely manner. The end of contract for the current software Blackboard Connect is 9/30/2021 and at that time Informacast will be implemented.

The District also maintains a phone application called "Our Plan". The app contains a comprehensive listing of potential emergencies and our procedures for responding to them safely. The app may be viewed online at <https://Grossmont-280d5.web.app/>. To download to your phone simply visit



Sample Public Safety and Emergency Preparedness Council Newsletter



<https://Grossmont-280d5.web.app/> from a phone and click “Add to Home Screen” The app will automatically download.

## Timely Warnings ([AP3515](#), [AP3505](#))

Timely notices to students and employees of immediate dangers on college/campus site will be the top priority. In the event of eminent danger, the Sheriff’s Department will immediately initiate appropriate emergency communications to protect the safety of students and employees. In the judgment of San Diego Sheriff’s Department Sergeant or designee, if a criminal situation constitutes a serious or continuing threat to students and employees, a timely warning will be written and issued by the Districtwide or Campus Public Information Officer (PIO). The Sheriff’s department utilizes a 5 stage threat assessment using a timely warning template to determine if a notice must be sent. Timely warnings withhold the names of victims as confidential and will be used to aid in the prevention of similar occurrences. A suspect’s personally identifiable information may be included in the notification. Events that are reported to the Sherriff’s or to a CSA that may qualify for a timely warning includes:

- Criminal Homicide (murder and non-negligent manslaughter and negligent manslaughter
- Robbery
- Burglary (excluding vehicle burglary)
- Arson
- Dating Violence
- Stalking
- Sex Offenses (rape, fondling, incest, and statutory rape)
- Aggravated Assault
- Motor Vehicle Thefts
- Hate Crimes
- Domestic Violence

This information may be disseminated to campus community members via a variety of mechanisms. GCCCD PIO or designee will use one or more of the following means:

- electronic mail messages
- text messaging to cell phones of those enrolled in the College’s text message alert service
- messages through the use of college’s computer network system
- emergency website
- Public Safety Department web site
- public announcements
- public address system (and mega phones)
- postings and signage in highly visible locations throughout campus including staff/faculty lounges
- Other methods deemed necessary that may be used in the information dissemination process.



A CAPS Specialist provides traffic control during an event.



**EMERGENCY ALERT SYSTEM**

The system provides alerts about emergency situations on campus by way of text, voice, e-mail messages, and the InformaCast App.

Students staff, and faculty will be automatically enrolled in the emergency alert system for Grossmont-Cuyamaca Community College District email and phone but may opt in or out for personal cell phones at any time.

More information can be found on the Public Safety Website.

Although the San Diego Sheriff's Department decides on timely warning notifications, the District is prohibited from relying on an external emergency notification system through local law enforcement. The District does not rely solely on the emergency notification system listed above. A variety of other methods are used as an alternative to the communication.

The San Diego Sheriff's Department Deputies have complete police authority to apprehend and arrest anyone involved in illegal acts and investigate suspected criminal activity anywhere in the State of California. Community members, students, faculty, staff and guests are encouraged to report all crimes and public safety related incidents to campus Sheriff's Deputies. San Diego County Sheriff's Deputies are available 7 days a week 24 hours a day.

**24 Hour Assistance Dial:**

Emergencies – 911

Sheriff's Non-Emergency Dispatch – 858-565-5200

After each timely warning and emergency notification is disseminated, it is thoroughly documented and a debrief will occur with each campus EOC. The warning notification checklists are then filed and kept for documentation with the Public Safety Office.

**Emergency Notifications**

GCCCD is committed to a safe educational and work environment for all students and staff, as well as the community. Timely communication in the event of an emergency is a priority. In the event of a serious incident that poses an immediate threat to the GCCCD community, the District has various systems in place for communicating information quickly. The Colleges have an Emergency Operations Plan which outlines institutional response to serious incidents impacting the campus. Key administrators have been identified in the plan as well as an outline for evacuation, performance expectations and continuity of operations. An emergency is an immediate threat to the health and safety of students or employees. GCCCD uses an Emergency Notification to notify students and employees in a timely manner when it is determined that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. The notification to the



The new Public Safety Compliance Specialist, Daryl Johnson at work during the COVID-19 Pandemic

campus community may contain only the information that is reasonably necessary to promote the safety of the campus community as dictated by the situation. An Emergency Notification will be released as soon as reasonably necessary and without delay, unless notification will compromise efforts to assist a victim, or to contain, respond to, or otherwise mitigate the emergency. After the initial notification, follow-up information must be disseminated to the community via the mediums stated below. An Emergency Notification can be related to criminal activity that is not subject to the timely warning standard required by the Clery Act, but is not necessarily related to criminal activity. Examples of situations that may constitute the College's decision to issue an Emergency Notification include, but are not limited to:

- Transformer Fire
- Power outages
- Train derailment
- Water emergencies
- Pandemics
- Weather related situations
- Building collapse
- Fire
- Serious acts or threats to campus property
- Health related emergencies

**In the event of a major emergency or disaster, an emergency information line is available to any community member seeking information. The number 1-800-550-3922 will include up to date information in a recorded format and may be utilized at any time.**

Emergency Notification messages will be issued to students and employees upon the confirmation of a significant emergency, dangerous situation, incident or crime, impacting the campus community and/or the surrounding area.

In an extreme emergency, the notification process will be implemented at the sole direction of the College's President or Emergency Operations Incident Commander and disseminated via the District or Campus PIO.

This information may be disseminated to campus community members via a variety of mechanisms. GCCCD will use one more of the following means:

- Electronic email messages
- Text messaging to those enrolled in the service
- Messages through the college's computer networking system
- Emergency Website Updates
- Public Safety Website Updates
- Public Announcements via the PA radio system
- Emergency Information Hotline
- Public Address system (mega phone)
- Postings and signage in residence halls and other highly visible locations throughout campus including staff/faculty lounges
- Other methods deemed necessary that may be used in the information dissemination process

Unlike a Timely Warning Notice which must be sent campus-wide, an Emergency Notification may be segmented to a specific group of individuals in a designated building/area. The EOC will convene to discuss and alter the affected areas of campus only.

## Emergency Response and Evacuation Procedures [\(3505\)](#)

Emergency response planning has established an Emergency Operations Center (EOC). The EOC directs and controls operations at each site by assigning responsibilities to specific personnel. Activation and deactivation of the EOC is determined by the Chancellor or Chancellor's designee. The campus Emergency Operations Plan provides the framework for an organized response to various human-caused and natural emergency situations including fires, hazardous spills, earthquakes, flooding, explosion, and civil disorders. The purpose of the plan is to provide information that will save lives during extraordinary emergency events and hasten the resumption of normal campus operations during the recovery process. An effective organizational emergency response depends on an informed campus community whose members are familiar with campus procedures and understand their personal responsibility for emergency preparedness and response.

### Emergency Response: Drills and Exercises

The District and Campuses each conduct numerous emergency response exercises each year such as tabletop drills, field exercises and tests of the emergency notification systems on campus. While conducting a drill or table top exercise the EOC committee will decide to do an annual test of the emergency notification systems, with or without pre-notice to campus constituents. Each year a test is done in October for the "Great California Shake Out" drill of emergency systems. It is documented with the Emergency Preparedness Committee and Chancellors Cabinet and a debrief session is conducted to vet potential improvements. In addition the district performs unannounced tests throughout the year as part of training exercises for the emergency operations teams.



### Emergency Response: [Building Marshals](#)

Building Marshals are responsible for assisting in the safe and effective evacuation of Campus and District facilities in the event of a drill or real world emergency. Additionally, they are charged with reporting injuries and locations of trapped individuals to the Building Marshal Lead/Designee. The information will be provided to the EOC Manager/Designee and may be vital in the impending search and rescue operations conducted by the responding Emergency Personnel. Marshals are given supplies and training to be self-sufficient immediately after an event.

### What it means to Shelter-in-place

Sheltering in place provides protection from external hazards minimizes the chance of injury and/ or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room if possible, with no or as few windows as possible. When authorities issue directives to shelter-in-place, do not walk outdoors, take refuge indoors immediately.

A shelter-in-place order may be issued for several reasons:

- Active Shooter
- Severe Weather
- Hazardous Materials
- Civil Unrest
- Hostage Situation
- Aircraft Crash
- Any other situation where it is best for you to stay inside to avoid an outside threat.

## Precautions to take at the office

- Lock your office whenever you leave, even if you will only be gone for a minute.
- Keep your purse, wallet and other valuables in a secure location, such as a locked desk or filing cabinet.
- Immediately report to the police any suspicious person loitering in your area.
- Report all crimes, no matter how minor they may seem, to the police.
- If you receive an annoying or obscene phone call, hang up. Write down the time of the call, what the caller said, and note any background noises you may have heard. Call police.
- If you work at night, avoid working alone.
- Keep all outside doors locked.
- Walk with other employees to and from your car.
- Escort services are available from CAPS by calling 619-644-7654.
- If you are entrusted with a key to a specific area, never loan it to anyone. Keys are easily lost, stolen or duplicated.

### What to do when Sheltering-in-place

- Remain CALM.
- Faculty should recommend to students and others not to leave, and not to go outside.
- Select a small interior room with no or few windows as possible. Close and lock all windows, exterior doors, and any other openings that lead to the outside.
- Stay away from all windows, doors.
- Facilities Management personnel should shut down all building ventilation fans and air conditioners, when and if appropriate.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Select interior room(s) above the ground floor, with the fewest windows or air vents.
- Room(s) should have adequate space for everyone to be able to sit down comfortably.
- Avoid overcrowding by selecting several rooms when necessary.

### Fire and General Evacuation [Procedures:](#)

At the sound of a fire alarm or if you are instructed to evacuate, proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify District Public Safety at 619-644-7654. The District practices random fire alarms throughout the school year. All personnel are expected to take alarms seriously and evacuate regardless of the smell of smoke or perception of the incident.

- Remain Calm
- Do **NOT** use elevators, use the stairs.
- Assist the physically impaired. If he/she is unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform the Public Safety office at 619-644-7654 or the responding Fire Department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building until instructed to do so, even if an alarm is silenced.

## Security Awareness Programs and Crime Prevention Education

Key departments throughout the District actively participate in the effort to educate the campus community about personal safety and crime awareness and prevention. Workshops and presentations covering a wide variety of topics are available including alcohol and drug abuse, office safety, sexual assault and rape prevention.

In addition to classroom sessions, information is also available to the campus through the Districtwide Public Safety security alerts as well at: <http://www.gcccd.edu/public-safety/default.html>. Services are also available through the San Diego Sheriff's Department website at:

<http://www.sdsheriff.net/>. The San Diego Sheriff's Department participates in delivering the college's mission and strives to create a safe environment that is conducive to academic excellence. Even though the Police Department works closely with neighboring police agencies and deploys security measures to reduce and prevent crime, we believe security is everyone's responsibility, and we need your assistance. Crime Prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Sheriff's officers and staff facilitate programs for students, parents, faculty, and student organizations. The Police Department also provides a variety of educational strategies and tips for the campus community on how to protect themselves from sexual assault, theft, and other crimes.

### Grossmont College Collaborative Activities with Substance Abuse/Mental Health Partners/Community Resources

**\*Special Note: Due to COVID-19 most outreach events were conducted online via zoom and emails.**

- Alcohol and Drug Abuse Prevention Workshop was held on September 16, 2020 via zoom from 11 am to 12:30 pm. Presenters were included David Shorey and Dean Ambrosini from the Institute for Public Strategies and Patrick Foley from McAlister Institute.
- Stigma Hurts – Breaking down barriers in the opioid crisis was presented by Katie Bell, MSN RN-BC CARN PHN and hosted by the Institute for Public Strategies on November, 18, 2020 via zoom from 1 pm to 2 pm.

### Annual Fire Report

The District does not provide any residential housing, and therefore an Annual Fire Report is not published at this time. More information on fire safety may be found on the [Public Safety Website](#).

Awareness Events	Suicide Prevention Resource Social Media Campaign
	Sexual Assault Prevention Social Media Campaign
	Sexual and Domestic Assault prevention Resource Table
	Depression and Alcohol Screening Day- County of San Diego Volunteers arrive at Grossmont College for referrals
	Suicide Prevention Training: Question, Persuade, Refer
	Student Bystander Intervention Training
	Suicide Prevention Awareness and Mood Counseling
	Mental Health Classroom Presentations
	Check Your Mood
	Feel Good Friday Mindfulness Groups
	Boba Chats: Reflection space for Asian Pacific Islander Community
	Wellness Wednesday Health Talks (Zoom)
	Self-Care During a Global Pandemic: Caring for Yourself and Your Students Webinar
	Reflection Circles: Toxic Masculinity & Mental Health; Seeking Support & Supporting Others
	Center for Community Services Sexual Assault Awareness Month Workshops: Consent; Communication; Boundaries; Creating a Culture of Support
Denim Day (Sexual Assault Awareness) Social Media Campaign	
Primary Events	Domestic Violence Prevention Month – Purple Ribbon Awareness
	International Student Orientation
	Allied Health & Nursing Orientation
	UCSD American Medical Association (AMSA) Health Fair
	Sexual Assault Prevention and Awareness Month- Teal Ribbon Awareness
	National Alcohol Screening Day Promotion
	Great American Smoke-out Smoking Cessation Program, in conjunction with Respiratory Therapy Students from the Nursing Program
	Student Success Fair
Holiday Stress Winter Rap Up: Drugs and Alcohol Abuse Prevention Program	

	Blood Pressure Check and Smoking Cessation, in conjunction with Respiratory Therapy Students from the Nursing Program
	Nutrition and Alcohol Abuse Awareness Table
	Annual Health and Wellness Fair including agencies from across the County participating with a brochure and tabling program.

**Cuyamaca College Health Services Program Information**

**\*Special Note: Due to COVID-19 most outreach events were conducted online via zoom and emails.**

Awareness Events	Welcome Week Outreach Table with Health Services information regarding Sexual Assault, Alcohol, Drugs and various referral programs.
	Health Outreach and Education
	Health Center Open House
	Wellness Walk/Health Education and Outreach
	Health & Wellness Fair
	Relaxation Station/Health Education
	Stress Management Workshop
	Health Education/HIV Testing Information
	Motivation/Mental Health Workshop
	Healthy Relationship Training
	Managing Conflict
	Mood Screenings
	Communication Workshop
	Cuyamaca College Care Fair
Primary Events	Educational Campus Bulletin Boards
	Time and Stress Management
	Health Education and Outreach
	Stress Management Workshop
	Sexual Assault Prevention
	Suicide Prevention and Awareness Tabling Event

While the San Diego Sheriff’s Department may offer advice and assistance regarding campus safety, all members of the campus community are encouraged to take responsibility for their own safety and, when possible, assist others. Be aware of your environment, be a responsive bystander and use campus resources. To prevent unauthorized access to campus buildings, do not prop doors open, leave doors unlocked, or open the door for anyone you don’t know. Report crimes or suspicious circumstances, including door-to-door solicitation, to the Public Safety Department.

There are many ways that you can help. Be an intervener! Stop potential incidents before they occur, educate yourself and others, talk to and support your friends so that they will intervene as well! The best way bystanders can assist in creating an empowering climate free of interpersonal violence is to diffuse the problem behaviors before they escalate. The following are examples of the range of language that individuals and groups can use to message what they and their members can do about sexual assault and many other crimes. Bystander intervention options:

- Recognize that if someone doesn't or can't consent to sex, it's sexual assault
- Educate yourself and others about interpersonal violence, gender inequality and the causes of gender violence.
- Confront friends who make excuses for other people's abusive behavior
- Speak up against racist, sexist, and homophobic jokes, music, remarks, etc.
- Refuse to purchase any magazines, videos or music that portray women in a degrading manner or include violence against women.
- Confront abusive behavior by not remaining silent.
- Understand how our own attitudes and actions (including jokes, music you listen to, etc.) may perpetuate sexism and violence and work toward changing them.
- Gently offer our support if we suspect that someone close to us is being abused or has been sexually assaulted or stalked.
- Take responsibility for our actions and your inaction
- Realize we have a role to play in stopping sexual assault
- Create an environment where men and women feel, and are, safe
- Step in if a friend is doing something that could lead to sexual assault
- Get someone home safely if he or she needs help
- Hold our friends accountable
- Tell our friends if what they are doing is wrong.
- Never blame the victim
- Be more than a bystander
- Stop a sexual assault any way we can
- Keep an eye on someone in a vulnerable situation
- Not look the other way
- Do something to get in the way of a sexual assault
- Step up and say something
- Let our friend's know what is and is not acceptable
- Not give our friends a pass
- Help a victim report a sexual assault if he or she wants to
- Look out for someone who has had too much to drink
- Get in the way if we see something happening
- Stand up to those who tell us it's not our business
- Say something when our friends are being stupid
- Call non-consensual sex what it is—Rape
- Act when we think someone is in trouble
- Do something
- Be part of the solution, not part of the problem
- Always be on the side of the victim
- Make sexual assault unacceptable
- Take reports of sexual assault seriously
- Stop someone from doing something we know is wrong

## **Firearms and Weapons** [\(BP3530\)](#)



Firearms or other weapons are prohibited on college property or in any District facility, pursuant to BP 3530, except for activities conducted under the direction of District officials or as authorized by law. Possession or misuse of firearms, guns, replicas of weapons, ammunition, explosives, fireworks, knives, swords, bows arrows, other military style weapons or dangerous chemicals on campus or at a campus related activity are prohibited. Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds is prohibited. The prohibition of firearms on any District campus, District center, or in any District facility includes both loaded and unloaded firearms, and applies to persons holding a valid license to carry a concealed firearm. Concealed weapons are strictly prohibited.

*Did you lose something?  
Lost and Found items are to be turned into the Campus and Parking Services office (CAPS). If you need to check on a lost item call x7654 (619-644-7654) and we will check our database!*

## Missing Persons

Due to the District not providing any student housing, the San Diego Sheriff's Department will handle any investigation of missing persons without delay as specified by law. District Sheriff's personnel will check department databases and the information will only be shared with a police agency handling a missing person's investigation. The San Diego Sheriff's Department will assist the outside agency with any requested case follow-up. There is no board policy regarding missing persons since the District does not offer campus housing.

## Safety Escorts



**Campus safety escorts are available 24/7 from the Campus and Parking Services Department. Dial (619) 644-7654 to request one. Or x7654 from a campus phone.**

## Alcohol Policy [\(BP3555\)](#)

Pursuant to Board Policy 3555 and 34 Code of Federal Regulations Part 668.46(b) the enforcement of alcohol laws on-campus is the primary responsibility of the Grossmont-Cuyamaca Community College District (District) Public Safety Department. The campus has been designated "drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the District Public Safety Department. Violators are subject to disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person under the age of twenty-one. The possession of alcohol by anyone under twenty-one years of age in a public place or a place open to the public is illegal. It is also a violation of this

policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. The possession, use or sale of alcoholic beverages by anyone on District property is a violation of the California Business and Professions Code 25608, as well as the Student Code of Conduct.

## **Smoking Policy** [\(BP3570\)](#)

Smoking and/or other tobacco use is prohibited on all property owned or controlled by the District. “Smoking” means engaging in an act that generates smoke or vapor, such as possessing a lighted pipe; a lighted hookah pipe; operating an electronic cigarette or other electronic nicotine delivery system; a lighted cigar; a lighted cigarette of any kind; or lighting or igniting a pipe, a hookah pipe, a cigar, or a cigarette of any kind. Tobacco products and paraphernalia will not be offered for sale in any District or campus facilities. Companies that market tobacco products and paraphernalia will not be permitted to offer campus promotions or gifts, advertisements, entertainment, or other activities designed to support tobacco use. “Tobacco product” means any substance containing tobacco leaf and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into a human body, but does not include any cessation product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependence. Any District public safety official may warn or cite any person who is in violation of this policy. The Chancellor shall establish administrative procedures to implement this policy.

## **Drug Policy** [\(BP3550\)](#)

The Grossmont-Cuyamaca Community College District prohibits the unlawful possession, use or distribution of illicit drugs or alcohol by any member of our Community on District property, or at any District sponsored or sanctioned activity. Any student or employee in violation of this policy is subject to disciplinary action, up to and including expulsion from the District or termination of employment. The decision to take disciplinary action in any instance rests with the Governing Board after consideration of recommendations made by the site administrator and advisory panel. The possession, use or sale of any illegal drug is a violation of state law and any person found in violation is subject to arrest by federal, state and local law enforcement authorities. Criminal prosecution is separate from any administrative discipline that may be imposed by the District.

The District provides students and employees with prevention information and referrals for treatment for students or employees with drug and alcohol issues. The District works closely with its college communities to share educational programs; and events to combat the use of illicit drugs and alcohol abuse by District students. Students may call or come to Student Health Services, Student Affairs Office or Counseling for additional information or help for illicit drug use or alcohol abuse. For employees, the District provides confidential referrals through an Employee Assistance Program, addressed below.

**Prohibition of Illicit Drugs and Alcohol** The unlawful manufacture, distribution, dispensing, possession, sale, or use of alcohol or any controlled substance is prohibited on District property, during District-sponsored field

trips, activities or workshops, and in any facility or vehicle operated by the District. Students and employees are prohibited from being under the influence of illicit drugs and alcohol on District property, during District activities, while operating a District vehicle, and in any facility operated by the District. Alcoholic beverages are not permitted on District owned or operated property, except in limited circumstances as set forth in Administrative Procedure 3560 and in compliance with Business and Professions Code Sections 24045.4, 24045.6, and 25608.

**Standards of Conduct:** Sanctions for Violating Standards of Conduct Violation of this prohibition will result in appropriate action up to and including termination of employment, expulsion, and referral for prosecution, or, as permitted by law, may require satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program. For students, see Board Policy 5500 Standards for Student Conduct. For employees, see applicable board policies, administrative procedures, employee handbooks, and bargaining agreements.

For additional information regarding the policy, refer to AP3550.

**Grounds for Student Code of Conduct Violation:** (These procedures also apply to distance education.) Student conduct must conform to District and College rules and regulations. If a Student Code of Conduct violation occurs while a student is enrolled in any program of instruction or co-curricular offering within the District, to include distance education programs, he or she may be subject to Student Conduct Action for one or more of the following causes that must be District related. Except in response to conduct specified in subdivisions (g) and (h) of Section 76033, no student shall be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance. This section is not intended to limit provisions of federal law, or limit the ability of community college districts to take appropriate action under federal law. These categories of behavior are not intended to be an exhaustive list, but are examples of causes and are good and sufficient causes for Conduct, including but not limited to the removal, suspension, or expulsion of a student. Other misconduct not listed may also result in Conduct if good cause exists (Education Code Section 76033, 76034).

1. Causing, attempting to cause, or threatening to cause physical injury to another person.
2. Possession, sale or otherwise furnishing any firearm, knife, explosive, or other dangerous object, including but not limited to any facsimile firearm, knife, or explosive, unless, in the case of possession of any object of this type, the student has obtained written permission to possess the item from the Vice President of Student Services or designee.
3. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Sections 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
4. Committing or attempting to commit robbery or extortion.
5. Causing or attempting to cause damage to District property or to private property on campus.
6. Stealing or attempting to steal District property or private property on campus, or knowingly receiving stolen District property or private property on campus.
7. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the college or the District.

8. Committing sexual harassment as defined by law or by District policies and procedures.
9. Engaging in harassing or discriminatory behavior based on disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, sexual orientation or any other status protected by law.
10. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
11. Willful misconduct that results in injury or death to a student or to District personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District or on campus.
12. Disruptive behavior, willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
13. Cheating, plagiarism (including plagiarism in a student publication), or engaging in other academic dishonesty as defined by the College's academic integrity standards.
14. Dishonesty; forgery; alteration or misuse of District documents, records or identification; or knowingly furnishing false information to the District.
15. Unauthorized entry upon or use of District facilities.
16. Lewd, indecent or obscene conduct or expression on District-owned or controlled property, or at District sponsored or supervised functions.
17. Engaging in expression which is obscene, libelous or slanderous, or which so incites students as to create a clear and present danger of the commission of unlawful acts on District premises, or the violation of lawful District regulations, or the substantial disruption of the orderly operation of the District.
18. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.
19. Unauthorized preparation, giving, selling, transfer, distribution, or publication, for any commercial purpose, of any contemporaneous recording of an academic presentation in a classroom or equivalent site of instruction, including but not limited to handwritten or typewritten class notes, except as permitted by any district policy or administrative procedure.
20. Engaging in physical or verbal intimidation or harassment of such severity or pervasiveness as to have the purpose or effect of unreasonably interfering with a student's academic performance, or District employee's work performance, or of creating an intimidating, hostile or offensive educational or work environment.
21. Engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on District property.

- 22. Sexual assault and sexual exploitation as defined in Education Code section 76033(g), (h).
- 23. Misconduct where good cause exists (Education Code Section 76033). District students who engage in any of the above are subject to the procedures outlined herein as authorized by AP 5520 Student Conduct Procedures.

## Federal Law

Federal law provides criminal and civil penalties for unlawful possession or distribution of a controlled substance. Under the Controlled Substance Act, as well as other related federal laws, the penalties for controlled substance violations include but are not limited to: incarceration, fines, potential for the forfeiture of property used in possession or to facilitate possession of a controlled substance (which may include homes, vehicles, boats, aircrafts and any other personal or real property), ineligibility to possess a firearm, and potential ineligibility to receive federal educational benefits (such as student loans and grants). 21 U.S.C. Section 812 U.S Code.

## State Law

The State of California has numerous laws regulating the possession and use of controlled substances and alcohol. As an example, under current California state law, “a person shall not knowingly or intentionally possess or distribute a controlled substance.” If an individual is found guilty of a violation of the state law, they may be subject to large fines and imprisonment. California Health and Safety Code Section 11350-11356.5.

A minor (defined as a person under the age of 21) may not “purchase or attempt to purchase alcoholic liquor, consume or attempt to consume alcoholic liquor, possess or attempt to possess alcoholic liquor, or have any bodily alcohol content.” Violations of the law may subject the individual to fines, participation in a substance abuse program, imprisonment, community service hours, and/or out of pocket expenses related to required substance abuse screenings. Business and Professions Code 25662 BP / Vehicle Code 13202.5 VC.

Additional information regarding California State law can be found at: <https://statelaws.findlaw.com/california-law/california-drug-distribution-laws.html>. Page 69 of this handbook details the Health Code sections mentioned above.

## Local Law

The city of San Diego ordinances include but are not limited to: consumption in public places, possession and use of alcohol by minors, uncapped liquor in passenger compartments of vehicles, and all substance abuse ordinances. Sanctions could range from a civil infraction with attached fines to probation, rehabilitation, or even imprisonment. (Drug Enforcement Agency Website)

## Campus Policy

Types of Student Conduct Action Student Conduct actions that may be imposed for violations of the Student Code of Conduct include the following:

**Warning:** Written or oral notice to the student that continuation or repetition of misconduct may be cause for further Student Conduct action.

**Student Conduct Probation:** Specific period of conditional participation in campus and academic affairs that may involve exclusion from designated privileges or extracurricular activities. If a student violates any condition of probation, or is charged a second time with a violation of the Standards of Student Conduct during the probationary period, it shall be grounds for revocation of the student's probationary status and for further Student Conduct action to be taken in accordance with these procedures.

**Removal from Class by Instructor (Education Code 76032):** An instructor may remove, for good cause, any student from his or her class for up to two (2) class sessions. The student shall not return to the class during the period of the removal without concurrence of the instructor, and if required the consent of the CSSO or designee. Nothing herein will prevent the College President or Designee or CSSO from recommending further Conduct in accordance with these procedures based on the facts that led to the removal. As used in this rule, "good cause" includes those offenses listed in the Student Code of Conduct. The instructor shall immediately report the removal to the respective Division Administrator and to the College President or designee. If the student is a minor, the College President or designee shall schedule a conference with the student and the student's parent or guardian regarding the removal. The Administrator shall arrange for a conference between the student and appropriate college personnel regarding the removal. Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the two (2) class periods of removal.

**Suspension or Termination of Financial Aid:** In the event a student is suspended for willfully and knowingly disrupting the orderly operation of the campus, this action will result in ineligibility for State Financial Aid, as defined in Education Code Sections 69810 and 69813, for the period of suspension.

**Immediate Interim Suspension:** The College President, the President's designee, or the CSSO may order immediate suspension of a student when he or she concludes that immediate interim suspension is required to protect lives or property and to ensure the maintenance of order. A reasonable opportunity shall be afforded the suspended person to have a hearing within ten (10) days of the time that the CSSO or designee, or the College President became aware of the infraction unless mutually agreed upon by the student and the designated Administrator that more time is required.

In cases where an immediate interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student according to the provisions above.

In the event that a student does not request a hearing within the ten (10) days or contact the College President, CSSO or his or her designee or Administrator, to establish a mutually agreed upon time for hearing, the College where the infraction occurred will proceed with a due process hearing twenty (20) days after the point that the aforementioned administrators became aware of the infraction with or without the accused student being present. Students placed on Immediate Interim Suspension shall have holds placed on all records and transcripts pending the outcome of the due process hearing (Education Code Section 66017).

Instructors are not obliged to provide makeup opportunities for class work, including quizzes, tests or examinations, missed during the period of suspension.

**Short-term Suspension:** Temporary exclusion from student status, or other privileges or activities, one (1) or more classes for a period of up to ten (10) consecutive days of instruction. Faculty members are not obliged to provide makeup opportunities, including quizzes, tests or examinations, for class work missed during the period of suspension.

**Long-term Suspension:** Temporary exclusion from student status, or other privileges or activities, the remainder of the current semester and/or one or more terms. Instructors are not obliged to provide makeup opportunities for class work missed, including quizzes, tests or examinations, during the period of suspension.

If any student is suspended or expelled from the GCCCD, he or she shall not be present on any of the campuses or at the District Office without authorization from the College President, CSSO, or the District Vice Chancellor of Human Resources and must be escorted by a District Public Safety officer. The student may not attend any official campus sanctioned events or activities during the term of the suspension.

**Expulsion Subject to Reconsideration:** Permanent termination of student status, subject to reconsideration by the Board of Trustees after a specified length of time. Reconsideration may be requested in accordance with the procedure for Reconsideration.

**Permanent Expulsion:** Permanent termination of student status. There shall be no right of reconsideration of a permanent expulsion at any time. On its own motion, the Board of Trustees may reconsider such actions at any time.

**Restitution:** Appropriate restitution shall be sought from any student found responsible of theft, vandalism, or willful destruction of District or College property.

**Educational Sanctions:** Educational sanctions may be assigned instead of, or in addition to those specified in this section at the discretion of the Administrator. Educational sanctions may include, but are not limited to, reflection papers, participation in alcohol or drug education programs, or meeting with college officials.

**Community Service:** Community Service may be assigned instead of, or in addition to, those specified in this section at the discretion of the Administrator. Community Services assignments will require a student to perform unpaid work of benefit to the College community. Community Service provides an opportunity for the student to contribute positively to their community. The assigned tasks shall support and supplement services existing on campus. The Dean of Student Affairs shall approve the community service site. Student must present hours to the Dean of Student Affairs upon completion.

**Referral:** A student may be referred by the Administrator to any college/community resource deemed necessary for the assistance of the student.

For employees, please refer to [AP3550](#). Information regarding the various drugs and their effects is available at: <https://www.dea.gov/factsheets>

## Health Risks

GCCCD is committed to providing a drug free environment which includes the use of tobacco products and electronic delivery devices on campus or at college/district sponsored events. Any type of drug use, including

alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind and behavior. The effects vary from person to person and from usage to usage. The range of health risks associated with the use of illicit drugs and the abuse of alcohol are varied. The health risks associated with the use of illicit drugs and the abuse of alcohol include but are not limited to:

- Death including by alcohol poisoning or drug overdose
- Risk of addiction and withdrawal symptoms including pain, convulsions and depression;
- Impaired judgment and resulting safety and health risks including accidents; Impaired performance including drowsiness, impaired memory, and impaired concentration; and
- Psychological problems including depression, anxiety, paranoia, panic reactions, psychosis and hallucinations.

## **Possible Short-term Effects**

Even low doses of drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial and personal problems. Acute health problems may include heart attack, stroke, and sudden death, which can occur for first-time cocaine users.

## **Possible Long-term Effects**

Long lasting effects caused by drug and alcohol abuse can cause problems such as disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells, possible memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties.

## **Alcohol Abuse**

- Known health risks include increased risk of injuries, violence, fetal damage (in pregnant women), depression, neurologic deficits, hypertension, liver and heart disease, addiction and fatal overdose
- Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase risk of certain cancers, stroke, and liver disease.
- Alcoholism or alcohol dependence is a diagnosable disease characterized by a strong craving for alcohol, and/or continued use despite harm or personal injury. Alcohol abuse, which can lead to alcoholism, is a pattern of drinking that result in harm to one's health, interpersonal relationships, or ability to work.

## **Other Substances**

## **Some Possible Long-Term Effects**



<b>Amphetamines</b> <i>uppers, speed, crank</i>	<i>loss of appetite, delusions, hallucinations, heart problems, hypertension, irritability, insomnia, toxic psychosis, rebound depression</i>
<b>Barbiturates</b> <i>barbs, bluebirds, blues</i>	<i>severe withdrawal symptoms, possible convulsions, toxic psychosis, depression, physical dependence, impaired judgment</i>
<b>Benzodiazepines</b> (Valium, Xanax, Ativan, Dalmane, Rohypnol) <i>benzos, downers, sleepers, tranqs, roofies</i>	<i>impaired judgment, sedation, panic reaction, seizures, psychological dependence, physical dependence</i>
<b>Cocaine &amp; Cocaine freebase</b> <i>coke, crack</i>	<i>loss of appetite, depression, weight loss, seizure, heart attack, stroke, hypertension, psychosis, chronic cough, nasal passage injury, hallucinations</i>
<b>Codeine</b>	<i>physical dependence, constipation, loss of appetite, lethargy, respiratory depression</i>
<b>Heroin</b> <i>H, junk, smack</i>	<i>physical dependence, constipation, loss of appetite, lethargy, respiratory depression</i>
<b>Inhalants</b> <i>ames, gas, laughing gas, poppers, snappers</i>	<i>psychological dependence, psychotic reactions, confusion, frozen airway, sudden death</i>
<b>LSD</b> <i>acid</i>	<i>may intensify existing psychosis, panic reactions, can interfere with psychological adjustment and social functioning, insomnia, flashbacks</i>
<b>MDA, MDMA, MOMA</b> <i>ecstasy, xtc</i>	<i>same as LSD, sleeplessness, nausea, confusion, increased blood pressure, sweating, paranoia</i>
<b>Marijuana (cannabis)</b> <i>pot, grass, dope, weed, joints</i>	<i>bronchitis, conjunctivitis, mood swings, paranoia, lethargy, impaired concentration</i>
<b>Mescaline (peyote cactus)</b> <i>mesc, peyote</i>	<i>may intensify existing psychosis, hallucinations at high dose</i>
<b>Methamphetamine</b> <b>meth, crystal, chalk, ice</b> <b>Methaqualone</b> <i>ludes</i>	<i>increased wakefulness, increased physical activity, decreased appetite, increased respiration, rapid heart rate, irregular heartbeat, increased blood pressure, and increased body temperature</i>  <i>coma, convulsions</i>
<b>Morphine</b> <i>M, morf</i>	<i>physical dependence, constipation, loss of appetite, lethargy</i>

**PCP crystal, tea, angel dust**

*psychotic behavior, violent acts, psychosis, hallucinations at high dose*

**Psilocybin magic mushrooms, shrooms**

*may intensify existing psychosis*

**Steroids roids, juice**

*cholesterol imbalance, acne, baldness, anger management problems, masculinization of women, breast enlargement in men, premature fusion of long bones preventing attainment of normal height, atrophy of reproductive organs, impotence, reduced fertility, stroke, hypertension, congestive heart failure, liver damage, depression*

**Assistance, Resources and Referrals**

Drug or alcohol counseling, treatment, or rehabilitation or re-entry programs or referrals are available to employees and students. The District provides confidential referrals through an Employee Assistance Program (EAP) for employees and their families needing assistance with drug or alcohol abuse. Please contact the Human Resources for more information or visit the Human Resources website for information on contacting the District's EAP.

Students should contact Student Health Services or their college' Dean or designee for resources and/or assistance. Student Health Services also provides counseling, alcohol and drug abuse education information, and resources for students.

For further information, please contact Student Health Services or visit:

<https://www.grossmont.edu/student-support/health-and-wellness/index.php>

<http://cuyamaca.edu/services/health/default.aspx>

**Grossmont-Cuyamaca College Substance Abuse Prevention/Mental Health Partners**

	<b>Organization</b>	<b>Contact</b>	<b>Address</b>
1	McAlister Institute	619/442-0277	1400 N. Johnson Ave., El Cajon, CA 92020
2	MHS ACTION East Residential and Treatment	619/383-6868	10201 Mission Gorge Rd. Santee, CA 92071
3	Halcyon Center Short Term Residential	619/579-8685	1664 Broadway, El Cajon, CA 92021
4	Kickstart Mental Illness/Substance Abuse Prevention/Pathways	Katherin Torres 619/481-3790 <a href="mailto:katherin.torres@pathways.com">katherin.torres@pathways.com</a>	6160 Mission Gorge Rd, #100, San Diego, CA 92120
5	San Diego Youth Services	619-241-0608	3255 Wing Street, San Diego, CA 92110
6	Vet Center/Substance Abuse Prevention Services	Alfonso Carmona (858) 642-1500 <a href="mailto:alfonso.carmona@va.gov">alfonso.carmona@va.gov</a>	2790 Truxtun Road, Suite 130 San Diego, CA 92106

7	Homestart, Inc. (TAY) Transitional Assistance to Youth	619-692-0727	5005 Texas Street, Suite 230, San Diego, CA 92108
8	El Cajon Family Health Center (FHCS)	619/515-2498	525 E. Main St., El Cajon, CA 92020
9	Volunteers of America Residential Substance Abuse Services	(619) 232-9343 2300	7 <sup>th</sup> St. National City, CA 91950
10	Heartland Wellness Recovery Center	619/440-5133	460 N. Magnolia Ave. Suite 100, El Cajon, CA 92020
11	Crisis House	619/444-1194	1034 N. Magnolia Ave., El Cajon, CA 92020

**Community Crisis Lines**

- Students who are experiencing a Behavioral Health emergency should call 9-1-1.
- Students who need information about handling a mental health crisis should speak to a trained counselor who can help with their specific situation.
- Access and Crisis Line: 1-888-724-7240.
- The toll-free call is available 24-hours a day, 7-days a week. (TDD for the hearing impaired: 619-641-6992.)

**Collaborative Activities with Substance Abuse/Mental Health Partners/Community Resources**

- Participation in college health fairs with exhibits explaining services and resources (February, May, August 2019)
- Semi-annual Substance abuse prevention/mental health on-campus trainings and workshops for students and staff (October 2018 and May 2019)
- Weekly outreach and education tables during months (May 2019) that highlight substance abuse prevention, mental health, violence prevention, and healthy relationships.

**Online Resources of Possible Interest:**

- [www.alcoholscreening.org/](http://www.alcoholscreening.org/)
- [www.aa.org/](http://www.aa.org/) for Alcoholics Anonymous
- <http://www.drugabuse.gov/nidamed/> for National Institute of Drug Abuse (NIDA)
- <http://www.drugabuse.gov/scienceofaddiction/brain.html> for NIDA handout on biology of addiction
- <http://www.nlm.nih.gov/medlineplus/substanceabuseproblems.html> for MedlinePlus, substance abuse problems
- <http://familydoctor.org/familydoctor/en/diseases-conditions.html> for familydoctor.org, for tobacco, alcohol and drugs patient education downloads
- <http://rethinkingdrinking.niaaa.nih.gov/> for NIAAA website -- offers drinking habits assessment and management tools for anyone who drinks

**Community Drug and Alcohol Treatment**

1. Volunteers of America / 101 16<sup>th</sup> Street / (619) 232-9343 / detox for unfunded patients

2. Crash / outpatient group treatment / (619) 263-6663 / inpatient treatment / (619) 233-8054.
3. Escondido Community Sobering / 401 North Spruce Street/ detox and outpatient group / (760) 747-1553
4. McAlister East / detox and outpatient group / sliding fee scale / (619) 442-0277
5. Salvation Army / 1335 Broadway/ inpatient treatment / no detox / walk-ins M-F 7:30am-4pm / (619) 239-4037
6. Scripps McDonald Center / 9896 Genesee Avenue/ detox, inpatient, outpatient, group and individual / (858) 626-4300

## Daily Crime Log [\(AP3515\)](#)

The Daily Crime Log (also referred to as the Media Bulletin) provides details about crimes that have been reported to the Public Safety Office from the past 60 day time period. It is available to all members of the public for inspection, at the Grossmont and Cuyamaca Public Safety Offices during business hours and hard copies are free of charge. It is updated on a daily basis and includes the nature/classification, date reported, date occurred, time, general location, provided the information is available.

An electronic version is available by request by emailing [District.Parking@gcccd.edu](mailto:District.Parking@gcccd.edu). Any portion of the log that is older than 60 days will be available within two business days of a request for public inspection. If applicable paper or electronic copies will be given per the individual's request.

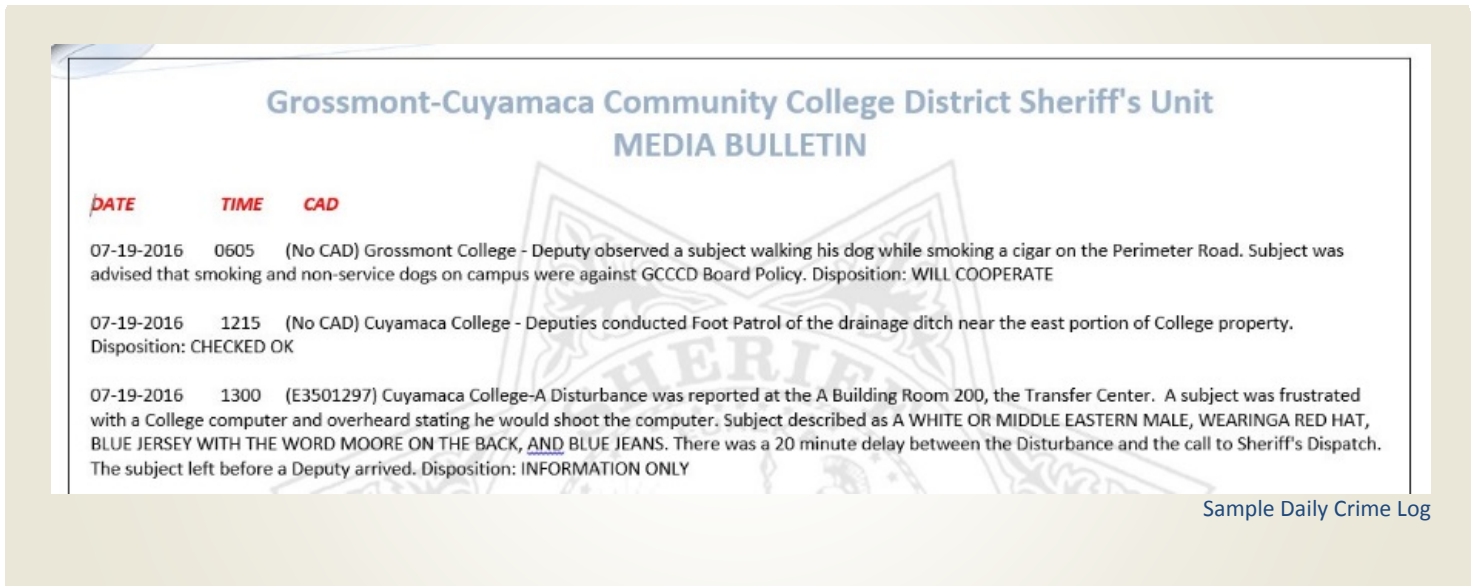
### College Public Safety Office Locations:

Office	Location	Business Hours
Grossmont College	Building 57 (attached to parking garage)	8:00am-9:00pm, Monday-Friday
Cuyamaca College	A-101	8:00am-9:00pm, Monday-Friday

According to Federal Law, an institution may withhold any of the required fields of entry, i.e. the nature, date, time, location and/or disposition if any of the following conditions apply:

- The disclosure is prohibited by law
- If disclosure would jeopardize the confidentiality of the victim
- If disclosure would jeopardize an ongoing criminal investigation or the safety of an individual
- If disclosure would cause a suspect to flee or evade detection
- If disclosure would result in the destruction of evidence

A sample of the GCCCD Daily Media/Crime Log is shown below:



## Police Services Commendations & Complaint Procedure

The San Diego Sheriff's Department realizes it must be responsive to all persons in the community. If you are not satisfied with the performance of any member of the Department, we need to know the specifics. The District and the San Diego Sheriff's Department are committed to responding swiftly, thoroughly, and fairly to all reports of unsatisfactory service. To file a written complaint, go to the District Public Safety Office at either campus or visit <https://www.sdsheriff.gov/i-want-to/file/commendations-complaints>. Besides completing a written report, you are also encouraged to personally discuss the situation with the GCCCD Sergeant of Law Enforcement Services by phone at (619) 644-7775 or by e-mail.

## Crime Prevention Programs

The Grossmont / Cuyamaca Community College District encourages any member of the college community to stop by the Public Safety Office or ask any Sheriff's Deputy for information regarding personal or property safety. In addition, The San Diego Sheriff's Department is committed to providing periodic Campus Safety Awareness training events to Students, Faculty and Staff.

On-going goals for outreach are to:

- ✓ Create a positive dialogue with the community.
- ✓ Maintain open lines of communication to identify and resolve issues in a collaborative manner.
- ✓ Provide materials and programs to educate and increase awareness.

- ✓ Assist residents in reducing opportunities for crime.

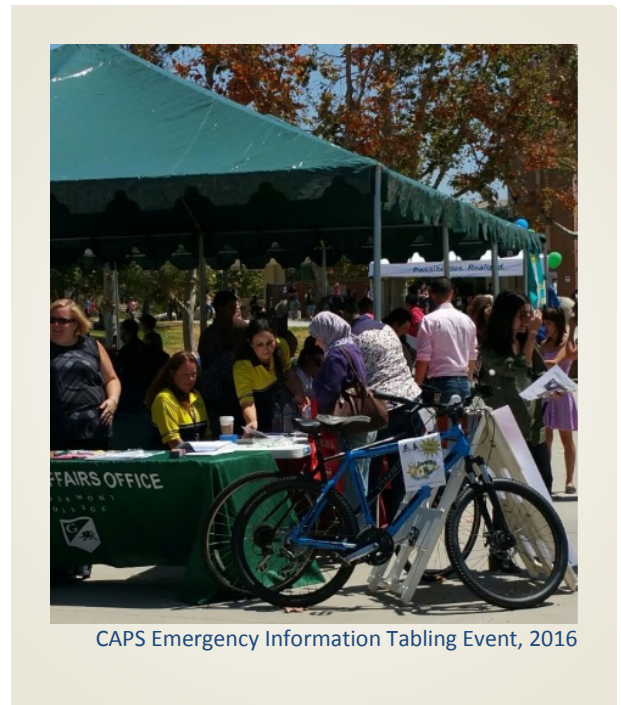
Districtwide Crime Prevention events are scheduled on an as needed basis and advertised via the Districtwide emails, publications and fliers. Topics range and include, identity theft, personal safety awareness, active threat situations and emergency preparedness.

The District does not have any officially recognized student organizations which reside off-campus.

## Substance Abuse Education

The campuses make available to students and employees a wide variety of programs designed to discourage the use of illicit substances and provide information on legal and responsible alcohol consumption. Abuse of alcohol and drugs can have a dramatic impact on academic, professional, and family life. Members of the community who may be experiencing difficulty with drugs or alcohol are encouraged to seek assistance. Individual counseling sessions are available to students at no cost. All information regarding any contact or counseling is confidential and will be treated in accordance with campus policies, state and federal laws.

The District provides information on drug treatment and prevention through the Health & Wellness Center(s). Contact the Health & Wellness Center or the Risk Management Department for more information.



CAPS Emergency Information Tabling Event, 2016

Employees dealing with substance abuse issues are encouraged to seek assistance through the Employee Assistance Program (EAP) where counseling, referrals and other services are available. Please visit: [https://www.gcccd.edu/benefits/documents/01BenefitFormsandDocs/BenefitDocuments/EAP\\_OptumSummary.pdf](https://www.gcccd.edu/benefits/documents/01BenefitFormsandDocs/BenefitDocuments/EAP_OptumSummary.pdf).

Behavioral Health Information & Referrals for Alcohol, Drugs, and Mental Health Crisis and Suicide Intervention 24 hours a day/ 7 days a week through the San Diego Access & Crisis Line (UBH) at 1-800-479-3339. Or visit: <https://www.optumsandiego.com/content/sandiego/en/access---crisis-line.html>.

*Behavioral Health Information & Referrals for Alcohol, Drugs, and Mental Health Crisis and Suicide Intervention 24 hours a day/ 7 days a week through the San Diego Access & Crisis Line (UBH) at 1-800-479-3339.*

## Sex Offender Registration Information

California law, requires sex offenders who are employed, volunteer, or enrolled as a student at an institution of higher education, to register with the San Diego Sheriff's Department. It provides the public with internet access to detailed information on registered sex offenders. This access allows the public to use their personal computers with internet (www) access to view information on sex offenders required to register with local law enforcement under California's Megan's Law. The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires sex offenders who are required to register under state law, to provide notice of their enrollment or employment at any institution of higher learning in the state where he/she resides. In addition, California law requires sex offenders who reside on campus, and all campus affiliated sex offenders, to register with campus law enforcement.

Members of the public may access sexual offender information at the Megan's Law website maintained by the Department of Justice: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). For information concerning offenders who have registered with the campus Public Safety Department, please contact the San Diego SAFE Task Force at 858-974-2020.

Other Resources:

- National Sex Offender Public Registry <http://www.nsopr.gov>
- Center for Sex Offender Management <http://www.csom.org/>

## Crime Statistics

The Clery Act requires that higher education institutions disclose statistics for offenses committed in certain geographic locations associated with the institution. A crime should be included in the annual security report only if it occurred in one of the following locations: on campus, in or on a non-campus building or property, or on public property within or immediately adjacent to and accessible from the campus. All crimes, including hate crimes, must be disclosed by geographic location.

### On Campus

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes. Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### On Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

**Non-campus Building or Property**

The District does not own or control any sites off campus. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

<b>Cuyamaca College Clery Act Crime Statistics 2018-2020</b>									
	Cuyamaca Campus			Non-Campus Property			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses:									
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0
Burglary	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	1	0	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	1	0	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**\*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2018, 2019 or 2020.**  
**\*Drug and Narcotics Violations include marijuana citations.**



Cuyamaca College Student Affairs Referral Statistics									
	Cuyamaca Campus			Non-Campus Property			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Weapons Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	0	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>									
Arrest	1	0	0	0	0	0	0	0	0
Referral	1	1	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	0	1	0	0	0	0	0	0	0

**\*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2018, 2019 or 2020.**

**\*Drug and Narcotics Violations include marijuana citations.**

While the Cuyamaca College Campus holds courses at offsite locations some of these locations do not meet Clery Geography requirements. The following locations were utilized by the campus prior to the COVID-19 Pandemic:

1. Helix Charter High School, 7323 University Ave, La Mesa, CA 91944
2. Health Sciences High and Middle College, 3910 University Ave, San Diego, CA 92105
3. Kumeyaay Community College, 910 Willow Glen Drive, El Cajon, CA 92019
4. Mater Dei Catholic High School, 1615 Mater Dei Drive, Chula Vista, CA 91943
5. Steele Canyon High School, 12440 Campo Road, Spring Valley, CA 91978
6. Sycuan Golf Resort, 3007 Dehesa Road, El Cajon, CA 92019
7. Monte Vista High, 3230 Sweetwater Springs Road, Spring Valley, CA 91977
8. Rohr Park, 4548 Sweetwater Road, Bonita, CA 91902
9. Santa Ysabel Reservation, Schoolhouse Canyon Road & Highway 79, Santa Ysabel, CA 92070
10. Cajon Valley School District, 750 E Main Street, El Cajon CA 92020
11. Campo Education Center, 36209 Church Road, Campo, CA 91906
12. Mountain Empire High School, 3305 Buckman Springs Road, Pine Valley, CA 91962
13. River Valley Charter School, 9707 ½ Marilla Drive, Lakeside, CA 92040

The San Diego Sheriff’s Crime Analyst regularly reaches out to the other agencies to determine if any crimes were committed at any location listed above during our course and none were found. Some agencies did not return our request for published statistics.

Grossmont College Clery Act Crime Statistics 2018-2020									
	Grossmont Campus			Non-Campus Property			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0		0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0		0	0	0
Forcible Sex Offenses:									
<b>Rape</b>	0	0	0	0	0		0	0	0
<b>Fondling</b>	0	1	0	0	0		0	0	0
<b>Incest</b>	0	0	0	0	0		0	0	0
<b>Statutory Rape</b>	0	0	0	0	0		0	0	0
Robbery	1	0	0	0	0		0	0	0
Aggravated Assault	1	0	0	0	0		0	0	0
Burglary	4	1	0	0	0		0	0	0
Motor Vehicle Theft	0	0	0	0	0		0	0	0
Arson	0	0	0	0	0		0	0	0
Hate Crimes	0	0	0	0	0		0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	0	2	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	1	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

*\*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2018, 2019 or 2020.*

*\*Drug and Narcotics Violations include marijuana citations.*

Grossmont College Student Affairs Referral Statistics									
	Grossmont Campus			Non-Campus Property			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Weapons Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	1	0	0	0	0	0	0	0	0
<b>Drug Law Violations</b>									
Arrest	3	0	0	0	0	0	0	0	0
Referral	0	1	0	0	0	0	0	0	0
<b>Liquor Law Violations</b>									
Arrest	0	0	0	0	0	0	0	0	0
Referral	0	2	0	0	0	0	0	0	0

**\*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2018, 2019 or 2020.**  
**\*Drug and Narcotics Violations include marijuana citations.**

While the Grossmont College Campus holds courses at offsite locations some of these locations do not meet Clery Geography requirements. The following locations were utilized by the campus prior to the COVID-19 Pandemic:

1. Helix Charter High School, 7323 University Ave, La Mesa, CA 91944
2. Mission Trails, 1 Father Junipero Serra Trail, San Diego, CA 92119
3. Kumeyaay Community College, 910 Willow Glen Drive, El Cajon, CA 92019
4. Granite Hills High School, 1719 E Madison, La Mesa, CA 92019
5. El Cajon Valley High School, 1035 E Madison, La Mesa, CA 92021

The San Diego Sheriff's Crime Analyst regularly reaches out to the other agencies to determine if any crimes were committed at any location listed above during our course and none were found. Some agencies did not return our request for published statistics.

## Hate Crimes [\(AP 3500\)](#)

The Grossmont-Cuyamaca Community College District will not tolerate discrimination against any person because of age, ancestry, color, disability, national origin, race, religious creed, sex, sexual orientation, education or socioeconomic status. The hate crimes reported above include the crime classifications above plus simple assault, larceny and vandalism when related to the biases noted above. If you believe you are a victim of a hate crime, report the incident to the San Diego Sheriff's Department or the Campus Student Affairs Office.

A hate or bias related crime is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the offender's bias. For example, a subject assaults a victim, which is a crime. If the facts of the case indicate that the offender was motivated to commit the offense because of his bias against the victim's Race, Religion, Ethnicity, Gender, Sexual Orientation,

Disability, National Origin, or Gender Identity... the assault is then also classified as a hate/bias crime.

California Attorney General’s Office, “Preventing Hate Crime:” <https://oag.ca.gov/civil/content/hatecrimes>

*There were zero (0) hate crimes on either Grossmont or Cuyamaca Campuses in 2018, 2019 or 2020.*

## **Sexual Assault** [\(AP 3430\)](#)

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, that occurs on Grossmont-Cuyamaca Community College District (District) property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures, and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

“Sexual assault” includes any sexually related offenses.

“Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

“Stalking” means 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 to suffer substantial emotional distress.

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

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

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

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

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

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

All students, faculty members, staff members, or visitors who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. The accused of such offenses should refer to either: the Collective Bargaining Agreement (employees), Student Code of Conduct (students), and other District Governing Board Policies for community members. Information shall be available for students in the College Student Affairs Office, and for staff in the District Human Resources Office. The appropriate office shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the office is authorized to release such information.

The College Student Affairs Office or District Human Resources Office shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault
- A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - Transportation to a hospital—paramedics, local law enforcement, and/or victim's designee(s)
  - Counseling or referral to a counseling center—the College Student Affairs Office or the District Human Resources Office
  - Notice of the assault; if the victim consents—the District Public Safety Department (619) 644-7654
  - A packet of available campus resources and off-campus services—District Public Safety Department or college Student Affairs Office
- The victim's option to:
  - Notify proper law enforcement authorities, including on-campus and local police
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - Decline to notify such authorities
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court
- Information about how the District will protect the confidentiality of victims; and
- Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- A description of each of the following procedures:
  - Criminal prosecution
  - Civil prosecution (i.e., lawsuit)
  - District disciplinary procedures, both student and employee
  - Modification of class schedules

The Title IX Coordinator should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations, regardless of whether a complaint is filed with local law enforcement. All alleged victims of sexual assault on District property shall be kept informed through the college Student Affairs Office or District Human Resources Office, of any ongoing investigation. Information shall include the status of any student or

employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

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

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

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

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

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

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

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of sexual assault on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the Communications and Public Information Office, which shall work with the college Student Affairs Office or District Human Resources Office to assure that all confidentiality rights are maintained.

A victim of sexual assault on campus should immediately contact 911. Absolutely nothing related to a sexual assault should be touched, moved or contaminated prior to a deputy's arrival. No cleaning, showering, washing of any person or item involved (including clothing, vehicle or other scene) should occur in order to preserve evidence. Observing this protocol will assist investigators in the successful identification, apprehension and prosecution of a suspect.

San Diego Sheriff's Deputies are aware of the sensitivity of an event like a sexual assault and will provide victims the appropriate support services and medical aid. For specialized resources to complete criminal investigations, Sheriff's specialized investigators will be utilized.

***Trained support counselors may be reached at the following locations on campus:***

Location	Name and Phone Number	Hours
Grossmont College Health Services Office 60-130	Full Time: Matthew Ring Julie Schanze Adjunct: Oiore Bushfan, Myles Childs, Briana Kilian, Ju Eun Ko, Antonia Martinez Interim: Molly McGraw 619-644-7192	Monday 8:00am-5:00pm Tuesday - Wednesday 8:00am-7:00pm– Thursday 8:00am to 5:00pm Friday 9:00am-1:00pm
Cuyamaca College Health Services Office I-134	Rogelia Becerra, Supervisor Trainees: Jason Astorga, Daniel Fernandez, Dawn Freeman, Abubaker Haji, Biteyeoul Kim, Darren Wilson	Tuesday 9:00am to 3:00pm Thursday 9:00 am to 6:00 pm Friday 9:00 am to 3:00 pm

***Outside Community Resources***

Center for Community Solutions- 24 Hour Crisis Line	1-888-DVLINKS (385-4657)	<a href="http://www.ccssd.org">http://www.ccssd.org</a>
National Sexual Assault Hotline	1-800-656-HOPE	<a href="http://www.rainn.org">http://www.rainn.org</a>

The Grossmont-Cuyamaca Community College District has disciplinary procedures for cases of alleged sex offenses with sanctions that may be imposed as appropriate. Further information regarding prevention of sexual assault is available through the San Diego Sheriff's Department district personnel at Grossmont and Cuyamaca Colleges.

## VAWA

On March 7<sup>th</sup>, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) which amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in our annual security report (ASR).

The definitions per the Violence Against Women Act of 1994 (34 CFR 668.46(c)(6)(A)(i)) are as follows:

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

**Rape** is 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. This offense includes the rape of both males and females.

**Fondling** is 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** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

For further information on Penal Codes pertaining to the State of California, please see page 52 of this report.

For convenience purposes the VAWA reporting statistics are repeated below for each campus:

Cuyamaca College Clery Act Crime Statistics 2018-2020									
	Cuyamaca Campus			Non-Campus Property			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Forcible Sex Offenses:									
<b>Rape</b>	0	0	0	0	0	0	0	0	0
<b>Fondling</b>	0	0	0	0	0	0	0	0	0
<b>Incest</b>	0	0	0	0	0	0	0	0	0
<b>Statutory Rape</b>	0	0	0	0	0	0	0	0	0
Robbery	0	1	0	0	0	0	0	0	0
Aggravated Assault	0	1	0	0	0	0	0	0	0
Burglary	1	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hate Crimes	0	1	0	0	0	0	0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	1	0	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									



Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Grossmont College Clery Act Crime Statistics 2018-2020									
	Grossmont Campus			Non-Campus Property			Public Property		
	2018	2019	2020	2018	2019	2020	2018	2019	2020
Criminal Homicide, Murder and Non-Negligent Manslaughter	0	0	0	0	0		0	0	0
Criminal Homicide, Negligent Manslaughter	0	0	0	0	0		0	0	0
Forcible Sex Offenses:									
<b>Rape</b>	0	0	0	0	0		0	0	0
<b>Fondling</b>	0	1	0	0	0		0	0	0
<b>Incest</b>	0	0	0	0	0		0	0	0
<b>Statutory Rape</b>	0	0	0	0	0		0	0	0
Robbery	1	0	0	0	0		0	0	0
Aggravated Assault	1	0	0	0	0		0	0	0
Burglary	4	1	0	0	0		0	0	0
Motor Vehicle Theft	0	0	0	0	0		0	0	0
Arson	0	0	0	0	0		0	0	0
Hate Crimes	0	0	0	0	0		0	0	0
<b>Arrests</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug and Narcotic Violations	0	2	0	0	0	0	0	0	0
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
<b>VAWA</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	1	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

**\*\*Special note on VAWA: Domestic violence, dating, violence, and stalking are newly required crime types following amendments made to the Clery Act in April 2013 by the Campus Sexual Violence Elimination (Campus SaVE) provision of the Violence Against Women Reauthorization Act. Because the new statutes went into effect in 2014 and because final guidance from the Department of Education on their application was not provided until October 2014, recordkeeping for these crime types prior to that time may be incomplete. However, GCCCD has made a good faith effort to comply with the various provisions of the law as interpreted by the Department of Education.**

## Title IX Initiatives

Title IX is a comprehensive federal law that prohibits discrimination on the basis of sex in any federally funded education program or activity. Title IX promotes equal opportunity by providing that no person may be subjected to discrimination on the basis of sex under any educational program or activity receiving federal financial assistance. A school must respond promptly and effectively to sexual harassment, including sexual violence, that creates a hostile environment.

"No person in the U.S. shall, on the basis of sex be excluded from participation in, or denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal aid."

Examples of the types of conduct that violates Title IX include, but are not limited to:

- Sexual harassment
- Hostile environment caused by sexual harassment
- Sexual assault (non-consensual sexual contact & non-consensual sexual intercourse)
- Pressure for sexual activity
- Sexual innuendos and comments
- Sexual ridicule
- Requests for sexual favors
- Sexual exploitation
- Domestic violence
- Dating violence
- Stalking
- Retaliation
- Intimidation
- Unwelcome touching, hugging, stroking, squeezing
- Spreading rumors about a person's sexuality
- Displaying or sending sexually suggestive electronic content, including but not limited to emails, text messages, etc.
- Pervasive displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content
- Stalking a person
- Attempted or actual sexual violence

These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information. (For physical assaults/violence, see also AP [3500](#), [3510](#), [3430](#) and [3515](#)).

All students, faculty members, staff members, or visitors who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. The accused of such offenses should refer to either: the Collective Bargaining Agreement (employees), Student Code of Conduct (students), and other District Governing Board Policies for community members. Information shall be available for students in the College Student Affairs Office, and for staff in the District Human Resources Office. The appropriate office shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the office is authorized to release such information.

The College Student Affairs Office or District Human Resources Office shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault

- A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents
- Information about the importance of preserving evidence and the identification and location of witnesses;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - Transportation to a hospital—paramedics, local law enforcement, and/or victim’s designee(s)
  - Counseling or referral to a counseling center—the College Student Affairs Office or the District Human Resources Office
  - Notice of the assault; if the victim consents—the District Public Safety Department (619) 644-7654
  - A packet of available campus resources and off-campus services—District Public Safety Department or college Student Affairs Office
- The victim’s option to:
  - Notify proper law enforcement authorities, including on-campus and local police
  - Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
  - Decline to notify such authorities
  - The rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court
  - Information about how the District will protect the confidentiality of victims; and
- Written notification to victims about options for, and available assistance in, changing academic, living, transportation, visa and immigration services, legal assistance, mental health, financial aid, victim advocacy and working situations if requested, and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
- A description of each of the following procedures:
  - Criminal prosecution
  - Civil prosecution (i.e., lawsuit)
  - District disciplinary procedures, both student and employee
  - Modification of class schedules

The Title IX Coordinator should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations, regardless of whether a complaint is filed with local law enforcement. All alleged victims of sexual assault on District property shall be kept informed through the college Student Affairs Office or District Human Resources Office, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

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

A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District’s student conduct

policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

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

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

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

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

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of sexual assault on District property, as defined above, in confidence unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the Communications and Public Information Office, which shall work with the college Student Affairs Office or District Human Resources Office to assure that all confidentiality rights are maintained.

## **Student Prevention, Training & Education for Sexual Assault, Domestic Violence, Stalking and Dating Violence**

In an effort to educate our students and new employees on the prevention of sexual assault, domestic violence, stalking and dating violence, Cuyamaca and Grossmont Colleges each offer various training and educational workshops throughout the year. In addition, the Student Health Centers at each college offer monthly tabling events on campus. Students can contact the Student Affairs office at either campus to receive copies of the GCCCD Policies and Procedures as well as information pertaining to sexual assault, sexual harassment, domestic violence, dating violence and many other topics. Additional Resources are listed below:

## Cuyamaca College Prevention Programs & Resources:

\*Special Note: Due to COVID-19 most outreach events were conducted online via zoom and emails.

Awareness Events	Sexual Assault and Domestic Violence Prevention Training
	Welcome Week Outreach and Education with Health Center Open House including information regarding Sexual Assault, Alcohol, Drugs and various referral programs.
	Wellness Walk/Health Education and Outreach Career Fair
	Welcome week Art Therapy and Relaxation Station
	Welcome week Health Services Open House with Personal Counselors - mood screening
	The Women's Cafe - a women's support group where you can come share your stories
	Real Talks - emerging identities
	Welcome week Mindfulness and Stress
	Welcome week Personal Counseling and Health Center
	Coping through Covid Support Group
	Alcohol and Drug Abuse Prevention Workshop
	Positive Mind Workshop
	Stigma Hurts: Breaking Down Barriers to Opioid Addiction Recovery by the Institute for Public Strategies
	Personal Counseling Support Groups
	Personal Counseling Outreach Programs & Presentations
	Alcohol and Drug Abuse website updated with resources
	COVID-19 & Student Life Workshop for Veterans
	Dealing with Stress during COVID:19 presentation
	RISE Support Group
	Real Talks Women's Support Group
	Decluttering Your Space and Mind Workshop
	Gratitude for Yourself Workshop
	Catching Some Zzz's Workshop
Checking in with Yourself Workshop	
Surviving the Semester Workshop	
Prevention Events	Health Outreach and Education
	QPR Suicide Prevention Workshop Motivation/ Mental Health Workshop
	Sexual Assault Online Training
	Education/HIV Testing (Online Information)
	Mental Health Workshop and Relationship Training
	Managing Conflict and Mood Screenings
	Communication Workshop Health Fair

## Grossmont College Collaborative Activities with Substance Abuse/Mental Health Partners/Community Resources

\*Special Note: Due to COVID-19 most outreach events were conducted online via zoom and emails.

- Alcohol and Drug Abuse Prevention Workshop was held on September 16, 2020 via zoom from 11 am to 12:30 pm. Presenters were included David Shorey and Dean Ambrosini from the Institute for Public Strategies and Patrick Foley from McAlister Institute.
- Stigma Hurts – Breaking down barriers in the opioid crisis was presented by Katie Bell, MSN RN-BC CARN PHN and hosted by the Institute for Public Strategies on November, 18, 2020 via zoom from 1 pm to 2 pm.

Awareness Events	WOW Information Fair
	Suicide Prevention Resource Social Media Campaign
	Sexual Assault Prevention Social Media Campaign
	Sexual and Domestic Assault prevention Resource Table
	Depression and Alcohol Screening Day- County of San Diego Volunteers arrive at Grossmont College for referrals
	Suicide Prevention Training: Question, Persuade, Refer
	Student Bystander Intervention Training
	Suicide Prevention Awareness and Mood Counseling
	Mental Health Classroom Presentations
	Check Your Mood
	Feel Good Friday Mindfulness Groups
	Boba Chats: Reflection space for Asian Pacific Islander Community
	Wellness Wednesday Health Talks (Zoom)
	Self-Care During a Global Pandemic: Caring for Yourself and Your Students Webinar
	Reflection Circles: Toxic Masculinity & Mental Health; Seeking Support & Supporting Others
	Center for Community Services Sexual Assault Awareness Month Workshops: Consent; Communication; Boundaries; Creating a Culture of Support
Denim Day	
Primary Events	Domestic Violence Prevention Month – Purple Ribbon Awareness
	International Student Orientation
	Allied Health & Nursing Orientation
	UCSD American Medical Association (AMSA) Health Fair Sexual Assault Prevention and Awareness Month- Teal Ribbon Awareness

	National Alcohol Screening Day Promotion
	Great American Smoke-out Smoking Cessation Program, in conjunction with Respiratory Therapy Students from the Nursing Program
	Student Success Fair
	Holiday Stress Winter Rap Up: Drugs and Alcohol Abuse Prevention Program
	Blood Pressure Check and Smoking Cessation, in conjunction with Respiratory Therapy Students from the Nursing Program
	Nutrition and Alcohol Abuse Awareness Table
	Annual Health and Wellness Fair including agencies from across the County participating with a brochure and tabling program.

- Educational materials pertaining to prevention and awareness campaigns can be found at the Student Affairs Departments and Health & Wellness Centers at Grossmont College and Cuyamaca College. In addition, the Title IX and Student Affairs websites also list this information for both colleges. The following brochures and informational cards have also been distributed to students:
  - *What you Need to Know About Sexual Assault (Pocket Pal)*
  - *Protect Yourself Against Sexual Assault*
  - *Myths & Facts About Sexual Assault: What Everyone Should Know*
  - *10 Things You Need to Know About Sexual Assault For Women & Men*
  
- The Center for Community Solutions facilitated several workshops for students at Grossmont and Cuyamaca College, and the content for the workshops focused on the mandated criteria for delivering educational programs by *The Campus Sexual Violence Elimination Act*:
  - *Safe and positive options for bystander intervention*
  - *Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks*
  - *Awareness of rape, acquaintance rape, domestic violence, and dating violence*
  - *The definition of consent, with reference to sexual offenses, in the applicable jurisdiction*

- The customization for the Sexual Assault Prevention online program (Get Inclusive) is complete, and both campuses utilize the program for student engagement (student leaders & student employees). Below is a screen shot of the Get Inclusive progress report.



2016 Mental Health First Aid Training





Report generated: 2021-09-24 1:08 PM EDT

## Grossmont Cuyamaca Community College District Progress Report

This report shows the snapshot of your current progress and change over the trailing 30 day period across selected courses. The pie chart shows combined progress for the courses in this report followed by summary for each course.

Participant Summary	
679	19,153
Completed (4%) Past 30 day completions: 0	Expected Total

**Voices for Change - Alcohol and Consent (2020-01-01 - 2020-12-31)**

Completions in Reporting Period	Completions Past 30 day	Expected Total
679	0	19,153
4%	0%	

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Additionally, all employees of the District are sent a reminder each semester about their responsibilities as a public employee. A sample of this reminder is below:



GROSSMONT-CUYAMACA  
COMMUNITY COLLEGE DISTRICT

Date: August 28, 2019  
To: All Employees  
From: Nicole Conklin, Director of Public Safety  
Re: Responsibility of Public Employees

As part of the District's *Emergency Response Plan and Clery Act Requirements*, notices are required to be sent annually informing everyone of their responsibilities as public employees. The following information is provided:

- All personnel must be informed that, as public employees, they are also [disaster service workers](#) during national, state, and local emergencies. The District must ensure that its employees are in compliance with the disaster service worker [oath requirements](#).
- In addition, all members of the District community are informed on an annual basis that they are required to notify the District Public Safety Department of any situation or incident on campus that involves a [significant emergency or dangerous situation](#). Completing a call to 911 during an emergency or dangerous situation will fulfil these requirements.
- [Campus Security Authorities \(CSA's\)](#) can be the first responder to a student, employee or campus visitor who wants to report a crime and this first encounter with you can determine what the reporting person's next step will be. [More information on CSA's may be found on the Districtwide Public Safety website](#).

Please contact Nicole Conklin ([Nicole.Conklin@gcccd.edu](mailto:Nicole.Conklin@gcccd.edu)) if you have any questions regarding these requirements and responsibilities.

**Title IX Websites**

- Both colleges developed Title IX websites and integrated various educational materials, reporting information, local & community resources, and campus policies & procedures on the websites. In addition, both websites are also linked to the “*It’s on Us*” national campaign to end sexual assault.

Visit <https://www.gcccd.edu/title-ix/default.html> for more information.

<b>Counseling Center</b>	
<b>Cuyamaca College</b> Contact: (619) 660-4429 Location: A-200	<b>Grossmont College</b> Contact: (619) 644-7208 Location: Building 10
<b>Student Health &amp; Wellness Center</b>	
<b>Cuyamaca College</b> Contact: (619) 660-4200 Location: I-134	<b>Grossmont College</b> Contact: (619) 644-7192 Location: Griffin Center 60-130
<b>Student Affairs</b>	
<b>Cuyamaca College</b> Contact: (619) 660-4612 Location: I-120	<b>Grossmont College</b> Contact: (619) 644-7600 Location: Griffin Center 60-204

The college Student Affairs Office or District Human Resources Office will:

- Provide education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District’s sexual assault policy and prevention strategies including empowerment programming of victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Publish sexual violence prevention and education information on the District websites.

Please call or email **Tim Corcoran, Title IX Coordinator** to set up an informal meeting if you have a complaint involving sex discrimination, sexual harassment, or sexual violence. GCCCD promptly and thoroughly investigates and resolves complaints alleging sex discrimination, sexual harassment, and sexual violence.

Inquiries regarding the filing of grievances or for requesting a copy of the college's grievance procedures may be directed to:

<b>Cuyamaca College</b>	<b>Grossmont College</b>
<p>Lauren Vaknin, Ed.D                      Dean, Student Affairs, I-115                      Cuyamaca College                      900 Rancho San Diego Parkway                      El Cajon, CA 92109                      619-660-4295 or <a href="mailto:Lauren.Vaknin@gcccd.edu">Lauren.Vaknin@gcccd.edu</a></p>	<p>Sara Varghese. J.D.                      Dean, Student Affairs, 60-204                      Grossmont College                      8800 Grossmont College Drive                      El Cajon, CA 92020                      619-644-7600 or <a href="mailto:Sara.Varghese@gcccd.edu">Sara.Varghese@gcccd.edu</a></p>

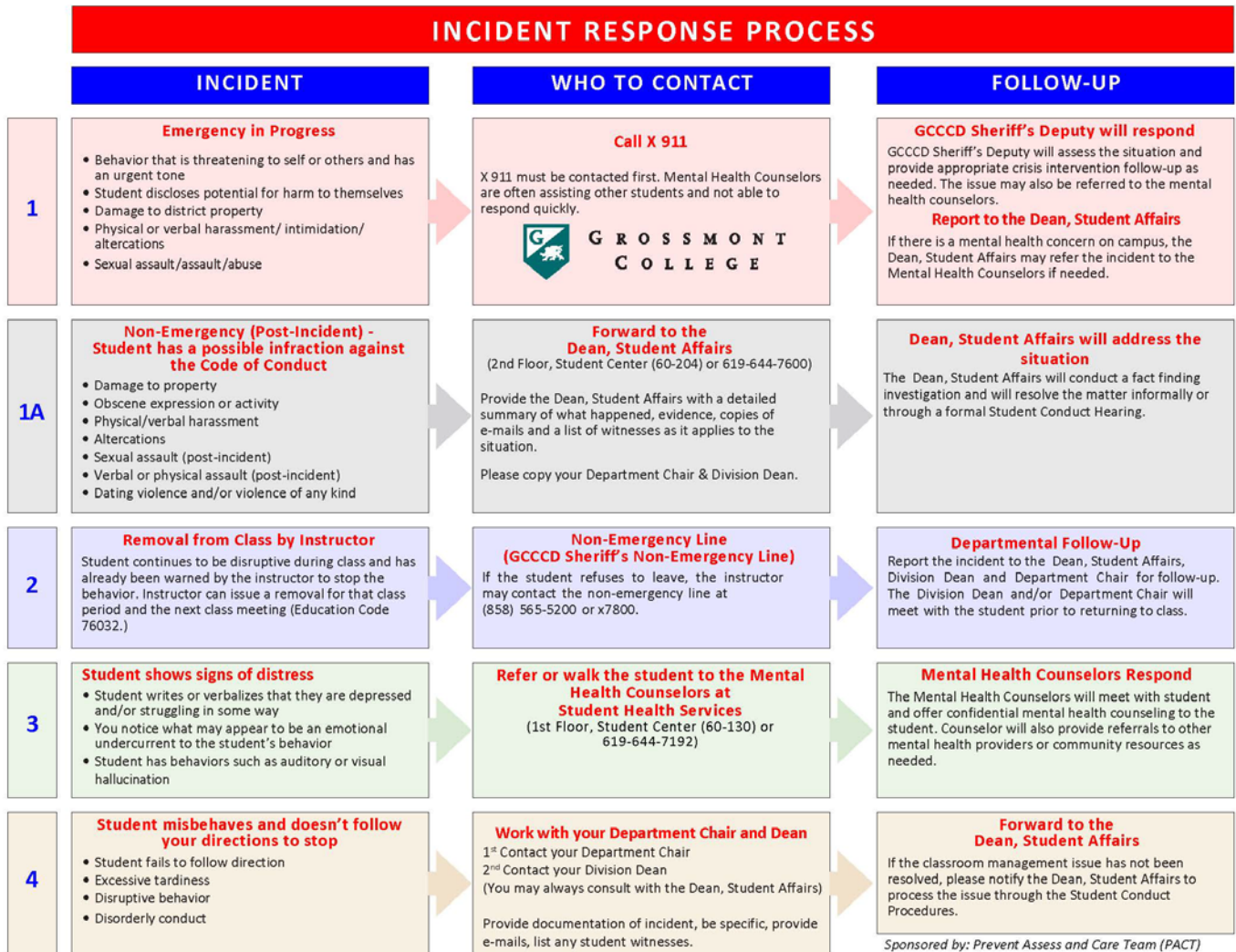
<b>Districtwide Contact</b>
<p>Cheryl Detwiler                      Human Resources                      Grossmont College                      8800 Grossmont College Drive                      El Cajon, CA 92020                      619-644-7571 or  <a href="mailto:Cheryl.Detwiler@gcccd.edu">Cheryl.Detwiler@gcccd.edu</a></p>

**Tim Corcoran, Vice Chancellor**  
 Human Resources  
 Title IX Coordinator  
 (619) 644-7572 or [Tim.Corcoran@gcccd.edu](mailto:Tim.Corcoran@gcccd.edu)

## Important Telephone Numbers


District Public Safety:	(619) 644-7654
Grossmont College Counseling Center:	(619) 644-7208 <a href="http://www.grossmont.edu/counseling/">http://www.grossmont.edu/counseling/</a>
Grossmont College Student Affairs Office:	(619)-644-7600 <a href="http://www.grossmont.edu/student_affairs/">http://www.grossmont.edu/student_affairs/</a>
Grossmont College Health Services: And Mental Health Services	(619) 644-7192 <a href="http://www.grossmont.edu/health_services/">http://www.grossmont.edu/health_services/</a>
Cuyamaca College Counseling Center:	(619) 660-4429 <a href="http://www.cuyamaca.edu/counseling/">http://www.cuyamaca.edu/counseling/</a>
Cuyamaca College Student Affairs Office:	(619)-660-4295 <a href="http://www.cuyamaca.edu/ascc/StudAffairs.asp">http://www.cuyamaca.edu/ascc/StudAffairs.asp</a>
Cuyamaca College Health & Wellness Center:	(619) 660-4200 <a href="http://www.cuyamaca.edu/health_/">http://www.cuyamaca.edu/health_ /</a>

# Grossmont-Cuyamaca Student Discipline Process



Sponsored by: Prevent Assess and Care Team (PACT) and Office of Student Affairs, April 2017

**INCIDENT RESPONSE PROCESS**

	<b>INCIDENT</b>	<b>WHO TO CONTACT</b>	<b>FOLLOW-UP</b>
<b>1A</b>	<p><b>Emergency in Progress</b></p> <ul style="list-style-type: none"> <li>• Behavior that is threatening to self or others and has an urgent tone</li> <li>• Student discloses potential for harm to themselves</li> <li>• Damage to district property</li> <li>• Physical or verbal harassment/ intimidation/ altercations</li> <li>• Sexual assault/assault/abuse</li> </ul>	<p><b>Call X 911</b></p> <p>X 911 must be contacted first. Personal Health Counselors are often assisting other students and not able to respond quickly.</p> 	<p><b>GCCCD Sheriff's Deputy will respond</b></p> <p>GCCCD Sheriff's Deputy will assess the situation and provide appropriate crisis intervention follow-up as needed. The issue may also be referred to the personal counselors.</p> <p><b>Report to the Dean, Student Affairs</b></p> <p>If there is a mental health concern on campus, the Dean, Student Affairs may refer the incident to the Personal Counselors if needed.</p>
<b>1B</b>	<p><b>Non-Emergency (Post-Incident) - Student has a possible infraction against the Code of Conduct.</b></p> <ul style="list-style-type: none"> <li>• Damage to property</li> <li>• Obscene expression or activity</li> <li>• Physical/verbal harassment</li> <li>• Altercations</li> <li>• Sexual assault (post-incident)</li> <li>• Verbal or physical assault (post-incident)</li> <li>• Dating violence and/or violence of any kind</li> </ul>	<p><b>Forward to the Dean, Student Affairs (619-660-4295)</b></p> <p>Provide the Dean, Student Affairs with a detailed summary of what happened, evidence, copies of e-mails and a list of witnesses as it applies to the situation.</p> <p>Please copy your Department Chair &amp; Dean.</p>	<p><b>Dean, Student Affairs will handle the situation</b></p> <p>The Dean, Student Affairs will conduct a fact finding investigation and will resolve the matter informally or through a formal Disciplinary Hearing.</p>
<b>1C</b>	<p><b>Non-Emergency</b></p> <p>Student continues to be disruptive during class and has already been warned by the instructor to stop the behavior. Instructor can issue a removal for that class period and the next class meeting (Education Code 76032.)</p>	<p><b>Non-Emergency Line (GCCCD Sheriff's Non-Emergency Line)</b></p> <p>If the student refuses to leave, the instructor can contact the non-emergency line at (858) 565-5200.</p>	<p><b>Student Affairs Follow-Up</b></p> <p>Report the incident to the Dean, Student Affairs for follow-up. The Dean, Student Affairs will meet with the student prior to returning to class.</p>
<b>2</b>	<p><b>Student shows signs of distress</b></p> <ul style="list-style-type: none"> <li>• Student writes or verbalizes that they are depressed and/or struggling in some way</li> <li>• You notice what may appear to be an emotional undercurrent to the student's behavior</li> <li>• Student has behaviors such as auditory or visual hallucination</li> </ul>	<p><b>Refer or walk the student to the Personal Counselors at the Health Center. (Health and Wellness Center)</b></p> <p>(1<sup>st</sup> Floor, Student Center or contact 619-660-4200.)</p>	<p><b>Personal Counselors Respond</b></p> <p>The Personal Counselors will meet with student and offer confidential personal counseling to the student. Counselor will also provide referrals to other mental health providers or community resources as needed.</p>
<b>3</b>	<p><b>Student misbehaves and doesn't follow your directions to stop</b></p> <ul style="list-style-type: none"> <li>• Student fails to follow direction</li> <li>• Excessive tardiness</li> <li>• Disruptive behavior</li> <li>• Disorderly conduct</li> </ul>	<p><b>Work with your Department Chair and Dean</b></p> <p>1<sup>st</sup> Contact your Department Chair 2<sup>nd</sup> Contact your Dean (You can always consult with the Dean, Student Affairs)</p> <p>Provide documentation of incident, be specific, provide e-mails, list any student witnesses.</p>	<p><b>Forward to the Dean, Student Affairs</b></p> <p>If the classroom management issue has not been resolved, please notify the Dean, Student Affairs to process the issue through the Student Disciplinary Procedures.</p>

*Sponsored by: Student Affairs & Equity and Engagement  
August 2018*

## Victim and Community Resources

2-1-1 San Diego .....	2-1-1
Center for Community Solutions for 24 Hour Sexual Assault .....	888-272-1767
Center for Community Solutions (Rape Crisis Center-Coastal).....	858-272-5777
Center for Community Solutions (East) .....	619-697-7477
Center for Community Solutions (North).....	760-747-6282
Center for Community Solutions 24-hour Crisis Hotline .....	888-385-4657
Domestic Violence Center.....	888-385-4657
Family Advocacy Center (military).....	619-556-8809
Family Health Centers of San Diego.....	619-515-2300
Health and Human Services Agency-Public Health Services .....	858-694-3900
Indian Health Council, Inc. [Peace Between Partners Program] .....	760-749-1410 X 5249
Legal Aid Society of San Diego .....	1-877-534-2524
National Alliance on Mental Health Illness (NAMI) San Diego Helpline .....	619-543-1434
Peer2Peer – Text and Chat Support and Referral Services.....	619-377-7111
Rape Abuse and Incest National Network (RAINN) .....	800-656-HOPE (4673)
<i>(When a survivor calls the 800 number, a computer will read the caller's area code and the first three digits of the phone number. The call will then be routed instantaneously to the rape crisis center nearest to the caller.)</i>	
San Diego Access and Crisis Line .....	888-724-7240
U.S. Citizenship and Immigration Service .....	1-877-247-4645
Victims of Crime Compensation Program .....	800-777-9229
Victim's Resource Center for 24 Hour Sexual Assault .....	760-757-3500
Victim Witness Assistance .....	619-531-4041
Women's Resource Center (Oceanside) .....	760-757-3500
YWCA Domestic Violence Services .....	619-234-3164

## Important GCCCD Links

Public Safety Website: <http://www.gcccd.edu/public-safety/default.html>

GCCCD Emergency Preparedness Information: <http://www.gcccd.edu/emergency/default.html>

Human Resources: <http://www.gcccd.edu/human-resources/default.html>

Grossmont College Mental Health Services: <http://www.grossmont.edu/student-services/offices-and-services/health-services/mental-health-services.aspx>

Grossmont College Student Affairs: <http://www.grossmont.edu/campus-life/student-affairs/default.aspx>

Cuyamaca College Mental Health Services:  
<http://www.cuyamaca.edu/services/health/mental%20health%20counseling.aspx>

Cuyamaca College Student Affairs: <http://www.cuyamaca.edu/campus-life/student-affairs/default.aspx>

Environmental Health and Safety: <http://www.gcccd.edu/health-and-safety/default.html>



## Definitions per the Crime Reporting Handbook

### Aggravated Assault

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

### 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, person property, etc.

### 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.

### Criminal Homicide

These offenses are separated into two categories: murder and non-negligent manslaughter, and negligent manslaughter.

- a) Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.
- b) Manslaughter by negligence: The killing of another person through gross negligence.

### 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 joy riding).

### 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, violence, and/or causing the victim fear.

### Drug Law Violations

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

### Liquor Law Violations

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

### Weapon Law Violations

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

### Hate Crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/ national origin.

- **Race.** A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g. color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguishes them as a distinct division of humankind (e.g. Asians, blacks, whites).
- **Gender.** A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex (e.g., gays, lesbians, heterosexuals).
- **Ethnicity/national origin.** A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics).
- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### Larceny/Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

The definitions per the Violence Against Women Act of 1994 (34 CFR 668.46(c)(6)(A)(i)) are as follows:

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

- **Rape** is 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. This offense includes the rape of both males and females.
- **Fondling** is 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** is sexual intercourse between persons who are related to each other within the degrees

wherein marriage is prohibited by law.

- **Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent.

### **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.

## **Clery Geography Definitions**

### **On Campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### **Public Property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### **Non-Campus Building or Property**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

## State of California Penal Codes

### Rape

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. As used in this paragraph, "public official" means a person employed

by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(a) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

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

261.5. (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.

(e)(1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over the age of 21 years who engages in an act of unlawful sexual intercourse with a minor less than 16 years of age is liable for a civil penalty not to exceed twentyfive thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

261.6. 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.

261.7. 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.

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. 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.

(d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000).

(2) That the defendant reimburses the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or court-ordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

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.

264.2. (a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the "Victims of Domestic Violence" card, as specified in subparagraph (G) of paragraph (9) of subdivision (c) of Section 13701(b)

- (1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 288a, or 289 is transported to a hospital for any medical evidentiary or physical examination. The victim shall have the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination.
- (2) Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, a victim shall be notified orally or in writing by the medical provider that the victim has the right to have present a sexual assault counselor and at least one other support person of the victim's choosing.
- (3) The hospital may verify with the law enforcement officer, or his or her agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.
- (4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

### **Sexual Battery**

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment



in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

- (1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
- (2) “Sexual battery” does not include the crimes defined in Section 261 or 289.
- (3) “Seriously disabled” means a person with severe physical or sensory disabilities.
- (4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
- (5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
- (6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

**Dating Violence**

13700. As used in this title:

(a) “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(b) “Domestic violence” means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, “cohabitant” mean two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to,

(1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

(c) “Official means any officer or employee of a local police department or sheriff’s officer and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, or a peace officer as defined in subdivisions (a) and (b) of Section 830.32

(d) “Victim” means a person who is a victim of domestic violence.

13701. (a) Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for officer’s responses to domestic violence calls by January 1, 1986. These policies shall reflect that domestic violence is alleged criminal conduct. Further, they shall reflect existing policy that a request for assistance in a situation involving domestic violence is the same as any other request for assistance where violence has occurred.

(b) The written policies shall encourage the arrest of domestic violence offenders if there is probable cause that an offense has been committed. These policies also shall require the arrest of an offender, absent exigent circumstances, if there is probable cause that a protective order issued under Chapter 4 (commencing with Section 2040) of Part 1 of Division 6, Division 10 (commencing with Section 6200), or Chapter 6 (commencing with Section 7700) of Part 3 of Division 12, of the Family Code, or Section 136.2 of this code, or by a court of any other state, a commonwealth, territory, or insular possession subject to the jurisdiction of the United States, a military tribunal, or a tribe has been violated. These

policies shall discourage, when appropriate, but not prohibit, dual arrests. Peace officers shall make reasonable efforts to identify the dominant aggressor in any incident.

The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider the intent of the law to protect victims of domestic violence from continuing abuse, the threats creating fear of physical injury, the history of domestic violence between the persons involved, and whether either person acted in self-defense. These arrest policies shall be developed, adopted, and implemented by July 1, 1996.

Notwithstanding subdivision (d), law enforcement agencies shall develop these policies with the input of local domestic violence agencies.

(c) These existing local policies and those developed shall be in writing and shall be available to the public upon request and shall include specific standards for the following:

- (1) Felony arrests.
- (2) Misdemeanor arrests.
- (3) Use of citizen arrests.
- (4) Verification and enforcement of temporary restraining orders when (A) The suspect is present and (B) The suspect has fled.
- (5) Verification and enforcement of stay away orders.
- (6) Cite and release policies.
- (7) Emergency assistance to victims, such as medical care, transportation to a shelter, or a hospital for treatment when necessary, and police standbys for removing personal property and assistance in safe passage out of the victim's residence.
- (8) Assisting victims in pursuing criminal options, such as giving the victim the report number and directing the victim to the proper investigation unit.
- (9) Furnishing written notice to victims at the scene, including, but not limited to, all of the following information:
  - (A) A statement informing the victim that despite official restraint of the person alleged to have committed domestic violence, the restrained person may be released at any time.
  - (B) A statement that, "For further information about a shelter you may contact \_\_\_\_."
  - (C) A statement that, "For information about other services in the community, where available, you may contact \_\_\_\_."
  - (D) A statement that, "For information about the California victims' compensation program, you may contact 1-800-777- 9229."
  - (E) A statement informing the victim of domestic violence that he or she may ask the district attorney to file a criminal complaint.

(F) A statement informing the victim of the right to go to the superior court and file a petition requesting any of the following orders for relief:

- (i) An order restraining the attacker from abusing the victim and other family members.
- (ii) An order directing the attacker to leave the household.
- (iii) An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
- (iv) An order awarding the victim or the other parent custody of or visitation with a minor child or children.
- (v) An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
- (vi) An order directing the party not granted custody to pay support of minor children, if that party has a legal obligation to do so.
- (vii) An order directing the defendant to make specified debit payments coming due while the order is in effect.
- (viii) An order directing that either or both parties participate in counseling.

(G) A statement informing the victim of the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

H) In the case of an alleged violation of subdivision (e) of Section 243 or Section 261, 261.5, 262, 273.5, 286, 288a, or 289, a "Victims of Domestic Violence" card which shall include, but is not limited to, the following information:

(I) The names and phone numbers of or local county hotlines for, or both the phone numbers of and local county hotlines for, local shelters for battered women and rape victim counseling centers within the county, including those centers specified in Section 13837, and their 24-hour counseling service telephone numbers.

- (ii) A simple statement on the proper procedures for a victim to follow after a sexual assault.
- (iii) A statement that sexual assault by a person who is known to the victim, including sexual assault by a person who is the spouse of the victim, is a crime.
- (iv) A statement that domestic violence or assault by a person who is known to the victim, including domestic violence or assault by a person who is the spouse of the victim, is a crime.

(10) Writing of reports.

(d) In the development of these policies and standards, each local department is encouraged to consult with domestic violence experts, such as the staff of the local shelter for battered women and their children. Departments may utilize the response guidelines developed by the commission in developing local policies.

13702. Every law enforcement agency in this state shall develop, adopt, and implement written policies and standards for dispatchers' response to domestic violence calls by July 1, 1991. These policies shall reflect that calls reporting threatened, imminent, or ongoing domestic violence, and the violation of any protection order, including orders issued pursuant to Section 136.2, and restraining orders, shall be ranked among the highest priority calls. Dispatchers are not required to verify the validity of the protective order before responding to the request for assistance.

### Stalking

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

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

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

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

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

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

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

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her

safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

(h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

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

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

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

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

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

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

**Incest**

285. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

**Victim’s Bill of Right’s 2009: Marsy’s law California constitution, Article i, Section 28(b)**

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

- (1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
- (2) To be reasonably protected from the defendant and persons acting on behalf of the defendant.
- (3) To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
- (4) To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
- (5) To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
- (6) To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
- (7) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
- (8) To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
- (9) To a speedy trial and a prompt and final conclusion of the case and any related post judgment proceedings.
- (10) To provide information to probation department officer conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
- (11) To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
- (12) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
- (13) To restitution.
  - (A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

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

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

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

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

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

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

SOURCE : *Office of the Attorney General –Victim Services Unit*

## HEALTH AND SAFETY CODE - HSC

**DIVISION 10. UNIFORM CONTROLLED SUBSTANCES ACT [11000 - 11651]** (*Division 10 repealed and added by Stats. 1972, Ch. 1407.*)

**CHAPTER 6. Offenses and Penalties [11350 - 11392]** (*Chapter 6 added by Stats. 1972, Ch. 1407.*)

**ARTICLE 5. Offenses Involving Controlled Substances Formerly Classified as Restricted Dangerous Drugs [11377 - 11382.5]** (*Heading of Article 5 amended by Stats. 1973, Ch. 1078.*)

HS 11377. Unlawful Possession of Restricted Dangerous Drug

(a) Except as authorized by law and as otherwise provided in subdivision (b) or Section 11375, or in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses any controlled substance which is (1) classified in Schedule III, IV, or V, and which is not a narcotic drug, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d), (e), or (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment in a county jail for a period of not more than one year, except that such person may instead be punished pursuant to subdivision (h) of Section 1170 of the Penal Code if that person has one or more prior convictions for an offense specified in clause (iv) of subparagraph (C) of paragraph (2) of subdivision (e) of Section 667 of the Penal Code or for an offense requiring registration pursuant to subdivision (c) of Section 290 of the Penal Code.

(b) The judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates subdivision (a), with the proceeds of this fine to be used in accordance with Section 1463.23 of the Penal Code. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.



- (c) It is not unlawful for a person other than the prescription holder to possess a controlled substance described in subdivision (a) if both of the following apply:
- (1) The possession of the controlled substance is at the direction or with the express authorization of the prescription holder.
  - (2) The sole intent of the possessor is to deliver the prescription to the prescription holder for its prescribed use or to discard the substance in a lawful manner.
- (d) This section does not permit the use of a controlled substance by a person other than the prescription holder or permit the distribution or sale of a controlled substance that is otherwise inconsistent with the prescription.  
 (Amended by Stats. 2017, SB 811, Ch. 269, Sec. 6. Effective January 1, 2018.)  
 (Added by initiative Proposition 47, Sec. 13. November 4, 2014.)
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HS 11377.5 Possesses any Controlled Substance with the Intent to Commit Sexual Assault

- (a) Except as otherwise provided in this division, every person who possesses any controlled substance specified in paragraph (11) of subdivision (c) of, or subdivision (g) of, Section 11056 of this code, or paragraph (13) of subdivision (d) of Section 11057 of this code, with the intent to commit sexual assault, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (b) For purposes of this section, “sexual assault” means conduct in violation of Section 243.4, 261, 262, 286, 288a, or 289 of the Penal Code.
- (Added by Stats. 2016, SB 1182, Ch. 893, Sec. 2. Effective January 1, 2017.)
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HS 11378. Possession for Sale of Restricted Dangerous Drug

Except as otherwise provided in Article 7 (commencing with Section 4110) of Chapter 9 of Division 2 of the Business and Professions Code, a person who possesses for sale a controlled substance that meets any of the following criteria shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code:

- (1) The substance is classified in Schedule III, IV, or V and is not a narcotic drug, except the substance specified in subdivision (g) of Section 11056.
  - (2) The substance is specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d).
  - (3) The substance is specified in paragraph (11) of subdivision (c) of Section 11056.
  - (4) The substance is specified in paragraph (2) or (3) of subdivision (f) of Section 11054.
  - (5) The substance is specified in subdivision (d), (e), or (f), except paragraph (3) of subdivision (e) and subparagraphs (A) and (B) of paragraph (2) of subdivision (f), of Section 11055.  
 (Amended by Stats. 2013, AB 383, Ch. 76, Sec. 110. Effective January 1, 2014.)
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(Amended by Stats. 2011, AB 109, Ch. 15, Sec. 172. Effective April 4, 2011)

(Amended by Stats. 2001, Ch. 841, Sec. 6. Effective January 1, 2002.)

(Amended by Stats. 1991, Ch. 294, Sec. 3.)

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**HS 11378.5. Possession for Sale of PCP**

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who possesses for sale phencyclidine or any analog or any precursor of phencyclidine which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) or in subdivision (f), except subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years. .

(Amended by Stats. 2011, AB 109, Ch. 15, Sec. 173. Effective April 4, 2011)

(Amended by Stats. 1985, Ch. 3, Sec. 5. Effective January 29, 1985.)

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**HS 11379. Transportation or Sale of Restricted Dangerous Drug**

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport any controlled substance which is (1) classified in Schedule III, IV, or V and which is not a narcotic drug, except subdivision (g) of Section 11056, (2) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), (20), (21), (22), and (23) of subdivision (d), (3) specified in paragraph (11) of subdivision (c) of Section 11056, (4) specified in paragraph (2) or (3) of subdivision (f) of Section 11054, or (5) specified in subdivision (d) or (e), except paragraph (3) of subdivision (e), or specified in subparagraph (A) of paragraph (1) of subdivision (f), of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian, licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of two, three, or four years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, “transports” means to transport for sale.

(d) Nothing in this section is intended to preclude or limit prosecution under an aiding and abetting theory, accessory theory, or a conspiracy theory.

(Amended by Stats. 2014, SB 1461, Ch. 54, Sec. 8. Effective January 1, 2015.)

(Amended by Stats. 2013, AB 721, Ch. 504, Sec. 2. Effective January 1, 2014.)

(Amended by Stats. 2011, AB 109, Ch. 15, Sec. 174. Effective April 4, 2011)

(Amended by Stats. 2001, Ch. 841, Sec. 7. Effective January 1, 2002.)

(Amended by Stats. 1991, Ch. 294, Sec. 4.)

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**HS 11379.2. Possession for Sale or Sale of Ketamine**

Except as otherwise provided in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and

Professions Code, every person who possesses for sale or sells any controlled substance specified in subdivision (g) of Section 11056 shall be punished by imprisonment in the county jail for a period of not more than one year or in the state prison.

(Added by Stats. 1991, Ch. 294, Sec. 5.)

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## HS 11379.5. Sales of PCP

(a) Except as otherwise provided in subdivision (b) and in Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, every person who transports, imports into this state, sells, furnishes, administers, or gives away, or offers to transport, import into this state, sell, furnish, administer, or give away, or attempts to import into this state or transport phencyclidine or any of its analogs which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054 or in paragraph (3) of subdivision (e) of Section 11055, or its precursors as specified in subparagraph (A) or (B) of paragraph (2) of subdivision (f) of Section 11055, unless upon the prescription of a physician, dentist, podiatrist, or veterinarian licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for a period of three, four, or five years.

(b) Notwithstanding the penalty provisions of subdivision (a), any person who transports for sale any controlled substances specified in subdivision (a) within this state from one county to another noncontiguous county shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, six, or nine years.

(c) For purposes of this section, "transport" means to transport for sale.

(d) This section does not preclude or limit prosecution for any aiding and abetting or conspiracy offenses.

(Amended by Stats. 2015, AB 730, Ch. 77, Sec. 2. Effective January 1, 2016.)

(Amended by Stats. 2011, AB 109, Ch. 15, Sec. 175. Effective April 4, 2011)

(Amended by Stats. 1989, Ch. 1102, Sec. 3.)

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## HS 11379.6. Manufacture of Controlled Substance

(a) Except as otherwise provided by law, every person who manufactures, compounds, converts, produces, derives, processes, or prepares, either directly or indirectly by chemical extraction or independently by means of chemical synthesis, any controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, five, or seven years and by a fine not exceeding fifty thousand dollars (\$50,000).

(b) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a person under 16 years of age resided in a structure in which a violation of this section involving methamphetamine occurred shall be considered a factor in aggravation by the sentencing court.

(c) Except when an enhancement pursuant to Section 11379.7 is pled and proved, the fact that a violation of this section involving methamphetamine occurred within 200 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(d) The fact that a violation of this section involving the use of a volatile solvent to chemically extract concentrated cannabis occurred within 300 feet of an occupied residence or any structure where another person was present at the time the offense was committed may be considered a factor in aggravation by the sentencing court.

(e) Except as otherwise provided by law, every person who offers to perform an act which is punishable under subdivision (a) shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for three, four, or five years.

(f) All fines collected pursuant to subdivision (a) shall be transferred to the State Treasury for deposit in the Clandestine Drug Lab Clean-up Account, as established by Section 5 of Chapter 1295 of the Statutes of 1987. The transmission to the State Treasury shall be carried out in the same manner as fines collected for the state by the county.

(Amended by Stats. 2015, SB 212, Ch. 141, Sec. 1. Effective January 1, 2016.)

(Amended by Stats. 2011, AB 109, Ch. 15, Sec. 176. Effective April 4, 2011)

(Amended by Stats. 2003, Ch. 620, Sec. 1. Effective January 1, 2004.)

(Amended by Stats. 1989, Ch. 1024, Sec. 1.)

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## HS 11379.7. Enhancement for Sales of PCP or Methamphetamine with Child Present or Injured

(a) Except as provided in subdivision (b), any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the crime occurs in a structure where any child under 16 years of age is present, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of two years in the state prison.

(b) Any person convicted of a violation of subdivision (a) of Section 11379.6 or Section 11383, or of an attempt to violate subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, where the commission of the crime causes any child under 16 years of age to suffer great bodily injury, shall, in addition and consecutive to the punishment prescribed for the felony of which he or she has been convicted, be punished by an additional term of five years in the state prison.

(c) As used in this section, "structure" means any house, apartment building, shop, warehouse, barn, building, vessel, railroad car, cargo container, motor vehicle, housecar, trailer, trailer coach, camper, mine, floating home, or other enclosed structure capable of holding a child and manufacturing equipment.

(d) As used in this section, "great bodily injury" has the same meaning as defined in Section 12022.7 of the Penal Code.

(Added by Stats. 1996, Ch. 871, Sec. 1. Effective January 1, 1997.)

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## HS 11379.8. Enhancement for Sale of Large Quantities of PCP

(a) Any person convicted of a violation of subdivision (a) of Section 11379.6, or of a conspiracy to violate subdivision

(a) of Section 11379.6, with respect to any substance containing a controlled substance which is specified in paragraph (21), (22), or (23) of subdivision (d) of Section 11054, or in paragraph (1) or (2) of subdivision (d) or in paragraph (3) of

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subdivision (e) or in paragraph (2) of subdivision (f) of Section 11055 shall receive an additional term as follows:

(1) Where the substance exceeds three gallons of liquid by volume or one pound of solid substances by weight, the person shall receive an additional term of three years.

(2) Where the substance exceeds 10 gallons of liquid by volume or three pounds of solid substance by weight, the person shall receive an additional term of five years.

(3) Where the substance exceeds 25 gallons of liquid by volume or 10 pounds of solid substance by weight, the person shall receive an additional term of 10 years.

(4) Where the substance exceeds 105 gallons of liquid by volume or 44 pounds of solid substance by weight, the person shall receive an additional term of 15 years.

In computing the quantities involved in this subdivision, plant or vegetable material seized shall not be included.

(b) The additional terms provided in this section shall not be imposed unless the allegation that the controlled substance exceeds the amounts provided in this section is charged in the accusatory pleading and admitted or found to be true by the trier of fact.

(c) The additional terms provided in this section shall be in addition to any other punishment provided by law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment for the enhancements provided in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The conspiracy enhancements provided for in this section shall not be imposed unless the trier of fact finds that the defendant conspirator was substantially involved in the direction or supervision of, or in a significant portion of the financing of, the underlying offense.

(Amended by Stats. 1998, Ch. 425, Sec. 3. Effective January 1, 1999.)

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## HS 11379.9. Enhancement for Death or GBI in Manufacture of Methamphetamine or PCP

(a) Except as provided by Section 11379.7, any person convicted of a violation of, or of an attempt to violate, subdivision (a) of Section 11379.6 or Section 11383, as those sections relate to methamphetamine or phencyclidine, when the commission or attempted commission of the offense causes the death or great bodily injury of another person other than an accomplice, shall, in addition and consecutive to any other punishment authorized by law, be punished by an additional term of one year in the state prison for each death or injury.

(b) Nothing in this section shall preclude prosecution under both this section and Section 187, 192, or 12022.7, or any other provision of law. However, a person who is punished under another provision of law for causing death or great bodily injury as described in subdivision (a) shall not receive an additional term of imprisonment under this section.

(Amended by Stats. 1998, Ch. 936, Sec. 2. Effective September 28, 1998.)

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## HS§ 11380. Involving Minor in Violation of Controlled Substance Laws

(a) Every person 18 years of age or over who violates any provision of this chapter involving controlled substances which are (1)classified in Schedule III, IV, or V and which are not narcotic drugs or (2)specified in subdivision (d) of Section 11054, except paragraphs (13), (14),(15), and (20) of subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, specified in paragraph (2) or (3) or subdivision (f) of Section 11054, or specified in subdivision (d), (e), or (f) of Section 11055, by the use of a minor as agent, who solicits, induces, encourages, or intimidates any minor with the intent that the minor shall violate any provision of this article involving those controlled substances or who unlawfully furnishes, offers to furnish, or attempts to furnish those controlled substances to a minor shall be punished by imprisonment in the state prison for a period of three, six, or nine years.

(b) Nothing in this section applies to a registered pharmacist furnishing controlled substances pursuant to a prescription.

(Amended by Stats. 2001, Ch. 841, Sec. 8. Effective January 1, 2002.)

(Amended by Stats. 1990, Ch. 1665, Sec. 5.)

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HS 11380.1. Enhancement for Involving Minor with PCP, Methamphetamine, LSD on Grounds of School, Church, Playground, Day Care Facility, Pool

(a) Notwithstanding any other provision of law, any person 18 years of age or over who is convicted of a violation of Section 11380, in addition to the punishment imposed for that conviction, shall receive an additional punishment as follows:

(1) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for one year.

(2) If the offense involved phencyclidine (PCP), methamphetamine, lysergic acid diethylamide (LSD), or any analog of these substances and occurred upon, or within 1,000 feet of, the grounds of any public or private elementary, vocational, junior high school, or high school, during hours that the school is open for classes or school-related programs, or at any time when minors are using the facility where the offense occurs, the defendant shall, as a full and separately served enhancement to any other enhancement provided in paragraph (3), be punished by imprisonment in the state prison for two years.

(3) If the offense involved a minor who is at least four years younger than the defendant, the defendant shall, as a full and separately served enhancement to any other enhancement provided in this subdivision, be punished by imprisonment in the state prison for one, two, or three years, at the discretion of the court.

(b) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(c) The additional punishment provided in this section shall be in addition to any other punishment provided by law and shall not be limited by any other provision of law.

(d) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment.

(e) The definitions contained in subdivision (e) of Section 11353.1 shall apply to this section.

(f) This section does not require either that notice be posted regarding the proscribed conduct or that the applicable 1,000-foot boundary limit be marked.

(Amended by Stats. 1993, Ch. 556, Sec. 3.5. Effective January 1, 1994.)

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**HS 11380.7. Trafficking Controlled Substance Near Treatment Center or Homeless Shelter**

(a) Notwithstanding any other provision of law, any person who is convicted of trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), or of a conspiracy to commit trafficking in heroin, cocaine, cocaine base, methamphetamine, or phencyclidine (PCP), in addition to the punishment imposed for the conviction, shall be imprisoned pursuant to subdivision (h) of Section 1170 of the Penal Code for an additional one year if the violation occurred upon the grounds of, or within 1,000 feet of, a drug treatment center, detoxification facility, or homeless shelter.

(b) (1) The additional punishment provided in this section shall not be imposed unless the allegation is charged in the accusatory pleading and admitted by the defendant or found to be true by the trier of fact.

(2) The additional punishment provided in this section shall not be imposed if any other additional punishment is imposed pursuant to Section 11353.1, 11353.5, 11353.6, 11353.7, or 11380.1.

(c) Notwithstanding any other provision of law, the court may strike the additional punishment provided for in this section if it determines that there are circumstances in mitigation of the additional punishment and states on the record its reasons for striking the additional punishment. In determining whether or not to strike the additional punishment, the court shall consider the following factors and any relevant factors in aggravation or mitigation in Rules 4.421 and 4.423 of the California Rules of Court.

(1) The following factors indicate that the court should exercise its discretion to strike the additional punishment unless these factors are outweighed by factors in aggravation:

- (a) The defendant is homeless, or is in a homeless shelter or transitional housing.
- (b) The defendant lacks resources for the necessities of life.
- (c) The defendant is addicted to or dependent on controlled substances.
- (d) The defendant's motive was merely to maintain a steady supply of drugs for personal use.
- (E) The defendant was recruited or exploited by a more culpable person to commit the crime.

(2) The following factors indicate that the court should not exercise discretion to strike the additional punishment unless these factors are outweighed by factors in mitigation:

- (a) The defendant, in committing the crime, preyed on homeless persons, drug addicts or substance abusers who were seeking treatment, shelter or transitional services.

- (b) The defendant's primary motive was monetary compensation.
- (c) The defendant induced others, particularly homeless persons, drug addicts and substance abusers, to become involved in trafficking.
- (d) For the purposes of this section, the following terms have the following meanings:

(1) "Detoxification facility" means any premises, place, or building in which 24-hour residential nonmedical services are provided to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse, and who need alcohol, drug, or alcohol and drug recovery treatment or detoxification services.

(2) "Drug treatment program" or "drug treatment" has the same meaning set forth in subdivision (b) of Section 1210 of the Penal Code.

(3) "Homeless shelter" includes, but is not limited to, emergency shelter housing, as well as transitional housing, but does not include domestic violence shelters. "Emergency shelter housing" is housing with minimal support services for homeless persons in which residency is limited to six months or less and is not related to the person's ability to pay. "Transitional housing" means housing with supportive services, including self-sufficiency development services, which is exclusively designed and targeted to help recently homeless persons find permanent housing as soon as reasonably possible, limits residency to 24 months, and in which rent and service fees are based on ability to pay.

(4) "Trafficking" means any of the unlawful activities specified in Sections 11351, 11351.5, 11352, 11353, 11354, 11378, 11379, 11379.6, and 11380. It does not include simple possession or drug use.

(Amended by Stats. 2011, AB 109, Ch. 15, Sec. 177. Effective April 4, 2011.)

(Added by Stats. 2006, SB 1318, Ch. 650, Sec. 2. Effective January 1, 2007.)

HS 11381. Felony Offense Defined

As used in this article "felony offense" and offense "punishable as a felony" refer to an offense prior to October 1, 2011, for which the law prescribes imprisonment in the state prison, or for an offense on or after October 1, 2011, imprisonment in either the state prison or pursuant to subdivision (h) of Section 1170 of the Penal Code, as either an alternative or the sole penalty, regardless of the sentence the particular defendant received.

(Amended by Stat. 2011, AB 117, Ch. 39, Sec. 3. Effective June 30, 2011.)

(Added by Stats. 1972, Ch. 1407.)

HS 11382. Offer to Sell Restricted Dangerous Drugs

Every person who agrees, consents, or in any manner offers to unlawfully sell, furnish, transport, administer, or give any controlled substance which is (a) classified in Schedule III, IV, or V and which is not a narcotic drug, or (b) specified in subdivision (d) of Section 11054, except paragraphs (13), (14), (15), and (20) of subdivision (d), specified in paragraph (11) of subdivision (c) of Section 11056, or specified in subdivision (d), (e), or (f) of Section 11055, to any person, or offers, arranges, or negotiates to have that controlled substance unlawfully sold, delivered, transported, furnished, administered, or given to any person and then sells, delivers, furnishes, transports, administers, or gives, or offers, or arranges, or negotiates to have sold, delivered, transported, furnished, administered, or given to any person any other liquid, substance, or material in lieu of that controlled substance shall be punished by imprisonment in the county jail for not more than one year, or pursuant to subdivision (h) of Section 1170 of the Penal Code.



(Amended by Stats. 2011, ABx1 17, Ch. 12, Sec. 5. Effective September 21, 2011.)

(Amended by Stats. 2002, Ch. 664, Sec. 132. Effective January 1, 2003.)

(Amended by Stats. 2001, Ch. 841, Sec. 9. Effective January 1, 2002.)

(Amended by Stats. 1985, Ch. 3, Sec. 11. Effective January 29, 1985.)

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## HS 11382.5. Sale of Unmarked Capsules

All controlled substances in Schedules I, II, III, IV, and V, in solid or capsule form, except for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist on January 1, 1975, shall not be sold, furnished, or distributed in this state unless they have on the controlled substance if in solid form, or on the capsule if in capsule form, an identifying device, insignia, or mark of the manufacturer of such controlled substance. However, the exception for such controlled substances in the possession or inventory of a wholesaler, retailer, or pharmacist shall not be available to any wholesaler, retailer, or pharmacist under the control or jurisdiction of a manufacturer of controlled substances. This section shall not apply to a pharmacist who, in accordance with applicable state law, compounds such controlled substance in the course of his practice as a pharmacist for direct dispensing by him upon a prescription of any person licensed to prescribe such controlled substances.

(Added by Stats. 1974, Ch. 926.)



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# GROSSMONT-CUYAMACA

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