



# LIFE CHIROPRACTIC COLLEGE WEST

## 2019 Annual Security Report

Office of the Executive Vice President  
Safety and Security (Clery) Committee

July 30, 2019

## 2019 ANNUAL SECURITY AND FIRE SAFETY REPORT

Life Chiropractic College West (Life West) values the safety and security of all our students, faculty, staff and visitors. The college community can only remain safe and secure through the cooperation of all our community. To comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Office of the Executive Vice President prepares the Annual Security Report and works with the Clery Administrator and Safety and Security (Clery) Committee, as well as college offices and departments to collect this information. The purpose of this report is to provide significant safety information such as crime, fire, and security data to the campus community, and to inform the college community on ways the college works to keep the community safe.

This report is provided on an annual basis by October 1<sup>st</sup> each year. It is available on the college website at <https://lifewest.edu/about/disclosures-policies/>. A hard copy can be requested by contacting the Clery Administrator (Director of Facilities) at 510 780 4500, ext 2810.

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## Procedures for Reporting Crimes and Other Emergencies

### **Reporting Crimes and Other Emergencies on Campus**

Life West students, faculty, staff, and guests are encouraged to report all campus crimes and safety-related incidents and emergencies to any Campus Security Authority (CSA). These include all college administrators, athletics staff, club faculty advisors, Health Center mentors and staff. They will either complete the Incident Report on your behalf, or direct you to where you can complete it yourself. The form can be accessed at <https://lifewest.edu/report-an-incident-or-complaint/>

For emergencies, please contact campus security through the Facilities Department 24 hours a day, 7 days a week at 510 828-0593 (Facilities Director) or 510 456-6239 (security officer) to ensure the college can assess security concerns and inform the community if there is an ongoing threat.

Life Chiropractic College West does not have a campus police department. The college has contracted with South County Security Services to provide ongoing campus security services from July 1st 2019, and can be reached at 510 783-2696.

The on-site security officer is available on campus 8-00am-10.00pm and can be contacted at the security desk located at the Student Entrance. The security officer regularly patrols the building and grounds and addresses security concerns. If they are not available at the security desk please contact them at 510-456-6239.

Dial 911 in the event of an emergency. A 911 Call Center will dispatch emergency services to the requested location. The Hayward Police Department is located at 300 West Winton Avenue, Hayward CA. The telephone number for Hayward Police Department is 510 293-7000.

To report a non-emergency security or safety related matter on campus: contact Campus Facilities Department at 510 828-0593 or the on-site security officer at 510 456-6239 or complete the Incident Report at <https://lifewest.edu/report-an-incident-or-complaint/>

### **Voluntary, Confidential Reporting**

If you are the victim of a crime or want to report a crime you are aware of, but do not want to pursue action within the college or criminal justice system, we ask that you consider filing a voluntary, confidential report. With your permission, any CSA can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure your future safety and the safety of others. With such information, the college can keep an accurate record of the number of incidents involving students, faculty, and staff, as well as determine whether there is a pattern of crime concerning a particular location, method, or assailant, and alert the campus community to

potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the campus.

### **Timely Warning**

College administrators must issue immediate timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. Timely warnings are issued on a case-by-case basis for Clery Act crimes or other serious incidents reported to campus security authorities (CSAs) or local police agencies and that pose “serious and ongoing threats” to students and employees on campus or in the immediate campus community. In deciding whether to issue a timely warning, the college considers all of the facts surrounding the incident such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts. Incidents that may result in issuing a timely warning include the following Clery Act crimes:

- Murder
- Non-negligent Manslaughter
- Manslaughter by negligence
- Sexual Assault
- Hate crimes
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson

The intent of a timely warning is to enable members of the campus community to protect themselves. A timely warning will include information that promotes safety and aids in the prevention of similar crimes. Such information may include:

- ✓ A brief statement of the incident
- ✓ Possible connection to other incidents, if applicable
- ✓ Physical description of the suspect, if available
- ✓ Composite drawing of the suspect, if available
- ✓ Date and time of the incident
- ✓ Other relevant information

The college will issue a timely warning as soon as it determines there is a serious and ongoing threat to students or employees on campus and/or in the immediate campus community. The determination will be made based on the information that administration or Hayward Police Department has available to it at the time. The Executive Vice President or their designee is responsible for preparing and distributing timely warning reports. In most instances, the timely warning will be issued through the Omnilert alert system to all students, faculty, and staff. Depending on the particular circumstances of the crime or threat, administration may also post a safety bulletin through the Omnilert alert system.

Anyone with information about a Clery Act crime or other serious incidents should report the circumstances to the Facilities Department 24 hours a day, 7 days a week at 510 828-0593 (Facilities Director) or 510 456-6239 (security officer).

To report a crime or an emergency off campus, dial 911.

### **Campus Security Authorities**

While the college prefers that members of the campus community promptly report all crimes and other emergencies to Campus Facilities Department or the Hayward Police Department, we also recognize that some may prefer to report to other individuals or college offices. The Clery Act recognizes certain college officials and offices as Campus Security Authorities (CSAs). These individuals are “officials of an institution who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” CSAs are required to report all crimes to campus security officer or Director of Facilities as soon as reasonably possible. While the college has identified a number of CSAs, we officially designate the following community members to whom crimes may be reported:

Executive Vice President	(510) 780-4545 Executive Offices, Room 102C
Director of Facilities	(510) 828-0593 Room 142
Manager of Student Life	(510) 780-2358 Student Life, Room 120
Academic Counselor	(510) 780-2061 Office of Academic Affairs, Room 107G
Director of Human Resources	(510) 780-4541 Business Office, Room 156
HC Customer Service Manager	(510) 780-4660 Health Center, Room HC102

These individuals and others throughout the college are required to report Clery Act crimes disclosed to them to campus security officer or Director of Facilities for statistical purposes and inclusion in the Daily Security Log and the Annual Security Report. If confidentiality is requested,

these individuals may report Clery Act crimes to the campus security officer or Director of Facilities without disclosing identifying information of the parties involved.

### **Procedures for Preparing the Annual Security Report**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (The Clery Act 20 § 1092(f)) requires Life West to make its security policies and procedures, as well as statistics for specific criminal offenses, available to current and prospective students and employees through the Annual Security Report. The Office of the Executive Vice President prepares the Annual Security Report, in coordination with the Director of Facilities (Campus Clery Act Coordinator), Safety and Security Committee (SSC), Title IX Coordinator, Manager of Student Life, and the Academic Counselor. The report is maintained on the college website and is available upon request by calling (510) 780-4545. The Annual Disclosure of Campus Crime Statistics is prepared by the Campus Clery Act Coordinator in cooperation with local law enforcement, the Hayward Police Department. Each year the College disseminates copies of the ASR to all current employees and students by email. All prospective students and employees will be notified of the availability of the ASR. The ASR is uploaded to the college website at <https://lifewest.edu/about/disclosures-policies/>.

### **Crime and Incident Summary**

The Facilities Director maintains the daily security log, which is normally updated each business day and includes all crimes reported to CSAs including the security officer and Facilities Director. This log is available [online](#) and at Campus Facilities Department for public inspection. Logs are kept for seven years.

Criminal acts reported to Campus Facilities Department or additions to existing entries in the log will be entered into the crime log within two business days unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

### **Campus Law Enforcement**

Campus Safety Law Enforcement Authority:

Campus Facilities Department personnel and the on-site security officer have the authority to ask persons for identification, to determine whether individuals have lawful business at Life West, and to issue parking notices and tow away on campus. The on-site security officer is not a peace officer as defined by Section 830 of the California Penal Code, and does not have arrest authority. Criminal incidents are referred to the local police who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to immediately report all crimes and public safety incidents to the campus security officer or Director of Facilities in a timely manner.

Director of Facilities takes crime reports for campus crimes and notifies the Hayward Police Department for the purpose of investigation and prosecution if required. All campus Incident Reports that involve students are forwarded to the Office of the Executive Vice President for review and potential welfare or disciplinary action by that office.

### **Reporting Crimes and Other Emergencies on Campus**

Community members, students, faculty, staff, and guests are encouraged to report all campus crimes and safety-related incidents to the on-site security officer or Director of Facilities in a timely manner. To report a crime or emergency on campus, contact the on-site security officer at 510 456-6239, or call the Hayward Police Department at 510 293-7000.

To report a non-emergency security or safety related matter on campus, contact the Director of Facilities at 510 828-0593, or contact the on-site security officer at 510 456-6239.

### **Crime Reporting to Campus Counselors**

Campus academic counselors and professional off-campus counselors are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion in the annual crime statistics. Professional counselors and academic counselors are also strongly encouraged to voluntarily report incidents of crimes without personally identifiable information for inclusion in the annual crime statistics.

### **Monitoring and Recording Student Off-campus Criminal Activity**

Life West maintains a cooperative relationship with local and surrounding police agencies. The Hayward Police Department is typically the proper law enforcement agency for any off-campus crime and safety concerns surrounding the Campus. The college does not have law enforcement authority off-campus and does not operate campus housing or off-campus student organized facilities. The Office of the Executive Vice President addresses any potential violations of the Student Conduct Code through the college Incident Report system.

The Hayward Police Department and Campus Facilities Department routinely communicate about serious incidents occurring on campus or in the immediate neighborhood and business areas surrounding the campus.

### **Campus Facilities: Security and Access**



All college students, faculty, and staff are issued a college ID card for the purpose of photo identification as a Life West student, faculty, or staff member. The ID acts also as an access card. Public and commercial access to any campus location must be cleared in advance by the appropriate campus manager. The general public accesses the campus and receives chiropractic services at the Health Center on campus. Parking on campus is restricted and monitored by external security cameras 24 hours a day. Permits for parking are obtained through the Office of Student Life and enforced by the Campus Facilities Department and the on-site security officer.

Members of the Campus Facilities Department and the on-site security officer regularly patrol the campus and parking areas. Many areas of the campus, inside and outside, are monitored by video cameras operated by the Campus Facilities Department. Video surveillance is not a substitute for eyewitness reports of crimes and safety hazards. Community members and guests are encouraged to report any suspicious person or circumstance to the Campus Facilities Department or the on-site security officer as soon as possible. It is also important to provide as much information as possible, including a description and current location of the person. The Campus Facilities Department or on-site security officer will respond and confront any suspicious person.

The Campus Facilities Department maintains the college building and grounds with a concern for safety and security. The Campus Facilities Department has procedures in place with departments throughout campus for reporting maintenance and repair issues. Any potential safety hazards are prioritized and repaired beginning with those that present the most immediate and significant safety concerns.

### **Crime Awareness and Prevention Programs**

The Life West Campus Facilities Department and on-site security officer provide protection and security services to the campus. While the Facilities Department and its personnel are responsible for ensuring that the campus remains as safe as possible, the primary responsibility for crime prevention and personal safety rests with each individual.

As with other colleges and universities, property crimes account for the majority of all crimes at the college. The most common types of crime at Life West are theft of unattended property such as books, bags, laptop computers, cell phones, and theft or burglary from cars. In an effort to reduce the frequency of crimes, the college offers the following crime awareness and prevention programs.

### **Presentations to New Students**

On a quarterly basis representatives from Student Life and Facilities speak to students at new student Orientation about crime prevention and personal safety tips, as well as descriptions of

the services and programs provided by the college. During Orientation all new students receive information on topics such as personal safety on and off campus, the application of the Student Conduct Code on and off campus, and campus and local resources.

### **Personal Safety Programs**

All new students are required to complete a web-based education and awareness program that addresses alcohol and other drug misuse and sexual and interpersonal violence. This program is tailored to the needs of graduate students. The program is inclusive of information on reporting misconduct and accessing resources.

### **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

The Life West Emergency Preparedness and Response Plan (EPRP) is available on the college community drive and website at <https://lifewest.edu/student-resources/>

The goals of Life Chiropractic College West in responding to an emergency situation include the safety of all staff, students, patients, and guests, the physical and emotional well-being of staff, students, patients, and guests, the timely stabilization of an emergency situation, the protection of Life Chiropractic College West facility, property, and the belongings of staff, students, patients, and guests.

### **Emergency Mass Notification System (MNS)**

The college's emergency mass notification system (Omnilert) is activated as needed for significant emergencies, dangerous situations, or other conditions that present an imminent risk or immediate threat to the health and safety of students, faculty, staff, or visitors to the campus. The MNS may also be activated for conditions that present an imminent risk to college property or the environment, or as required by the Higher Education Act, state law, or other applicable procedure. Students, faculty and staff are automatically enrolled in the MNS through: <https://lifewest.edu/campus-emergency-sign-up/>

## Emergency Contact Directory

Title	ICS Position	Internal Phone	Cell Phone
Executive VP Anatole Bogatski	Incident Commander	(510)-780-4500 ext.4545	(510) 861-9820
VP of Health Center Scott Donaldson	Incident Deputy 1	(510) 780-4500 ext.2180	(510) 750-4330
Director of Facilities Michael Baldwin	Operations Chief	(510) 780-4500 Ext.2810	(510) 828-0593
HR Manager Sunita Ranadive	Operations Deputy 1	(510) 780-4500 ext.4541	(510) 828-2056
CFO Angelito Tolentino	Operations Deputy 2	(510) 780-4500 ext.4532	(510) 928-4065
Student Life Manager Dani Lorta	Planning Section Chief	(510) 780-4500 ext.2610	(510) 825-8177
Student Life Office Manager Loretta Saunders	Planning Section Deputy 1	(510) 780-4500 ext.2025	(510) 427-2300
HC Exec. Assistant Amiee Fiorito	Planning Section Deputy 2	(510) 780-4500 ext.4560	
Facilities Assistant Shane Huber	Logistics Deputy 1	None	(510) 856-7144

### Applicability and Scope

The scope of the EPRP is intended to encompass all hazards including fire and evacuation, medical emergency, bomb threat, hostile intruder and active shooter, utility failure and natural disasters, floods, tornadoes, earthquakes, shelter in place, suspicious package or object. This plan is consulted when responding to any and all emergencies. The EPRP is the responsibility of the college Safety and Security (Clery) Committee (SSC). The committee reviews and updates this plan at least annually. Revisions are made as needed throughout the year. A Zone Director is in charge of a general color coded geographic area and manages the division captains. They are responsible for organizing the area for drills, and evacuations as well as being responsible for reporting any potential safety or security issue in that area. Division Captains assist the Zone Director in room checks, evacuations, etc.

#### **ZONE 1: BLUE**

<b>ZONE DIRECTOR Executive Assistant (RADIO 1)</b>	<b>ext 4543</b>
<b>Zone Captain 1: Events Manager</b>	<b>ext 2530</b>
<b>Zone Captain 2: Director of Assess. &amp; Educational Eff.</b>	<b>ext 2020</b>
<b>Zone Captain 3: Academic Support Coordinator</b>	<b>ext 2060</b>

**Zone Captain 4: Café Au Life Manager** **RADIO 12**

**ZONE 2: YELLOW**

**ZONE DIRECTOR: HC Cust. Service Manager (RADIO 2)** ext 4660  
**Zone Captain 1: Student Life Manager** ext 2610  
**Zone Captain 2: Chiropractic Assistant** ext 4567

**ZONE 3: PINK**

**ZONE DIRECTOR: Executive Assistant HC (RADIO 3)** ext 4560  
**Zone Captain 1: Clinical Ed Coordinator** ext 4280  
**Zone Captain 2: Dr. Kathleen Kinney** ext 4640  
**Zone Captain 3: Dr. Rhina Patania** ext 4400

**ZONE 4: GRAY**

**ZONE DIRECTOR: HR Manager (RADIO 4)** ext 4541  
**Zone Captain 1: HR Specialist** ext 4544  
**Zone Captain 2: HR Coordinator** ext 4565

**ZONE 5: GREEN**

**ZONE DIRECTOR: Bookstore Supervisor (RADIO 5)** ext 4502  
**Zone Captain 1: Museum Director** ext 4440  
**Zone Captain 2: East Bay Upright MRI** RADIO 13

**ZONE 6: ORANGE**

**ZONE DIRECTOR: Lab Manager (RADIO 6)** ext 2271  
**Zone Captain 1: Fitness Center** ext 4800

**ZONE 7: RED**

**ZONE DIRECTOR: Registrar (RADIO 7)** ext 2460  
**Zone Captain 1: Compliance Officer** ext 2820  
**Zone Captain 2: Continuing Ed Director** ext 2030

**ZONE 8: PURPLE**

**ZONE DIRECTOR: Director of Financial Aid (RADIO 8)** ext 2560  
**Zone Captain 1: Director of Enrollment** ext 2680  
**Zone Captain 2: Director of Library** ext 2900

**ZONE 9: BROWN**

**ZONE DIRECTOR: CFO (RADIO 9)** ext. 4532  
**Zone Captain 1: Facilities Assistant** (510) 856-7144  
**Zone Captain 2: Facilities Assistant** (510) 856-6212

## **Test, Training, and Exercises**

Life West conducts student training during Orientation and emergency drills are held at random intervals, at least once quarterly. All employees and students are expected to participate in all emergency training procedures and drills. Class representatives are requested and expected to discuss the emergency procedures outlined in this manual with their respective class. The college Safety and Security Committee is required to provide periodic training to ensure that all employees working in their department are knowledgeable of the college emergency action plans.

## **ALCOHOL AND OTHER DRUG USE POLICY**

Drug Free Schools and Campuses Act:

The DFSC Act of 1989 requires that as a condition of receiving funds or any other form of financial assistance under any federal program, an institution of higher education must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. This policy provides protocols and processes to ensure Life West compliance with the Act.

It is the goal of Life West to maintain a drug-free workplace and campus. The unlawful manufacture, distribution, possession, and/or use of controlled substances or the unlawful possession, use, or distribution of alcohol is prohibited on the Life West campus, in the workplace or as part of any of the college's activities. This includes the unlawful use of controlled substances or alcohol in the workplace even if it does not result in impaired job performance or unacceptable conduct.

The unlawful presence of any controlled substance or alcohol in the workplace and campus itself is prohibited. Violations will result in disciplinary action up to, and including, termination of employment for faculty and staff or expulsion of students. A disciplinary action may also include the completion of an appropriate rehabilitation program. Violations may also be referred to the appropriate law enforcement authorities for prosecution.

### **Student Code of Conduct - Drugs**

The following acts may subject students to disciplinary action: illegal use, possession, or distribution of drugs; the use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance; possessing, concealing, storing, carrying, or using any drug paraphernalia as defined in California Health and Safety Code §11364.5, including, but not limited to, objects intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine,

hashish, or hashish oil into the human body. A reported violation of this section will result in the confiscation and immediate disposal of drugs and drug paraphernalia by college administrators.

### **Drug-Free Workplace Policy**

The following policy applies to all college employees: unlawful manufacture, distribution, dispensing, possession, or use of controlled substances is prohibited in the workplace. Employees who violate this prohibition are subject to corrective or disciplinary action as deemed appropriate, up to and including termination.

As an on-going condition of employment, employees are required to abide by this prohibition, and to notify Human Resources of any criminal drug statute conviction they receive for a violation occurring in the workplace. Notification must be provided in writing no later than five days after such a conviction. The college will notify the appropriate governmental agency within ten days of learning of the conviction.

If an employee receives such a conviction, the college will take appropriate disciplinary action against the employee, up to and including termination, or require the employee to participate satisfactorily in an approved drug-abuse assistance or treatment program. Human Resources makes available information about drug counseling and treatment. It is the responsibility of all college faculty, staff, and students to comply with this policy and to inform visitors of this policy.

### **Alcoholic Beverage Policy**

The Alcoholic Beverage Policy is set in the context of the legal requirements governing the sale, consumption, and distribution of alcoholic beverages and in the context of community expectations for, not only upholding the laws but also sharing responsibility for the safety and welfare of other members of the college community. The college considers intoxication, disorderliness, or offensive behavior deriving from the use of alcoholic beverages to be unacceptable.

The service and consumption of alcoholic beverages on the campus and at campus sponsored events off campus will be done in compliance with applicable municipal, state, and federal laws and regulations, and in accordance with college policies and procedures. All persons on the campus or at any college sponsored event off campus where alcoholic beverages are being served or consumed are expected to abide by and respect all such laws, regulations, policies, and procedures.

Alcoholic beverages at events held on campus will be supplied and sold only by a designated, licensed agent of the college. No other individual person or private party will supply or sell alcoholic beverages at on-campus events or hold the license for the sale of alcoholic beverages on campus. The sponsorship of events by alcoholic beverage companies or distributors is limited

to cash donations, donated products (other than those that directly promote or advertise alcoholic beverages) in support of fundraising or other special events as approved by the appropriate vice president.

If a unit or sub-unit of LCCW or recognized student organization holds a function off-campus where alcohol is to be served, the following rules and regulations must be observed:

- There will be no functions where alcoholic beverages are the main focal point of the event. Any advertising for the function will not include specific references to the fact that alcoholic beverages will be provided.
- Any activity that contributes to alcohol overindulgence or abuse is strictly prohibited.
- At a student function, before anyone receives and consumes alcoholic beverages, a driver's license or other official identification that lists the age of that individual must be checked by a person designated by the student organization hosting the event to ensure that the individual is of legal drinking age. At all other functions, the sponsoring organization will take reasonable measures to ensure that all local and state laws regarding the consumption of alcohol are followed.
- At any function where alcohol is served, non-alcoholic beverages must be continuously available in equal or greater quantity. Food must also be available.
- No visibly intoxicated person shall be served alcohol at any function.
- If alcohol is to be served at a student organized function or by a student organization, the Manager of Student Life must be notified in writing in advance of such an event and that alcohol will be served at such event.
- If a function lasts two hours or more, the serving of alcoholic beverages must stop at least 45 minutes before the scheduled end of the activity.
- It is strongly encouraged that any organization that allows alcohol at its activities provides alternative transportation to any individual in attendance who has overindulged in alcohol.

Adherence to these policies will be the individual and personal responsibility of each member of the student body, staff, faculty, or administration of LCCW.

Alcoholic beverages will not be served or consumed in public areas of the campus except at authorized college events. Public areas include all indoor and outdoor spaces on the campus except individual departmental work areas and offices.

Alcoholic beverages will not be served or consumed at any college sponsored intercollegiate or club sport athletic event or recreational sports activity.

The sponsorship of events by alcoholic beverage companies or distributors is limited to cash donations, donated products (other than those that directly promote or advertise alcoholic

beverages) in support of fundraising or other special events as approved by the appropriate vice president.

### **Select California State Laws on Alcohol**

1. It is a misdemeanor to sell, furnish, or give alcoholic beverages to a person under the age of 21.
2. It is an infraction for a person under the age of 21 to purchase or possess alcoholic beverages.
3. It is a crime to sell alcohol without a valid liquor license or permit.
4. It is a crime for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol.
5. It is a misdemeanor to be intoxicated in a public place.
6. Intoxication is presumed at blood levels of 0.08 percent or higher and may be found with blood alcohol levels from 0.05 percent to 0.08 percent.

### **Student Code of Conduct- Alcohol**

The following acts may subject students to disciplinary action: possession, consumption, sale, or action under the influence of alcoholic beverages by persons under the age of 21; furnishing alcoholic beverages to persons under the age of 21; consumption of alcoholic beverages in a public place (all areas other than private offices and scheduled private functions); excessive and inappropriate use of alcoholic beverages. A reported violation of this section will result in the confiscation and immediate disposal of alcoholic beverages and related equipment.

### **General health risks associated with the use of alcohol and other drugs**

Many well-documented risks are associated with alcohol and other drugs, affecting not only the individual user but also his/her family, friends and communities. Alcohol is frequently implicated in cases of sexual misconduct on campus, for example, and the misuse of other drugs is sometimes a factor in other violent behavior. Problems associated with alcohol and other drugs include impaired brain function; poor academic or job performance; relationship difficulties, including sexual dysfunction; a tendency to verbal and physical violence; financial distress; injuries or accidents; violations of the law such as driving under the influence; willfully destroying property; and death.

The following summaries describe some of the additional substance-specific risks associated with the use and misuse of alcohol and other substances.



## **Alcohol**

For men, at-risk drinking is drinking more than four standard doses (or drinks) of alcohol a day and/or more than 14 drinks per week. For women, at-risk drinking is drinking more than three standard doses (or drinks) drinks a day and/or more than seven drinks a week. (One drink is equal to 12 oz beer, 5 oz wine, or 1.5 oz liquor.) While any alcohol use has the potential to contribute to problems (e.g., alcohol use impairs brain function and motor skills even when not legally drunk), studies show that certain “at-risk” drinking patterns are associated with an increased likelihood of negative outcomes.

At-risk drinking can cause poor performance in school or at work, accidents, injuries, arguments, legal problems (including DUI), strained relationships, undesirable or even dangerous sex, and verbal or physical violence, including the perpetration of sexual assault. At-risk drinking also contributes to sleep problems, prolonged intoxication aka hangovers, cancer, liver disease, stroke, depression, anxiety, and Alcohol Use Disorder.

At-risk alcohol consumption is involved in the majority of violent acts on campuses, including sexual assault, vandalism, fights, and accidents involving cars, pedestrians and bicycles.

Although not necessarily obvious in the traditional college age (18-24) population, there is addiction among users.

## **Cannabis (marijuana, hashish)**

THC, the active chemical in marijuana, is stored in the fat cells of the body, and depending on the amount used and duration of time, can stay in the body for anything from a few days to about two months. Marijuana use can impair or distort short-term memory and comprehension, alter the user’s sense of time, and reduce coordination. Use may also result in a compromised immune system and an increased risk of lung cancer.

## **Cocaine (crack and other stimulants)**

The immediate effects of cocaine use include dilated pupils, and increased blood pressure, heart rate, and respiration rate followed by a crash when the drug wears off. Over the longer term, cocaine users often have nasal passage and nasal septum problems. There is a high rate of addiction among users.

## **Hallucinogens (LSD, mescaline, psilocybin)**

Hallucinogens cause illusions and distortions of time and perception. The user may experience episodes of panic, confusion, suspicion, anxiety and loss of control. Flashbacks can occur even after use has stopped. PCP or phencyclidine has been shown to produce violent behaviors which can lead to injuries to the user or a bystander.

## **Heroin (other opiates)**

Heroin causes the body to experience diminished pain. If injected, it can result in blood vessel damage (and possibly the transmission of infections such as hepatitis and HIV if needles are shared). There is a high rate of addiction among users.

### **Tobacco (cigarettes, chew, and other products)**

Tobacco use has been proven not only to be addictive, but to have serious, well-documented health consequences. While many people, particularly students, look to smoking as a way of reducing stress, it should be remembered that there is no comparison between the stress of facing emphysema or lung cancer and the stress of preparing for mid-terms. There is a high rate of addiction among users.

### **Resources for Students**

Students and Employees are encouraged to seek immediate help through any of the following resources.

Alameda County Behavioral Care Access Hotline

(800) 491-9099

[www.acgov.org](http://www.acgov.org)

Offers referrals to substance abuse services in Alameda County.

Al-Anon and Alateen in Northern California

<http://ncwsa.org/community/san-francisco/>

Alcoholics Anonymous

<https://eastbayaa.org/>

East Bay Intergroup, Inc. An official Alcoholics Anonymous website.

CommPre

A program of Horizon Services

(510) 885-8741

Offers prevention strategies to reduce alcohol and medication misuse among older adults.

[www.Drug-Rehab.org](http://www.Drug-Rehab.org)

(888) 268-3714

A non-profit drug and alcohol rehab referral and placement service.

East Bay Community Recovery Project

[www.ebcrcp.org](http://www.ebcrcp.org)

Provides substance abuse, mental health and other health services in Hayward and Oakland to women and children. Helps underserved people of Alameda County with a focus on those dealing with substance abuse and psychiatric disorders.

Horizon Services, Inc.

(510) 582-2100

[www.horizonservices.org](http://www.horizonservices.org)

A safe, effective and affordable environment for drug and alcohol recovery, offering residential and non-residential programs. Offers a variety of programs and services throughout San Mateo, Santa Clara and Alameda Counties; including youth programs.

Humanistic Alternatives to Addiction Research and Treatment

20094 Mission Blvd.

Hayward 94541

(510) 727-9755

[www.haarthayward.org](http://www.haarthayward.org)

[info@haarthayward.org](mailto:info@haarthayward.org)

Offers both short/long-term treatments for problematic opioid use with methadone and suboxone, medical monitoring, counseling, psychotherapy.

MPI Chemical Dependency Treatment Services

Summit Medical Center

3012 Summit St.

Providence Pavillion (South), 5<sup>th</sup> Floor

Oakland 94609

(510) 652-7000

A local organization that can be contacted 24/7; their mission is to provide affordable, high quality chemical dependency treatments including detoxification, inpatient and residential rehabilitation, day treatments and morning/evening intensive outpatient programs.

New Bridge Foundation

2323 Hearst Avenue

Berkeley, CA 94709

Addiction treatment programs

[\(866\) 772-8491](tel:8667728491)

<https://www.newbridgefoundation.org/>

Recovery Programs and Treatment Centers

[www.recoverycorps.org](http://www.recoverycorps.org)

An online resource for help w/drug and alcohol recovery and treatment programs. A very user-friendly site which allows you to search for resources in your area and provides names, addresses, phone numbers and descriptions of a variety of facilities.

Terra Firma Diversion/Educational Services  
30086 Mission Blvd.  
Hayward 94544  
(510) 675-9362

<http://www.terrafirmadiv.com/aboutus.htm>

M-F 9:30am to 7pm  
Saturdays 9am to 4pm

Offers a variety of resources and educational tools including a 20-week drug/alcohol counseling program for individuals who wish to abstain from drugs/alcohol and create a supportive environment for recovery.

Women On The Way Recovery Center  
20424 Haviland Ave.  
Hayward 94541  
(510) 276-3661

[www.wotwrc.org](http://www.wotwrc.org)

A non-profit residential drug/alcohol recovery program; safe haven for abused, battered, addicted and betrayed women to become educated and empowered to take control of their lives.

### **State and federal criminal sanctions**

The following is a brief summary of the state and federal criminal sanctions that may be imposed upon someone who violates the alcohol and other drug policy at LCCW or elsewhere in the state of California.

- A violation of California law for the unlawful sale of alcohol may include imprisonment in the county jail for six months, plus fines and penalties.
- A violation of California law for the use of alcohol by obviously intoxicated individuals will vary with the particular circumstances but may include imprisonment in the county jail and substantial fines and penalties. Additionally, minors who are arrested for violations concerning the use of alcohol run the risk of having their driving privileges suspended or revoked until they are 18.
- A violation of California law for the possession, use and/or sale of narcotics, marijuana and/or other illicit drugs includes imprisonment in the county jail or state prison for one to nine years, plus fines up to \$100,000 for each count (see marijuana policy below)
- A violation of federal law for the possession, use and/or sale of narcotics, marijuana and/or other illicit drugs may include imprisonment in the federal penitentiary for one to

fifteen years plus substantial financial penalties (see Federal Trafficking Penalties table below).

- A violation of the law involving an individual being under the influence of a combination of alcohol and other drugs (itself potentially deadly), may result in an increase in criminal sanctions and penalties.

### Federal Trafficking Penalties - Drugs

The following table summarizes federal criminal laws and sanctions for drug offenses.

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500 - 4999 gms mixture	First Offense:  Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$2 million if an individual, \$5 million if not an individual  Second Offense:  Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$4 million if an individual, \$10 million if not an individual	5 kgs or more mixture	First Offense:
Cocaine Base (Schedule II)	5-49 gms mixture		50 gms or more mixture	Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life.
Fentanyl (Schedule II)	40 - 399 gms mixture		400 gms or more mixture	Fine of not more than \$4 million if an individual, \$10 million if not an individual.
Fentanyl Analogue (Schedule I)	10 - 99 gms mixture		100 gms or more mixture	Second Offense:
Heroin (Schedule I)	100 - 999 gms mixture		1 kg or more mixture	Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$20 million if not an individual.
LSD (Schedule I)	1 - 9 gms mixture		10 gms or more mixture	2 or More Prior Offenses:
Methamphetamine (Schedule II)	5 - 49 gms pure or 50 - 499 gms mixture		50 gms or more pure or 500 gms or more mixture	Life imprisonment
PCP (Schedule II)	10 - 99 gms pure or 100 - 999 gms mixture	100 gm or more pure or 1 kg or more mixture		
<b>PENALTIES</b>				

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than Life. Fine \$1 million if an individual, \$5 million if not an individual.  Second Offense: Not more than 30 yrs. If death or serious injury, not less than life. Fine \$2 million if an individual, \$10 million if not an individual
Flunitrazepam (Schedule IV)	1 gm or more	
Other Schedule III drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	30 to 999 mgs	Second Offense: Not more 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual
All other Schedule IV drugs	Any amount	First Offense: Not more than 3 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Less than 30 mgs	Second Offense: Not more than 6 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.  Second Offense: Not more than 2 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

Federal Trafficking Penalties – Marijuana

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana	1,000 kg or more mixture; or 1,000 or more plants	Not less than 10 years, not more than life If death or serious injury, not less than 20 years, not more than life Fine not more than \$4 million if an individual, \$10 million if other than an individual	Not less than 20 years, not more than life If death or serious injury, mandatory life Fine not more than \$8 million if an individual, \$20 million if other than an individual

Marijuana	100 kg to 999 kg mixture; or 100 to 999 plants	Not less than 5 years, not more than 40 years If death or serious injury, not less than 20 years, not more than life Fine not more than \$2 million if an individual, \$5 million if other than an individual	Not less than 10 years, not more than life If death or serious injury, mandatory life Fine not more than \$4 million if an individual, \$10 million if other than an individual
Marijuana	more than 10 kgs hashish; 50 to 99 kg mixture  more than 1 kg of hashish oil; 50 to 99 plants	Not more than 20 years If death or serious injury, not less than 20 years, not more than life Fine \$1 million if an individual, \$5 million if other than an individual	Not more than 30 years If death or serious injury, mandatory life Fine \$2 million if an individual, \$10 million if other than individual
Marijuana	1 to 49 plants; less than 50 kg mixture	Not more than 5 years Fine not more than \$250,000, \$1 million other	Not more than 10 years Fine \$500,000 if an individual, \$2 million if
Hashish	10 kg or less		
Hashish Oil	1 kg or less	than individual	other than individual

Source: <http://www.usdoj.gov/dea/agency/penalties.htm>

Students who fail to follow this policy are in violation of the Student Conduct Code and are subject to disciplinary action.

### **Marijuana Policy**

On November 8, 2016, voters in California passed Proposition 64, thereby allowing persons who are 21 and older to possess, transport, and buy up to 28.5 grams of marijuana and use it for recreational purposes. The Bureau of Marijuana Control is the state agency responsible for regulating and licensing marijuana sales.

It continues to be illegal to smoke marijuana in public and at locations where tobacco use is outlawed, such as restaurants, and within 1000 feet of a school, daycare or youth center when children are present. It is also illegal for motorists to be under the influence of marijuana while driving.

Despite the change in state law regarding marijuana, Life West's policy remains unchanged: use and possession of marijuana on campus or in association with any college-sponsored or affiliated activity or program is prohibited. The policy complies with the federal Drug-Free Schools and Communities Act. Under this federal law, as a condition of receiving federal funds, an institution

of higher education such as Life West must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on campus and as part of its activities and programs. At the federal level, this law includes any amount of marijuana.

California Proposition 215, passed in 1996, allows for the use of marijuana for medical purposes. Students who qualify under Proposition 215 to use marijuana for medical purposes are not permitted to possess, store, provide, or use the marijuana on college-owned or controlled property (including, but not limited to, academic buildings, athletic facilities, and parking lots), or during a college sanctioned activity, regardless of the location.

Propositions 215 and 64 create a conflict between state and federal laws. When state and federal laws are in conflict, federal law takes precedence. If Life West does not comply with federal law and regulations on marijuana possession and use on campus and in college programs and activities, it risks losing federal funds for student financial aid and other important programs and services. Therefore the college must continue to abide by federal laws and regulations and college policy barring the use and possession of any amount of marijuana on campus or in association with any college sponsored or affiliated activity or program.

## **GENDER BASED MISCONDUCT AND SEXUAL VIOLENCE**

Title IX of the Education Amendments of 1972:

**“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any educational program or activity receiving federal financial assistance.”**

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 equity in academic programs and other activities, preventing hostile environments on the basis of sex, sexual misconduct, and preventing discrimination against pregnant and parenting students. Life West upholds a zero tolerance policy for gender-based discrimination and sexual misconduct and does not discriminate on the basis of sex in its educational programs or activities. Sexual misconduct includes non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, interpersonal/relationship violence, sex/gender-based stalking, and sexual harassment. Gender-based discrimination and sexual misconduct can occur between people of different sexes or genders or of the same sex or gender.

Gender-based discrimination includes sexual harassment, sexual assault (non-consensual sexual contact and non-consensual sexual intercourse), and sexual exploitation. Gender-based



discrimination includes violent actions, discrimination, hazing, bullying, domestic violence, dating violence, and stalking when such behaviors are perpetrated because of one's gender. Members of the college community, guests, and visitors have the right to be free from sexual and gender-based misconduct and the college prohibits such behavior. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This Policy applies to all Life West students.

Physical violence, assault, battery, sexual violence, dating violence, domestic violence, and stalking are all crimes and are covered under California statutes and can be reported to law enforcement. While the college utilizes different standards and definitions than the California Code, sexual misconduct often overlaps with the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence. Federal laws, specifically Title IX and the Clery Act, which mandates the contents of this policy, also protect victims of these behaviors.

If a student is accused of sexual misconduct, other gender-based violence, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, he or she is subject to action in accordance with the Disciplinary Policies and Procedures and college catalog. If a faculty member or staff members is accused of sexual misconduct, other gender-based violence, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, he or she is subject to action in accordance with the Employee Handbook.

The college treats all forms of sexual violence and gender-based discrimination very seriously and has a network of resources on- and off-campus to assist victims in obtaining medical treatment, counseling, advocacy services, and other assistance. When a student, faculty member, or staff member reports an incident of sexual misconduct or sexual violence, whether the offense occurred on or off-campus, the college will provide the person with a written explanation of the options, resources, and support services on and off- campus.

### **Sexual Violence Prevention and Response**

Life West seeks to provide a consistent, caring, and timely response when sexual and gender-based misconduct occurs within the college community. The college requires faculty and staff to undertake sexual harassment training every two years including on the California State definitions of domestic violence, dating violence, sexual assault, stalking, and consent in reference to sexual activity.

### **Resources On- and Off-Campus**

If you are the victim of sexual violence, your personal safety is most important. You are encouraged to go to a safe place if you are somewhere you do not feel comfortable. If or when you are comfortable, share what has occurred with someone you trust. Sharing as much specific

information as you can remember, along with any physical evidence, with this individual may help in the event that you decide you want to report the incident to college staff and/or the police.

HELP IS AVAILABLE WHETHER YOU CHOOSE TO REPORT A SEXUAL VIOLENCE INCIDENT OR NOT.

Students wishing to seek confidential assistance may do so by speaking with professionals who have the privilege of maintaining confidentiality except in extreme cases of immediacy of threat or abuse of a minor. Confidential resources include on and off-campus mental health counselors, health service providers, local rape crisis counselors, domestic violence resources, and members of the clergy and chaplains. The Life West on-campus counselor is Lori Pino, Academic Counselor, Office of Academic Affairs, Room 105B, Life Chiropractic College West, 25001 Industrial Blvd Hayward CA 94545, [lpino@lifewest.edu](mailto:lpino@lifewest.edu) or (510) 7804500 x 2061.

For 24 hour, confidential support, you can contact:

- \*Alameda County Highland Hospital Sexual Assault Center (Oakland)  
24/7 Crisis Line: 510-534-9290 or 9291  
[http://oaklandwiki.org/Alameda\\_County/Sexual\\_Assault\\_Center](http://oaklandwiki.org/Alameda_County/Sexual_Assault_Center)
- \*San Francisco General Hospital Trauma Recovery Center/Rape Treatment Center  
Non-24/7 Line 415-437-3000  
[www.traumarecoverycenter.org](http://www.traumarecoverycenter.org)
- Bay Area Women Against Rape (BAWAR) (Oakland)  
24/7 Crisis Line (English/Spanish): 510-845-RAPE (7273)  
<http://www.bawar.org/get-help-for-yourself/>
- San Francisco Women Against Rape (SFWAR) (San Francisco)  
24/7 Crisis Line: 415-647-7273  
<http://www.sfwar.org/>
- A Safe Place (Oakland)  
24/7 Crisis Line: 510-536-SAFE (7233)  
<http://www.asafepacedvs.org/>
- National Suicide Prevention Hotline  
24/7 Crisis Line: 1-800-273-8255
- East Bay Kaiser Permanente

Oakland Medical Center  
Spirituality Services  
Non-24/7 Line 510-752-6281

\*This Emergency Department is where you should go within 72 hours for a Medical Forensic Exam.

### **Reporting Resources and Process**

Anyone with knowledge about sexual misconduct, gender-based violence, or the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence is encouraged to report it immediately to the EVP (Dr. Anatole Bogatski: [abogatski@lifewest.edu](mailto:abogatski@lifewest.edu)) and Title IX Coordinator (Sunita Ranadive: [srnadive@lifewest.edu](mailto:srnadive@lifewest.edu)). Reports may also be made to Campus Facilities Director (Michael Baldwin: [mbaldwin@lifewest.edu](mailto:mbaldwin@lifewest.edu)), Student Life Manager (Dani Lorta: [dlorta@lifewest.edu](mailto:dlorta@lifewest.edu)), deans, chairs (Ramneek Bhogal: [rbhogal@lifewest.edu](mailto:rbhogal@lifewest.edu) or Ankur Tayal: [atayal@lifewest.edu](mailto:atayal@lifewest.edu)), vice presidents (VPAA, Dr. Pardeep Kullar: [pkullar@lifewest.edu](mailto:pkullar@lifewest.edu), VPIA, Dr. Mark Zeigler: [mzeigler@lifewest.edu](mailto:mzeigler@lifewest.edu), VPCO, Dr. Scott Donaldson: [sdonaldson@lifewest.edu](mailto:sdonaldson@lifewest.edu)), coaches (Adriaan Ferris: [aferris@lifewest.edu](mailto:aferris@lifewest.edu)), administrators with supervisory responsibilities, and to staff in Human Resources (Neha Singh: [nsingh@lifewest.edu](mailto:nsingh@lifewest.edu), Rachel Mayeda: [rmayeda@lifewest.edu](mailto:rmayeda@lifewest.edu), Vickie Hebel: [vhebel@lifewest.edu](mailto:vhebel@lifewest.edu)). The college considers these people to be "responsible employees." Notice to them is official notice to the college. The reporting party will be provided with written information regarding his or her options including the choice to report to law enforcement and available medical and mental health treatment options.

Reporting an incident to the college means that only people who need to know will be told, and information will be shared only as necessary with investigators, witnesses, and the accused individual. The college has a duty to immediately investigate a complaint of sexual harassment, sexual assault, dating violence, domestic violence, stalking, and sexual exploitation even if the reporting party asks that it not do so. In deciding how to proceed, the college will weigh the request for confidentiality against the following factors: the seriousness of the alleged discrimination, harassment or sexual misconduct; any potential threats to community safety; the respective ages and positions of the complainant and the respondent; whether there have been other discrimination and harassment complaints against the respondent; and the respondent's right to receive information under applicable federal and state laws and regulations.

Anonymous reports can be made to LCCW responsible employees. The Title IX Coordinator will review and make a determination whether there is adequate information to initiate an investigation.

Protective measures for victims are available from the college whether or not a victim chooses to report to local and/or campus law enforcement, and irrespective of whether a victim pursues a formal complaint through the college resolution process. Protective measures may include such

actions as interim suspensions and/or no contact orders, such as in cases where the accused person's behavior represents a risk of violence, threat, pattern, or predation.

Both Title IX and the Clery Act provide protections for whistleblowers who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. The college does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the campus EEO, Sunita Ranadive, the Title IX Coordinator, Lori Pino, and/or to officials of the U.S. Department of Education.

### **EEO and Title IX Coordinator**



The EEO and Title IX Coordinator oversees the college's affirmative action programs and monitors compliance with policies and laws which ensure equal opportunity for students, faculty, and staff. The EEO and Title IX Coordinator is ultimately responsible for assuring in all cases that the behavior is brought to an end, the college acts to reasonably prevent its recurrence, and the effects on the victim and the community are remedied. The EEO and Title IX Coordinator is also responsible for assuring that training is conducted annually for all advocates, investigators, hearing officers, panelists, and appeals officers that encompass a hearing process that protects the safety of victims and promotes accountability. Training will focus on sexual misconduct, domestic violence, dating violence, sexual assault, stalking, sexual harassment, retaliation, and other behaviors that can be forms of sex or gender discrimination covered by Title IX and the Clery Act. Training will help those decision-makers in the process of protecting the safety of victims and promoting accountability for those who commit offenses.

## **Campus Safety Services**

You should contact Campus Facilities Department or the on-site security officer to report an emergency, report a crime, or request assistance. Reports can be made 24 hours a day, 365 days a year on 510 456-6239. You are not required to file an incident report with Campus Facilities Department or file a criminal report with law enforcement in order to access resources and support services on or off-campus.

## **Criminal Report of Sexual Violence**

You may also report an incident of sexual assault, dating violence, domestic violence, stalking and sexual exploitation to Hayward Police Department on (510) 293-7000 or the local law enforcement agency where the incident occurred. Campus Facilities Department can assist a victim with making the report to law enforcement. Victims have the option to notify law enforcement directly, or to be assisted in doing so by campus authorities. An officer can meet with you at the police station or somewhere on campus.

Life West must notify local law enforcement when sexual violence is reported to the college, typically without providing any personally identifiable information about the incident, unless a victim wishes that information to be shared or an emergency requires disclosure. College proceedings may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus. A complainant may also choose not to pursue criminal action, and under most circumstances, law enforcement will not force a complainant to pursue charges if the complainant is not willing to do so.

At the request of law enforcement, the college may agree to delay its investigation until after the initial stages of a criminal investigation. The college will promptly resume its fact gathering as soon as it is informed that law enforcement has completed its initial investigation. The college's policy, definitions, and burden of proof use a preponderance of evidence standard which is different from California criminal law. Neither law enforcement's determination of whether to prosecute a respondent, nor the outcome of any criminal proceeding, are determinative of whether a violation of the college's policy has occurred.

## **Office of Student Life**

Reports may also be made to the Office of Student Life concerning incidents involving students. OSL serves as a resource for students in all areas of campus life and supports extracurricular activities including communication with Student Council. OSL can assist students (both students filing complaints and accused students) by informing them of their rights, providing information about on and off-campus resources and reporting options. Students can also choose to request

assistance with living accommodations. Academic accommodations should be requested through the Office of Academic Affairs.

### **Human Resources Office**

The Human Resources Office serves as a resource to employees by assisting the college community to develop and maintain a positive work environment, and preventing and resolving problems that arise out of or affect work situations.

### **Campus Sexual Assault Victim's Bill of Rights**

The "Campus Sexual Assault Victims' Bill of Rights" exists as a part of the campus security reporting requirements, commonly known as the Jeanne Clery Act. In connection with reporting sexual misconduct, including sexual assault, a complainant/victim has these rights:

- Shall be notified of their options to notify law enforcement, and to be assisted in notifying such authorities if s/he so chooses;
- The right to decline to speak with local law enforcement, should they be notified;
- Information about existing on and off-campus counseling, mental health, medical or other services;
- Options for, and available assistance in, changing academic, living, transportation, and working situations and other interim measures;
- The complainant and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice;
- Both the complainant and the accused shall be simultaneously informed, in writing, of the:
  - Applicable policy and procedures for complaint investigations
  - Outcome of any disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;

- o Procedures for the accused and the victim to appeal the results of the disciplinary proceeding;
- o Any change in the results before they become final;
- o When the results become final.

### **Important information if you are a victim of sexual violence**

If you are the victim of sexual misconduct, gender-based violence, or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence, or domestic violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place and speak with someone you trust. Tell this person what happened. If there is any immediate danger, dial 911 or contact security officer at 510 456-6239.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you in the crisis.
3. If you are on campus during regular business hours, you may go to the counseling office, HR Office, Office of Student Life for support and guidance. These are confidential resources. After regular business hours, or in any situation where you wish, local resources are also available and may be able to provide confidential assistance through the (see Help Available section above, pages 13-14).
4. For your safety and well-being, immediate medical attention is encouraged. Seeking a medical forensic exam, ideally within 72 hours, is important in the case of rape or sexual assault. It is also important to note the exam should be conducted at a hospital within in the county where the rape/sexual assault occurred. Generally, there is no charge for the exam. An exam typically takes about three hours. The victim can also receive free STD testing, free antibiotic medications to prevent STDs and emergency contraception as well as referral to other resources that may be of benefit.
5. Preserve evidence following an incident of sexual assault, dating violence, domestic violence, or stalking.
6. If an incident of sexual assault, dating violence, domestic violence, or stalking occurs, it is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order.

7. In cases of sexual assault, avoid washing, douching, using the toilet, or changing clothing prior to a medical exam.
8. Any clothing removed should be placed in a paper bag.
9. Evidence of violence, such as bruising or other visible injuries, should be documented including through photographic evidence.
10. Evidence of stalking including any communication, such as written notes, voice mail, social media postings, or other electronic communications should be saved and not altered in any way.
11. Typically, if the police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent articles that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean sheet to avoid contamination.
12. If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.
13. Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a campus policy violation.
14. Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.
15. If you obtain external orders of protection (e.g., restraining orders, injunctions, protection from abuse), please notify Campus Facilities Department so that those orders can be observed on campus.
16. Even after the immediate crisis has passed, consider seeking support from college counseling services, or the local YWCA Rape Crisis Center.
17. Contact the EEO and Title IX Coordinator if you need assistance with concerns, such as no- contact orders or other protective measures. The college is able to offer you reasonable academic support, changes to living arrangements, transportation resources or modifications, escorts, no contact orders, counseling services access, and other supports and resources as needed.



## **Definitions**

The Violence Against Women Act Definitions:

Sexual assault is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent, as well as incest or statutory rape.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim.

Dating violence means violence committed by a person who is or has been in a romantic or intimate relationship with the victim.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

## **State Of California Definitions**

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.
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.
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.
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.

Any sexual penetration, however slight, is sufficient to complete the crime.

The use of force, fear, or threats to accomplish sexual intercourse against the will of the assailant's spouse is known as the "spousal rape law."

Other sexual offenses include the following: sodomy (forced anal intercourse); oral copulation (forced oral-genital contact); rape by a foreign object (forced penetration by a foreign object, including a finger); and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal).

In California, sexual consent is defined as affirmative consent. Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in 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.

The State of California definition of stalking is when 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.

The State of California definition of domestic violence is 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.

## **California Hate Crime Definitions**

As defined by the California Penal Code, §§ 422.55, 422.6, a hate crime is a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

- Disability
- Gender
- Nationality
- Race or ethnicity
- Religion
- Sexual orientation
- Association with a person or group with one or more of these actual or perceived characteristics

## **Hate Crime Categories of Bias Under The Clery Act**

- Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind
- Gender – A preformed negative opinion or attitude toward a group of persons because those persons are male or female
- Gender Identity – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals
- 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
- 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

- Ethnicity – A preformed negative opinion or attitude toward a group of people who identify with each other through common heritage (common language, common culture and/or an ideology that stresses common ancestry)
- National Origin – A preformed negative opinion about a group of persons based upon them being from a particular country or part of the world
- 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

## Life West Definitions

### Sexual Misconduct

**Sexual misconduct is an umbrella term for inappropriate actions that are sexual or are sexual in nature inclusive of sexual harassment, sexual assault (non-consensual sexual contact and nonconsensual sexual intercourse), and sexual exploitation.**

Life West considers Non-Consensual Sexual Intercourse violations to be the most serious, and therefore typically imposes the most severe sanctions, including suspension or expulsion for students and suspension and termination for employees. However, the college reserves the right to impose any level of sanction, ranging from a reprimand up to, and including, suspension or expulsion/termination, for any act of sexual misconduct or other gender-based offenses, including intimate partner or relationship (dating and/or domestic) violence, non-consensual sexual contact, sexual exploitation, and stalking based on the facts and circumstances of the particular grievance. Acts of sexual misconduct may be committed by any person upon any other person, regardless of the sex, gender, sexual orientation and/or gender identity of those involved.

### Consent

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing and voluntary consent prior to, and during, sexual activity. Consent can be given by word or action, but non-verbal consent is not as clear as talking about what you do and don't want sexually. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Silence without actions demonstrating permission cannot be

assumed to show consent. Additionally, there is a difference between seduction and coercion. Coercion happens when someone is pressured unreasonably for sex. Coercing someone into sexual activity violates college policy in the same way as physically forcing someone into sex.

Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. When alcohol or other drugs are being used, a person will be considered unable to give valid consent if they cannot fully understand the details of a sexual interaction (who, what, when, where, why, or how) because the person lacks the capacity to reasonably understand the situation. Individuals who consent to sex must be able to understand what they are doing. “No” always means “No,” and “Yes” may not always mean “Yes.” Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a “no.” To encourage reporting and minimize the risk of harm to victims, the College will not pursue disciplinary action against victims reporting violations under this policy who were voluntarily under the influence of alcohol or drugs at the time of the incident.

#### Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent (e.g. “Have sex with me or I’ll hit you. Okay, don’t hit me; I’ll do what you want”). There is no requirement that a party resists the sexual advances or requests someone to stop. Resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non consensual, but non-consensual sexual activity is not by definition forced. The use of force is not “worse” than the subjective experience of violation of someone who has sex without consent. However, the use of physical force constitutes a stand-alone nonsexual offense as well, as it is the college’s expectation that those who use physical force (restrict, battery, etc.) would face not just the sexual misconduct charge, but charges for the additional assaultive behavior.

#### Coercion

Coercion is unreasonable pressure for sexual activity such as compelling another person to do something through emotional or physical pressure, threats, or other forms of intimidation. Real or perceived power differentials between individuals may create an atmosphere of coercion that can significantly impair the ability to consent. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes it clear to you that she/he does not want sex, that she/he wants to stop, or that she/he does not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

## Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because one lacks the capacity to give knowing consent (e.g., to understand the who, what, when, where, why and how of their sexual interaction). Any time sexual activity takes place where the person did not understand any one of these six conditions, incapacity is at issue. An awareness of all six must be present for consent. Incapacitation may result from mental disability, sleep, involuntary physical restraint, or from the consumption of alcohol or drugs. Possession, use and/or distribution of any controlled substances, including Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation of college policy. More information on these drugs can be found at <http://www.911rape.org>. Because alcohol or other drug use can place the capacity to consent in question, sober sex is less likely to raise such questions. If the accused person knew or reasonably should have known that the victim was incapable of providing consent due to the use alcohol or another drug, the accused person is in violation of college policy. The accused person's use of alcohol or other drugs does not diminish his or her responsibility for committing the sexual misconduct. Use of alcohol or other drugs will never function as a defense for any behavior that violates college policy.

## Non-Consensual Sexual Intercourse

Non-consensual sexual intercourse is defined as any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact, no matter how slight the penetration or contact.

## Non-Consensual Sexual Contact

Non-consensual sexual contact is defined as any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

## Sexual Harassment

Life West has adopted the following definition of sexual harassment, in order to address the special environment of the academic community, which consists not only of employer and employees, but of students as well:

**Sexual harassment is unwelcome, sexual or gender-based verbal, written, online and/or physical conduct. Sexual harassment creates a hostile environment, and may be disciplined when it is sufficiently severe, persistent/pervasive and objectively offensive that it has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in, or**

## Sexual Exploitation

Sexual exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact.

Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom, or engaged in sexual acts without the consent of the person observed);
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent);
- Prostitution;
- Exposing one's genitals in non-consensual circumstances or inducing another to expose their genitals in non-consensual circumstances; and
- Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent.

## Other Misconduct Offenses when the Act is based on Sex or Gender

The behaviors listed below are misconduct if they are based upon gender, which is inclusive of gender identity, gender expression, and sexual orientation.

- Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits, or opportunities on the basis of gender;
- Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- Hazing, defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by the college, which is likely to cause serious bodily injury, psychological harm, or social ostracism, to any former, current, or prospective student;
- Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment);
- Violence between those in an intimate relationship (this includes romantic relationships, dating, domestic and/or relationship violence). The existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, type of relationship, and the frequency of interaction between the persons involved in the relationship. Intimate relationship violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Intimate partner violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone; and
- Stalking, defined as, a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear for his or her safety or the safety of others.

## **Sex Offender Registration – Campus Sex Crimes Prevention Act**

Megan’s Law:



The Campus Sex Crimes Prevention Act (CSCPA) of 2000, a federal law, requires institutions of higher education to provide the campus community with information on where they may obtain information on registered sex offenders in the state of California. It also requires sex offender registrants who are already required to register in the state to provide notice, as required under state law, to each institution of higher education for which the person is currently enrolled as a student, full- or part-time employee (with or without compensation), or those participating in a vocation (California Penal Code Section 290.009). The registration process must be conducted at the Hayward Police Department. Local law enforcement may also notify the public about high-risk and serious sex offenders who reside in, are employed in, or frequent the community. This registry is available for the state of California and the County of Alameda at

<https://oag.ca.gov/sex-offender-reg>

[https://www.alamedacountysheriff.org/les\\_megan.php](https://www.alamedacountysheriff.org/les_megan.php)

### **Procedures for Addressing Sexual Misconduct**

Procedurally, when the college receives a report of sexual misconduct, gender-based violence, or other sex or gender discrimination, the college's EEO and Title IX Coordinator is notified. After a report is made, the college will provide reasonable protection against further acts of misconduct, harassment, or retaliation as needed, as well as services and resources to allow the continued equal access to an education at Life West. The EEO and Title IX Coordinator will offer assistance to victims and accused students in the form of interim or long-term measures, such as opportunities for academic accommodations, changes in housing for the victim or the responding student, visa and immigration assistance, changes in working situations, and other assistance as may be appropriate and available on campus or in the community (such as no contact orders, campus escorts, transportation assistance, targeted interventions, etc.).

If the victim wishes to access local community agencies and/or law enforcement for support, the college will assist the victim in making these contacts. If the victim so desires, that individual will be connected with a counselor on or off-campus, as well as with an on or off-campus victim's advocate. No victim is required to take advantage of these services and resources, but the college provides them in the hopes of offering help and support without condition or qualification. A summary of rights, options, supports, and procedures is provided to all victims, whether they are students, employees, guests, or visitors.

LCCW also will identify emotional support resources and consider reasonable academic and other campus accommodation requests by any party during an investigation, or during the course of any related proceedings have been completed. The College, in its discretion, will respond to each situation on a case by case basis consistent with the appropriate policies applicable to students and employees.

## **Obtaining an Order of Protection or Similar Protective Order**

In addition to obtaining a no-contact order under college policy, individuals may also seek to obtain a restraining order under California State law. A restraining order (also called a “protective order”) is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. For more information, please visit the [Superior Court, County of Alameda Self Help website](#). Life West is committed to protecting victims from any further harm and will honor such requests and comply with these orders.

## **Important Information about the College’s Investigation and Disciplinary Process**

Life West is committed to providing a prompt, fair, and impartial investigation and resolution process for all students, faculty, and staff involved. On notice of a report of sexual violence or other form of gender-based discrimination, the EEO and Title IX Coordinator will commence an investigation, which may lead to the imposition of sanctions based upon a preponderance of evidence (what is more likely than not), upon a responding student or other accused individual who violated college policy. The investigation will be conducted by a professional staff member or independent investigator (herein referred to as “investigator”) who has received annual training in these types of cases. The role of the investigator is to be a neutral fact-finder and the EEO and Title IX Coordinator oversees the investigation. Disciplinary proceedings will be conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, stalking, and on how to conduct a hearing that protects the safety of victims and promotes accountability.

In any complaint of sexual misconduct, sexual assault, stalking, dating violence, domestic violence, or other sex or gender-based discrimination covered under federal law, the person bringing the accusation and the responding party are entitled to the same opportunities for a support person of their choice throughout the process and to fully participate in the process, including any meeting, conference, hearing, appeal, or other procedural action.

The college will provide accused students with advance written notice of the allegations constituting a violation of policy including sufficient details with sufficient time to prepare for meaningful participation and an opportunity to respond before any disciplinary related meeting or hearing. The notice will summarize the identities of the parties involved, the specific code section allegedly violated, the precise conduct constituting the potential violation, and the dates and location of the alleged misconduct.

Both parties will be given equal and timely access to information that will be used in informal or formal disciplinary proceedings consistent with the Family and Educational Right to Privacy Act and applicable privacy laws. Additionally, the parties may obtain an extension of time for good cause during the investigation or disciplinary proceedings. The College will inform all parties of any extension that is granted including the supporting reasons.

The parties to a student or employee discipline process will be informed, in writing, of the outcome, including the finding, the sanctions (if any), and the rationale. In the case of sexual assault, dating violence, domestic violence, and stalking the parties will be notified simultaneously of the outcome. In all other Title IX cases, the victim will receive simultaneous notice, and information about sanctions in student cases will be included whenever they relate directly or indirectly to the victim. Delivery of this outcome to the parties will occur without undue delay between notifications. All parties will be informed of the college's appeal processes, and their rights to exercise a request for appeal. Should any change in outcome occur prior to finalization, all parties will be timely informed in writing and will be notified when the results of the resolution process become final.

Procedures detailing the investigation and resolution processes of Life West student complaints can be found on the college's website here:

<http://lifewest.edu/wp-content/documents/Disciplinary-Policies-Procedures-Manual.pdf> .

Procedures detailing the investigation and resolution processes of Life West involving alleged sexual violence and other forms of sexual misconduct by an employee of Life West can be found online in the Employee Handbook here:

<http://lifewest.edu/wp-content/documents/2016-employee-handbook.pdf>

The college respects the privacy interests of students, faculty, and staff. All information reported to the EEO and Title IX Coordinator will be shared only with those college employees or agents who will assist in the investigation and resolution of the complaint. The investigation and records of the resolution conducted by the college are maintained confidentially. The college will take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation, but its ability to investigate may be limited by the request for confidentiality. Under these circumstances, the college will weigh the request for confidentiality against the following factors: the seriousness of the alleged discrimination, harassment or sexual misconduct, any potential threats to community safety, the respective ages and positions of the complainant and the respondent, whether there have been other discrimination and harassment complaints against the respondent, and the respondent's right to receive information under applicable federal and state law and regulations.

Where information must be shared to permit the investigation to move forward, the person bringing the accusation will be informed. Privacy of the records specific to the investigation is maintained in accordance with California law and the federal Family Educational Rights and Privacy Act (FERPA). Any public release of information needed to comply with the open crime logs or timely warning provisions of the Clery Act will not include the names of the victim or information that could easily lead to a victim's identification. Additionally, the college maintains privacy in relation to any accommodations or protective measures afforded to a victim, except to the extent necessary to provide the accommodations and/or protective measures. Typically, if faculty members or administrators are asked to provide accommodations for a specific student, they are told that such accommodations are necessary under Title IX or the Clery Act, but they are not given any details of the incident, or what kind of incident it is. Irrespective of state law or

public records access provisions, information about victims is maintained privately in accordance with Title IX and FERPA.

## **Sanctions**

The college may impose one or more sanctions on a student, staff member, or faculty member who violated college policy. Factors considered when determining a sanction/responsive action may include:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous grievances or allegations involving similar conduct
- Any other information deemed relevant by the Panel
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment and/or retaliation
- The need to remedy the effects of the discrimination, harassment and/or retaliation on the victim and the community

The range of sanctions for discrimination, harassment, and sexual misconduct are subject to the full range of disciplinary action, inclusive of a warning to expulsion and termination:

- Verbal or Written Warning
- Educational Sanctions and Training
- Contributed Service
- No Contact Directive
- Restitution
- Loss of Privileges including limitations on use of or access to college-related facilities, services and activities for a specified period of time
- Demotion or Reassignment

- Disciplinary Probation
- Deferred Suspension
- Interim Suspension in exceptional circumstances or other disciplinary action pending a hearing, especially in matters of safety or for the good of the community
- Suspension
- Expulsion or Termination from the college
- Other Actions: in addition to or in place of the above sanctions, the college may assign any other sanction(s) and impose corrective action as deemed appropriate.

## **CAMPUS FIRE SAFETY ANNUAL COMPLIANCE RERPORT**

The Higher Education Opportunity Act (HEOA) [Public Law 110-315] became law in August 2008, requiring all United States academic institutions to produce an annual fire safety report outlining fire safety practices, standards, and all fire related on-campus housing statistics. The following public disclosure report details all information required by this law as it relates to Life West.

Fire statistics for Life West are found in Appendix A. If you smell smoke or detect a fire, activate the nearest alarm and call 911 immediately from a safe location on- or off-campus. If you find evidence of an extinguished fire that has not been addressed by the college, please contact the Campus Facilities Department at (510) 828-0593.

### **College Fire Policies, Procedures, and Standards**

The following acts may subject students to disciplinary action:

Tampering with, removing, damaging, or destroying fire extinguishers, fire alarm boxes, smoke or heat detectors, emergency call boxes, and other safety equipment anywhere on college property; creating a fire, safety, or health hazard; or failure to respond to fire alarms, evacuate buildings during alarm activation, or respond to the directions of emergency personnel.

### **College Standards, Policies, and Procedures: Building Evacuations & Fire Safety**

The following standards are for the safety of all students. Violation of many of these standards is also punishable by local and state law.

Evacuation is required of all occupants of college buildings whenever an alarm is sounded. Students should be familiar with emergency evacuation routes from buildings in which they spend time.

Specific procedures are:

- Exit the building immediately by the proper pathway.
- Use stairways; do not use the elevators.
- Once outside, move to your designated emergency assembly point.
- Do not return to the evacuated building until the all-clear signal is given and permission is explicitly granted by a Campus Safety Committee officer.

Failure to evacuate for an alarm is a violation of city and state ordinances and will be treated as a serious violation of the Student Conduct Code.

Fire alarms and fire-safety equipment are located the campus building to save lives and property. Initiating a false alarm or tampering with fire-safety equipment is a violation of college policy and Hayward City Ordinance.

## **Smoke Free Policy**

Life West has adopted a smoke-free and tobacco-free policy on the campus. All faculty, staff, students, and visitors to the college are covered by this policy. In addition, all persons using the facilities of the college are subject to this policy.

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated tobacco product, as well as smoking substances that are not tobacco, and operating electronic smoking devices and other smoking instruments.

Tobacco Product means all forms of tobacco, including but not limited to cigarettes, cigars, pipes, hookahs, electronic smoking devices, and all forms of smokeless tobacco.

Tobacco-Related means the use of tobacco brand or corporate name, trademark, logo, symbol, motto, or selling message that is identifiable with those used for any brand of tobacco products or company which manufactures tobacco products.

## **Fire Safety Training for Students, Faculty, and Staff**

Building evacuation drills are conducted every quarter. Staff members are trained to record/account for those present and submit reports to incident command staff. Records for these building evacuation drills are retained by the Campus Facilities Department.

The Director of Facilities along with a Hayward Fire Department Deputy Fire Marshal conducts annual fire safety inspections of the campus building.

## **APPENDIX A**

### Statistics Regarding Fires

2018: No fires on college campus

2018: No fires on college property

2017: No fires on college campus

2017: No fires on college property

2016: No fires on college campus

2016: No fires on college property



## **APPENDIX B**

### **Campus Crime Statistics**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Office of Institutional Research prepares and publishes the Annual Crime Disclosure of Crime Statistics. The report is maintained on the college website. This report is prepared in cooperation with the Hayward Police Department and the Office of the Executive Vice President.

The statistics, which include crimes on campus and crimes in adjacent public areas, are collected by the Office of the Vice President. These statistics include crimes reported directly to the college and information provided by the Hayward Police Department.

#### **Crime Definitions:**

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.

Arson – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc

Burglary – the unlawful entry of a structure to commit a felony or a theft.

Dating Violence - is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined by the victim with consideration of the length of the relationship, the type of the relationship and the frequency of interaction between the persons involved in the relationship

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

Domestic Violence - a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, 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.

Fondling – the touching of the private body part of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or, not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity

Hate Crimes – crimes committed against a victim based on the perpetrator’s bias against the victim based on the victim’s actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability. Hate crimes include all of the crimes listed in the chart below, plus the crimes of larceny- theft, intimidation, destruction/damage/vandalism, and simple assault.

Incest – non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law

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

Larceny-Theft – the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another

Manslaughter by Negligence – the killing of another person through gross negligence

Motor Vehicle Theft – the theft or attempted theft of a motor vehicle

Murder/Non-Negligent Manslaughter – the willful (non-negligent) killing of one human being by another.

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

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

Sexual Assault—Any sexual act directed against another person, forcibly and/or against that person’s will where the victim is incapable of giving consent, as well as incest or statutory rape.

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

Stalking – a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to feel fear of his or her safety or the safety of others

Statutory Rape – non-forcible sexual intercourse with a person who is under the statutory age of consent

### **Clery Geography Location Definitions**

On-campus – (1) 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 (2) 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)

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

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

**Crimes Reported to Campus Safety, Hayward Police Department and Campus Security Authorities 2016 - 2018**

Offense	Year	On-campus Student Residences	On-Campus	Non-Campus	Public Property	Total On-Campus+ Non-Campus + Public Property
Murder / Non-Negligent Manslaughter	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Robbery	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Aggravated Assault	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Sexual Assault	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Rape	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Fondling	2016	0	0	0	0	0
	2017	0	1	0	0	1
	2018	0	0	0	0	0
Incest	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Statutory Rape	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Burglary	2016	0	2	0	0	2
	2017	0	5	0	0	5
	2018	0	0	0	0	0
Motor Vehicle Theft	2016	0	1	0	0	1
	2017	0	1	0	0	1
	2018	0	2	0	0	2
Arson	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0

There were no Hate Crimes reported for the years 2016, 2017, and 2018.

**Liquor, Drugs, and Weapons Violations Reported to Campus Safety, Hayward Police Department and Campus Security Authorities 2016 - 2018**

Offense	Year	On-campus Student Residences	On-Campus	Non-Campus	Public Property	Total On-Campus + Non-Campus + Public Property
Liquor Law Violations: Arrests	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Liquor Law Violations: Disciplinary Referrals	2016	0	1	0	0	1
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Drug-Related Violations: Arrests	2016	0	0	0	0	0
	2017	0	0	0	1	1
	2018	0	0	0	0	0
Drug-Related Violations: Disciplinary Referrals	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Weapons Possessions: Arrests	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Weapons Possessions: Disciplinary Referrals	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0

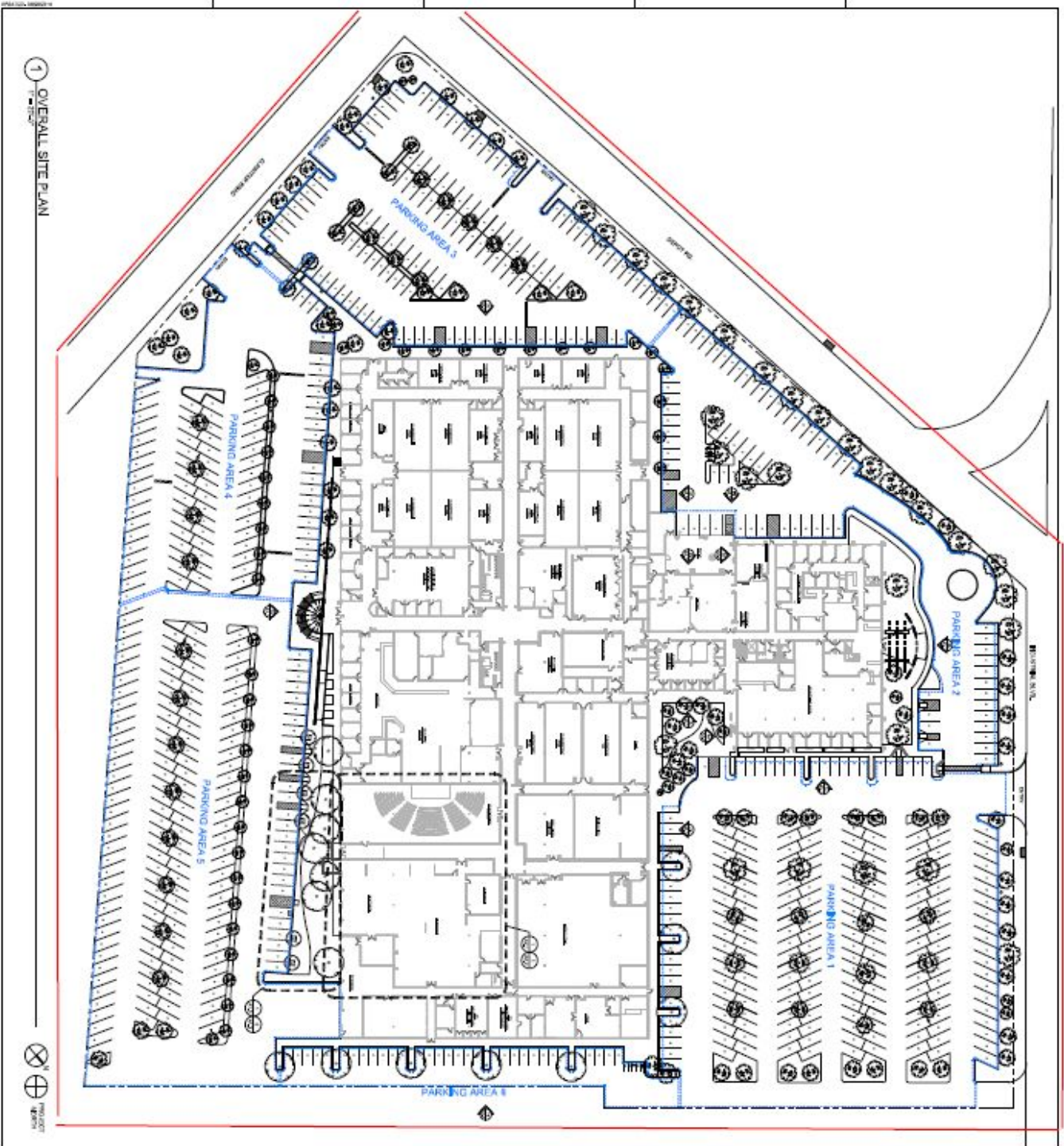
### VAWA (Violence Against Women Act) Crimes 2016 - 2018

The Reauthorization of the VAWA was signed into law on March 7, 2013. Its provisions for reporting with the U.S. Department of Education became effective in the year 2014. Prior years did not report data on sex offenses categorized as Domestic Violence, Dating Violence, and Stalking.

Crimes Reported to Campus Safety, Hayward Police Department and Campus Security Authorities 2015 - 2017

Offense	Year	On-campus Student Residences	On-Campus	Non-Campus	Public Property	Total On Campus + Non-Campus + Public Property
Domestic Violence	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Dating Violence	2016	0	0	0	0	0
	2017	0	0	0	0	0
	2018	0	0	0	0	0
Stalking	2016	0	2	0	0	2
	2017	0	2	0	0	2
	2018	0	1	0	0	1

**APPENDIX C**  
**Campus Clery Geography Map**



## Change Log

This publication of the 2018 report is dated 30 July 201. Changes to the originally published report will be described, dated, and entered in this Change Log.

<b>Section Title</b>	Description of Change	Page	Comment or Rationale for Change
Emergency Response and Evacuation Procedures	EPRP personnel data updated	10	Updated to reflect recent staffing changes and to match existing EPRP.
Appendix B	Campus Crime Statistics 2016-2018	49	Updated to reflect 2016-2018 instead of 2015-2017.
Alcohol and Other Drug Use Policy	Minor edits	13	Minor textual edits made to match student and staff handbooks.
Campus Facilities Security and Access	Changed to reflect new security vendor.	8	Changed verbage to reflect new campus security vendor.
Reporting Crimes and Other Emergencies on Campus	Changed to reflect new security vendor.	3	Changed verbage to reflect new campus security vendor.
Gender Based Misconduct and Sexual Violence	Minor edits	24	Minor textual edits made to match student and staff handbooks.