

**Gavilan College**

## Annual Security and Fire Safety Report

Includes crime statistics for 2024, 2023, 2022

CAMPUSES ADDRESSED BY THIS REPORT .....	3
SAFETY INFORMATION FOR STUDENTS AND EMPLOYEES .....	3
REPORTING AND SUPPORT RESOURCES .....	3
EMERGENCIES INVOLVING DRUGS AND ALCOHOL.....	8
BYSTANDER INTERVENTION .....	8
PREVENTION AND EDUCATION PROGRAMS.....	10
TIMELY WARNINGS, EMERGENCY NOTIFICATIONS, AND OTHER ALERTS .....	20
CRIME PREVENTION AND SAFETY ON CAMPUS.....	26
POLICIES .....	27
CRIME STATISTICS AND DEFINITIONS .....	54
CRIME STATISTICS.....	60

## **CAMPUSES ADDRESSED BY THIS REPORT**

This report includes crime safety policies and campus statistics, including residential fire safety policies and statistics for specific fires.

Gavilan College (“the College”) has combined all Annual Security Reports into one publication. Unless otherwise noted, all policies apply to every campus. References to “the College” include all institutions; any campus-specific differences are identified by name.

The campuses affiliated with the College include:

- **MAIN CAMPUS – GILROY:** 5055 Santa Teresa Blvd., Gilroy, CA 95020
- **COYOTE VALLEY CENTER:** 560 Bailey Avenue, San Jose, CA, 95141
- **HOLLISTER CAMPUS:** 505 Fairview Rd., Hollister, CA 95023
- **SAN MARTIN – AVIATION:** 3021 Murphy Ave., San Martin, CA 95056

In 2024, the Hollister Campus was located at: Briggs Building, 365 4th St., Hollister, CA 95023

## **SAFETY INFORMATION FOR STUDENTS AND EMPLOYEES**

In the event of an emergency, the first call should be made to local first responders by dialing 911. As soon as practicable after, contact the appropriate Campus Security Department.

The responders will either provide direct assistance or connect individuals with necessary resources, including local law enforcement, health services, mental health support, Title IX, student services, campus life, and other relevant resources.

## **REPORTING AND SUPPORT RESOURCES**

### ***Reporting Resources***

#### **Gavilan College**

##### **Title IX Coordinator (Employees)**

Lucy Alvarez — Vice President HR & Labor Relations

408-846-4964, [lavarez@gavilan.edu](mailto:lavarez@gavilan.edu)

Human Resources Office (MP118)

##### **Title IX Coordinator (Students)**

Ryan Shook- Supervisor, Student Health Services

408-848-2849, [rshook@gavilan.edu](mailto:rshook@gavilan.edu)

Student Health Services (SC 128)

[Electronic reporting form](#)

## **Campus Security**

Gavilan Security Officers are non-sworn and unarmed. They may affect arrests by authority of California Penal Code section 830.7(b). Security Officers are available on a daily basis from 7:00 a.m. to 11:00 p.m.

For urgent assistance call 408-710-7490

For non-emergency assistance, call 408-848-4703

In case of life-threatening emergency, call 8-911.

[security@gavilan.edu](mailto:security@gavilan.edu)

The Security Office on the Main Campus-Gilroy is located at 5055 Santa Teresa Blvd. Gilroy, CA 95020. There is also a Security Desk on the Hollister Campus.

## **Just Report It**

The College maintains a "[One-stop Reporting](#)" webpage for campus concerns. Reports can be submitted anonymously, but reporters should understand College response may be limited if anonymous reports are received.

## ***On-Campus Confidential Resources***

### **Employees**

Employee Assistance Program (EAP) — Claremont EAP, free confidential counseling: 1-800-999-7222.

### **Students**

Emotional Wellness / Mental Health Counseling — free, confidential counseling (in-person, phone, virtual). Appointments via Counseling Support (408) 852-2895.

## ***Additional Resources***

### **Gavilan College**

- Legal Assistance: California Rural Legal Assistance (CRLA) at 1-800-337-0690
- Student Financial Aid: [www.gavilan.edu/finaid](http://www.gavilan.edu/finaid), 408-848-4727, [finaid@gavilan.edu](mailto:finaid@gavilan.edu)
- Visa and Immigration Assistance: Visa and Immigration Services at 1-877-881-8281

## ***Anonymous Reporting***

Individuals may submit a report without entering their name into a reporting form. There is an authentication option available.

Students may request Mental Health Services to facilitate anonymous reporting to capture general details about an incident (date, time, location, and brief description of the type of incident) for inclusion in the College's Annual Security Report's crime statistics disclosure.

## Off campus resources

### Local Community Victim Resources:

- Community Solutions (South County) — 24-hour confidential bilingual crisis line: 877-363-7238 (domestic/sexual violence services, crisis counseling, emergency shelter).
- Emmaus House: Shelter for women and children, 877-778-7978
- YWCA Rape Crisis Center Hotline, 408-287-3000
- Family resource center 831-636-0686
- San Benito County Behavioral Health 831-636-4020
- Crisis text line Text home to 741741

### National Hotlines:

#### LGBTQ

- [Home - LGBT National Help Center \(lgbthotline.org\)](http://lgbthotline.org): 888-843-4564
- [The Trevor Project](http://www.thetrevorproject.org): 866-488-7386 Dating, Domestic, and Intimate Partner Violence

#### Violence and Sexual Assault

- [National Domestic Violence Hotline](http://www.ndvh.org): 800-799-SAFE (7233), 800-787-3224 (TTY)
- [Human Options](http://www.humanoptions.org): 877-854-3594 Rape, Sexual Assault, Incest, and Abuse
- [National Sexual Assault Hotline](http://www.nationalsexualassaulthotline.org): 800-656-HOPE (4673)
- [Sexual Abuse & Assault of Boys & Men | Confidential Support for Men \(1in6.org\)](http://www.1in6.org)
- [National Center for Victims of Crime](http://www.victimsofcrime.org): 202-467-8700, [info@victimsofcrime.org](mailto:info@victimsofcrime.org)

#### Crisis Response and Prevention

- [National Suicide Prevention Lifeline](http://www.suicideline.org): 800-273-8255

### Local Law Enforcement

The business, non-emergency numbers of the local police departments responsible for the College Center and three campuses are listed below:

Law Enforcement Authority	Contact Numbers
Santa Clara County Sheriff's Office 55 W Younger Ave, San Jose, CA 95110	(408) 808-4400
San Benito County Sheriff's Office 2301 Technology Parkway, Hollister, CA 95023	(831) 636-4080

## ***Preservation of Evidence***

Preserving evidence is essential for supporting potential criminal investigations, campus disciplinary proceedings, and ensuring access to medical care and support services. Evidence can be time-sensitive and may be lost if not properly safeguarded.

If an incident of sexual misconduct is reported to Campus Security, the Title IX Coordinator will be notified. The College may issue a mutual or one-way no-contact order. Law enforcement and the College Attorney can also assist in obtaining court-issued restraining orders.

### **For Physical or Sexual Violence:**

Individuals should avoid bathing, showering, changing clothes, eating, drinking, smoking, brushing teeth, or cleaning the area where the incident occurred before seeking medical attention.

### **Digital and Electronic Evidence:**

Harmed persons and witnesses should save and not delete text messages, emails, voicemails, call logs, social media posts, screenshots, photographs, videos, or location data related to the incident.

### **Physical Evidence:**

Clothing, bedding, or objects from the scene should be placed in a paper (not plastic) bag or cardboard box to prevent damage or contamination.

### **Witness Accounts:**

Write down details of what occurred, including times, dates, descriptions, and names of people involved or present. Even small details may later prove helpful. Create a recording on a phone of these details to keep them fresh in memory.

### **Property Crimes (theft, vandalism, burglary, etc.):**

Do not disturb the area where the incident occurred. Secure any damaged items, locks, or equipment, and document the scene with photographs and video if possible.

## ***Resources Exempt from Reporting Under the Clery Act***

The Clery Act exempts pastoral and professional counselors from bringing forward information about Clery Act crimes reported to them in their role as a pastoral or professional counselor and not otherwise subject to an exception (such as a threat of a future crime of violence). A pastoral counselor is an employee associated with a religious order or denomination and recognized by that religious order or denomination as someone who provides confidential counseling. A professional counselor is an employee whose official job responsibilities include providing psychological counseling to members of the College's community.

While they may decline to bring forward a disclosure of a crime, consistent with their obligations, the College encourages pastoral and professional counselors, if and when they deem it appropriate, to inform

the person they are counseling of voluntary and confidential reporting options where the statistic of the crime could be included in federal reporting under the Clery Act. Note that the response may be limited to anonymous reports that do not include enough information to investigate.

#### [What is a Campus Security Authority?](#)

The term Campus Security Authority describes the College officials required to bring forward to Campus Security the statistic of Clery Act crimes that occur within the College's Clery geography.

Not every College employee is a Campus Security Authority. Some are confidential employees (such as pastoral and professional counselors) exempt from providing this information. Other employees do not qualify as Campus Security Authority under the Clery Act.

#### [Who is a Campus Security Authority?](#)

There are several types of Campus Security Authorities. Campus Security as well as any contracted safety official; those to whom the College instructs that crimes should be reported; and College officials who have significant responsibility for student and campus activities.

Gavilan College encourages anyone who has experienced a crime, witnesses or learns about a crime, or who would like information on whether what they witnessed or learned about is a crime to contact Campus Security staff using the provided contact information at the beginning of this report. These offices are staffed from 6:00 a.m. to 11:00 p.m. on the main campus and Hollister campus is staff 7:00 am to 10:00 p.m. Monday to Thursday, 7:00 a.m. to 5:00 p.m. Friday, and 8:00 a.m. to 4:00 p.m. Saturday and Sunday. Staff are trained to respond to emergencies situations and provide appropriate support as needed.

Those who experience sexual and/or interpersonal violence or harassment are encouraged to contact the Title IX Office using the contact information listed above.

If a reporter is unsure whether the person to whom they are about to disclose information about a crime is a Campus Security Authority, a confidential resource, or neither, the reporter can ask the employee's reporting requirements. A reporter can also contact Campus Security staff or the Title IX Office with questions about reporting resources.

In addition to Campus Security Authorities, the College also requests statistics of Clery Act crimes that occur in the College Clery geography from local law enforcement agencies that have jurisdiction over that geography and includes statistics provided by local law enforcement.

## **EMERGENCIES INVOLVING DRUGS AND ALCOHOL**

If someone needs medical attention from using alcohol or drugs, contact Campus Security or 911 immediately. A person can call for themselves or others. If calling for another person, stay with them until help arrives.

Gavilan College does not condone underage drinking or the use of illegal drugs. Gavilan College encourages students to reach out to professional staff for help, regardless of whether they, or their friend, have been using alcohol or other drugs.

### ***Student Amnesty***

Gavilan College considers the safety of the campus community to be of paramount importance. While policy does not condone underage drinking or the use of illegal drugs; the College will extend amnesty to students who call for help for another student in need of emergency medical attention due to drug or alcohol use.

Additionally, amnesty will be granted for individuals that are Complainants, Respondents, witnesses, and others involved in a Sexual Harassment and/or Sexual Misconduct grievance process from punitive sanctioning for illegal use of drugs and/or alcohol when evidence of such use is discovered or submitted.

Notwithstanding the provision of amnesty for students as described in this paragraph, the College reserves the right to refer Complainants, Respondents, witnesses, and others involved in a grievance process for substance abuse assessment, education, and/or treatment.

## **BYSTANDER INTERVENTION**

### **What is Bystander Intervention?**

Bystander intervention is crucial in keeping the campus community safe and preventing harm to others through acts of crime, hazing, sexual violence, dating violence, domestic violence, and stalking. Bystanders witness violence or its contributing factors and choose to act or speak up. Gavilan College aims to foster a culture of community accountability and encourages bystanders to intervene if the situation is safe to do so.

### **How to Be an Active Bystander.**

If someone is in immediate danger and it is unsafe to intervene, call 911. If it is safe to step in, consider the following ways to help:

- **Direct:** Confront those involved. If a person appears to be in trouble or needs assistance, ask if they are okay.
- Example: “Hey, what are you doing?” “Are you OK?”
- **Delegate:** Seek help from others.
- Example: Contact a friend, bartender, bouncer, police, or another appropriate individual.
- **Distract:** Redirect the attention of those involved.
- Example: Speak loudly, drop something, or say that feeling unwell requires leaving and going home.





## **PREVENTION AND EDUCATION PROGRAMS**

### ***Alcohol and Drug Prevention On-Campus***

Gavilan College is committed to providing an environment that maximizes academic achievement and personal growth. Gavilan College recognizes that alcohol and other drug abuse pose a significant threat to the health, safety, and well-being of users and the people around them. Substance abuse also interferes with academic, co-curricular, and extra-curricular interests, and can lead to health, personal, social, economic, and legal problems.

### **Alcohol and Other Drug Programs**

#### **Addiction Recovery Support Meetings**

Weekly peer support groups open to students in recovery, exploring recovery, or curious about reducing substance use. Meetings follow a harm-reduction approach; abstinence is not required.

#### **Prevention & Intervention Events**

Campus-wide events each semester provide education, resources, and awareness on substance use prevention and intervention strategies.

#### **Narcan & Fentanyl Test Strip Training**

Participants receive hands-on training in overdose prevention and leave with Narcan and fentanyl test strips. The test strips are always available in the Student Health Services Office during business hours.

#### **Drink Safety Testing Kits**

Free test kits are available to detect common date-rape drugs in beverages. The test strips are always available in the Student Health Services Office during business hours.

#### **Short-Term Therapy for Students**

Enrolled students have access to confidential short-term counseling with licensed mental health and wellness professionals.

#### **Annual Compliance Distribution**

In accordance with the Drug-Free Schools and Communities Act Amendments of 1989, required information is distributed annually:

- To students by the Supervisor of Student Health and Wellness Services
- To employees by the Vice President of Human Resources

## [Counseling, Treatment, and Referral Services](#)

Students concerned about alcohol or drug use are encouraged to seek confidential support through the Gavilan College Student Health Center. Services include counseling, referrals, and access to treatment or rehabilitation programs. Resources are available at (408) 848-4898 or online at [Student Health Center](#)

Employees may access support through the Gavilan Human Resources Office or the Employee Assistance Program, with additional treatment resources available online.

## [Health Risks of Alcohol and Other drugs](#)

### **Alcohol**

The following information on health risks is from the [Centers for Disease Control and Prevention](#): Excessive alcohol use causes significant harm in the United States. Among adults aged 20–64, alcohol accounted for roughly 1 in 8 deaths.

The Dietary Guidelines define moderate drinking as up to one drink per day for women and up to two drinks per day for men and do not recommend that non-drinkers start drinking. Excessive alcohol use can cause immediate and long-term health problems, including high blood pressure, heart disease, stroke, liver disease, digestive problems, several types of cancer, mental health issues, memory and learning problems, social challenges, and alcohol dependence. Reducing alcohol consumption lowers the risk of these harms.

### **Cannabis/Marijuana**

The following information on health risks is from the [Centers for Disease Control and Prevention](#): Marijuana is the most commonly used drug in the United States and can have a range of effects on the body and brain. About 1 in 10 users develop cannabis use disorder, rising to 1 in 6 among those who start before age 18. Frequent or high-dose use can impair attention, memory, and learning, and may cause disorientation, anxiety, paranoia, or temporary psychosis.

Long-term use increases the risk of mental health challenges, including schizophrenia, depression, and anxiety. Smoking marijuana can harm lung tissues, damage small blood vessels, and increase the risk of bronchitis and respiratory symptoms, which often improve after quitting. Higher THC concentrations and concentrated forms, such as dabbing or edibles, can intensify these effects.

### **MDMA**

The following information on health risks from the [National Institute on Drug Abuse](#): MDMA (ecstasy or Molly) is usually taken as a capsule, tablet, or liquid. “Molly” is often sold as pure powder, but may contain other substances such as synthetic cathinones (“bath salts”). Some users combine MDMA with alcohol or marijuana.

MDMA increases dopamine, norepinephrine, and serotonin, producing heightened energy, mood, empathy, and increased heart rate and blood pressure. Effects last about 3–6 hours, and high doses can impair the body’s temperature regulation, potentially causing organ failure or death. After use, individuals may experience irritability, anxiety, depression, sleep problems, memory and attention difficulties, and reduced sexual interest.

### **Prescription Opioids**

The following information on health risks is from the [National Institute on Drug Abuse](#): Prescription opioids used for pain relief are generally safe when taken for a short time and as prescribed by a doctor, but they can be misused. Opioids bind to and activate opioid receptors on cells located in many areas of the brain, spinal cord, and other organs in the body, especially those involved in feelings of pain and pleasure. When opioids attach to these receptors, they block pain signals sent from the brain to the body and release large amounts of dopamine throughout the body. This release can strongly reinforce the act of taking the drug, making the user want to repeat the experience. In the short term, opioids can relieve pain and make people feel relaxed and happy. However, opioids can also have harmful effects, including drowsiness, confusion, nausea, constipation, euphoria, and slow breathing.

Opioid misuse can cause slow breathing, which can cause hypoxia, a condition that results when too little oxygen reaches the brain. Hypoxia can have short- and long-term psychological and neurological effects, including coma, permanent brain damage, or death. Researchers are also investigating the long-term effects of opioid addiction on the brain, including whether damage can be reversed. People addicted to opioid medication who stop using the drug can have severe withdrawal symptoms that begin as early as a few hours after the drug was last taken. These symptoms include muscle and bone pain, sleep problems, diarrhea and vomiting, cold flashes with goose bumps, uncontrollable leg movements, and severe cravings. An opioid overdose occurs when a person uses enough of the drug to produce life-threatening symptoms or death.

When someone overdoses on opioid medication, their breathing may slow or stop, reducing the amount of oxygen reaching the brain, which can lead to coma, permanent brain damage, or death. If an overdose is suspected, the most important action is to call 911 for immediate medical attention. Once medical personnel arrive, they will administer naloxone. Naloxone is a medication that can reverse an opioid overdose when given promptly. It works by rapidly binding to opioid receptors and blocking the effects of opioid drugs. Naloxone is available as an injectable solution, a hand-held auto-injector (EVZIO®), and a nasal spray (NARCAN® Nasal Spray).

### **Drug Facilitated Sexual Assault Drugs**

The following information on health risks is from the [Drug Enforcement Agency](#). There are three specific drugs that are commonly utilized in drug facilitated sexual assault: Rohypnol®, GHB (Gamma Hydroxybutyric Acid), or Ketamine.

**Rohypnol®:** Rohypnol®, also known as flunitrazepam, is not approved in the United States, although it is available for use as a prescription sleep aid in other countries. It is most commonly found as a tablet which is consumed by dissolving it in a drink or swallowing it. The possible short term health effects include drowsiness, sedation, sleep, amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate. When combined with alcohol the possible health effects include severe sedation, unconsciousness, and slowed heart rate and breathing, which can lead to death. At this point the long-term health effects of Rohypnol® are still unknown. Rohypnol® can take between 36-72 hours to leave the body.

**GHB (Gamma Hydroxybutyric Acid):** GHB is a depressant approved for use in treatment of narcolepsy, and commonly goes by the other names of Goop, liquid ecstasy, and liquid X. It is most commonly a colorless liquid or white powder which is consumed through swallowing, often in combination with alcohol. The possible short term health effects include euphoria, drowsiness, nausea, vomiting,

confusion, memory loss, unconsciousness, slowed heart rate and breath, lower body temperature, seizures, coma, and death. In combination with alcohol the possible health effects include nausea, problems with breathing, and greatly increased depressant effects. Currently, the long-term effects of GHB are unknown. GHB, unlike Rohypnol, leaves the body between 10-12 hours after consumption.

**Ketamine:** Ketamine is a dissociative drug used as a surgical anesthetic, an anesthetic in veterinary practice, and as a prescription for treatment resistant depression under strict medical supervision. It is most commonly a liquid or white powder and is consumed through swallowing, smoking, snorting, or injections. The possible short term health effects include problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion; loss of memory; raised blood pressure, unconsciousness; and dangerously slow breathing. If ketamine is consumed with alcohol there is a risk of adverse effects. The possible health effects associated with long term use include ulcers and pain in the bladder; kidney problems; stomach pain; depression; and poor memory. If an individual believes they or a friend have consumed Rohypnol®, GHB, or Ketamine they should visit a local healthcare facility that can care for survivors of sexual assault and provide a forensic exam. While receiving care the individual who has ingested the drug can request the hospital to take a urine sample for drug toxicology testing, if the individual cannot immediately go to a hospital, they should save their urine in a clean, sealable container as soon as possible, and place it in the refrigerator or freezer for future toxicology testing.

## ***Crime Prevention and Safety Education Programs***

### **Safety Resources & Communication**

Crime prevention and personal safety tips are shared through the Gavilan College Safety website ([www.gavilan.edu](http://www.gavilan.edu)) and distributed periodically via email and social media to the entire campus community.

### **Staff & Faculty Education**

The Supervisor of Safety and Security participates in staff, faculty, and staff development meetings to provide guidance on crime prevention, timely incident reporting, and strategies for educating students about personal safety.

### **Incident Reporting**

Campus professionals are encouraged to use the online “Just Report It” system to report incidents efficiently and ensure timely follow-up.

### **Security Escort Services**

Campus Security provides on-request escorts to support the safety of community members traveling on campus, particularly during low-light hours or when safety concerns arise.

## ***Risk Reduction***

**The following steps are how to contribute to a safe and healthy community.**

- Stay alert and always remain aware of surroundings.
- Call Campus Security or 911 to report any suspicious activity or criminal acts immediately. Prompt reporting increases the chances of gathering critical evidence, recovering stolen property, and prosecuting offenders, particularly in cases involving sex offenses. Reporting to the police also ensures access to available victim support services.
- Avoid walking alone at night. Whenever possible, arrange to walk with a group.
- Keep doors locked. Locking doors with a key, regardless of where you live or work, helps reduce theft and enhance personal safety. Many thefts occur from unlocked rooms or offices, even during brief absences. Exterior doors should never be propped open, and any found in that state should be closed immediately, as they pose a significant security risk. Doors should not be opened to unknown individuals.
- Never lend a key or key card to anyone. Doing so may lead to referral to the campus conduct system. Report lost or stolen keys as soon as possible.
- Report any obscene, annoying, or harassing phone calls or emails immediately. The Campus Security Department will investigate and collaborate with the Information Technology Department, as available, to identify offenders as patterns develop.
- Report on all security-related maintenance concerns. Campus facilities and landscaping are maintained to minimize hazardous conditions. Issues such as broken locks, malfunctioning doors or windows, inadequate lighting, or overgrown shrubbery should be reported immediately to [Maintenance and Facilities through the reporting form](#). You can also always call Campus Security to report such concerns.
- Park vehicles in well-lit areas and ensure they are locked. Store valuables securely in the trunk.

- Secure bicycles properly. Gavilan College strongly recommends using a U-style bike lock, as properly locked bicycles are far less likely to be stolen.
- Engage in personal safety and security awareness programs. Gavilan College provides several such programs, detailed in this Annual Security Report for students and employees.
- Stay informed about campus crime trends. Crime-related information is available through Campus Security including in the Daily Crime Log, which is described in this Annual Security Report and accessible at the main campus Security office and the Hollister Campus Security Desk.
- Protect laptops and other devices. These high-value items should always be secured, whether in a room or a study area, to reduce the risk of theft.

### ***Sex Offender Registry Information***

Pursuant to the Campus Sex Crimes Prevention Act, members of the community may obtain information regarding registered sex offenders through the California Megan's Law website:

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

## ***Preventing Sexual Misconduct***

Sexual misconduct, including sexual assault, is prohibited. Individuals who engage in such misconduct are responsible for their behavior. What a person wears, says, or does, and whether they are intoxicated or sober, are not invitations to engage in sexual activity without consent. Someone who experiences sexual misconduct without consent is not at fault. If someone is initiating sexual activity, the initiator must respect their partner, especially if they decline further sexual activity. Partners should check in with each other throughout the interaction.

The following information is important to consider when engaging in an intimate relationship:

- Respect personal boundaries.
- Clearly communicate intentions to a potential sexual partner before initiating any sexual act.
- Proceed slowly. Allow all partners to express their intentions clearly.
- Do not assume that someone wants to engage in sex, is available, or can give consent. If there are mixed messages or ambiguous responses, consent is not present. If there are doubts about a partner's consent to sexual activity, do not initiate it.
- Never take advantage of someone who is intoxicated from alcohol or drugs. Intoxication is never an excuse for sexual misconduct.
- Understand that a potential partner might feel intimidated or fearful. There may be a power imbalance due to gender, size, or behavior.

## **The Role of Bystanders**

Bystanders play a critical role in the prevention of sexual and relationship violence. Gavilan College wants to promote a culture of community care where bystanders are actively engaged in the prevention of violence without causing further harm. Individuals may not always know what to do even if they want to help.

Below is a list of ways to be an active bystander. If the intervention does not seem safe or if someone appears to be in immediate danger or needs medical attention, dial 911. If the individual does not seem to need immediate medical attention, ask how they can be helped and what is needed to feel supported and safe.

### **Recognize Warning Signs**

- Someone attempting to isolate another person who is intoxicated or vulnerable may be trying to take advantage of the situation.
- A person showing signs of unwanted touching, coercion, or persistent advances despite rejection may need assistance.
- A person appearing uncomfortable, scared, or unable to give clear consent might be signaling this through non-verbal cues. These could include making eye contact, turning their body away, or trying to look at their phone.

### **Trust Intuition and Act**

- If a person seems to be in trouble or needs help, ask if they are okay.
- With safety in mind, confront those who attempt to seclude, flirt with, kiss, or have sex with people who are incapacitated.



- Speak out when hearing discussions about plans to take sexual advantage of another person.

## How to Help Afterwards

- Believe someone who discloses sexual assault, abusive behavior, or experiences with stalking.
- Direct individuals to on or off-campus resources listed in this document for support in health, counseling, or legal assistance.

### Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (adapted from Rape, Abuse, & Incest National Network, [www.rainn.org](http://www.rainn.org))

- **Know available resources.** Identify whom to contact for help and where to go. Locate key resources like the campus health center, mental health services, and Campus Security offices. Be aware of the locations of emergency phones on campus and store the campus security number and app in a cell phone for quick access.
- **Stay alert.** When moving around campus or in nearby neighborhoods, remain aware of the surroundings. Consider traveling with a friend or requesting a campus escort. When alone, use headphones in one ear only to maintain awareness.
- **Be cautious about posting location.** Many social media platforms use geolocation to publicly share location. Disabling this feature and reviewing other privacy settings can help protect personal information.
- **Allow others to earn trust.** College environments can create a false sense of security. Although some individuals may seem friendly quickly, it is important to give them time to gain trust before relying on them.
- **Think ahead and have a backup plan.** Consider backup options for potential problems. Memorize a few important phone numbers in case a phone battery dies and carry emergency cash in case electronic payments or credit cards are not available. Know the addresses of important campus locations.
- **Prioritize security.** Always lock doors and windows when sleeping or leaving the room. If others frequently prop open exterior doors, report it to Campus Security or a trusted authority. Never allow someone to "tailgate" (follow) into a building without proper access.
- **Plan.** When attending parties, go with trusted friends. Agree to watch out for each other and plan to leave together. If plans change, touch base with others in the group. Never leave someone behind in an unsafe or unfamiliar situation.
- **Watch drinks closely.** Never leave a drink unattended and watch friends' drinks when possible. If stepping away from a drink, take it along or dispose of it. Only drink from unopened containers or watch how drinks are being made and poured, as substances with no color, taste, or odor may be added without notice.
- **Be mindful of limits.** Keep track of personal consumption and stay aware of others' behavior. If someone feels excessively tired or drunk, they may have been drugged. Leave the situation immediately and seek help.
- **It's okay to lie to exit a situation.** If feeling uncomfortable, pressured, or threatened, it's acceptable to fabricate an excuse to leave. Examples include needing to care for a friend or family member, having an urgent phone call, not feeling well, or needing to leave by a certain time.

- **Be a supportive friend.** Trust instincts—if something feels wrong, it likely is. Learn how to protect friends in social situations and promote safety in shared environments (RAINN).

If a friend has experienced sexual misconduct. Know how to help. Visit the [Tips for Talking with a Survivor](#) for more information on how to support a friend who's experienced sexual assault, dating violence, or stalking.

### [Sexual Misconduct Prevention Programs](#)

#### **Annual Student Training (AB 2683)**

All students complete mandatory Title IX and sexual violence prevention training through the student portal each year.

#### **VAWA Information**

The Gavilan College VAWA webpage and brochure provide detailed information on rights, reporting options, and support resources for victims of sexual misconduct.

#### **Sexual Assault & Harassment Resources**

Dedicated web pages offer guidance on reporting, available campus supports, and community resources for survivors.

#### **Prevention & Awareness Events**

The college hosts events and activities to raise awareness, educate the community, and promote the prevention of sexual misconduct. Events include:

- Annual Health Fair: Community partners providing resources for sexual assault, substance use prevention, tobacco cessation, and general health
- Annual Denim Day: Community Solutions and Emmaus House are campus partners that provide domestic violence services and other local partners that provide resources and activities to bring awareness to intimate partner violence.
- Provide annual intimate partner relationship workshops for students.
- Annual Basic Needs Resource Fair: Community partners provide resources for students for sexual assault, substance use prevention, tobacco cessation, and general basic needs
- Welcome weeks (Fall and Spring) community agencies provide Narcan and fentanyl test strips, and tobacco cessation information
- Addiction Recovery Support Meetings: weekly on-going peer-to-peer support for those interested in recovery from addiction or in active recovery.
- Class presentations: at the start of each semester or as requested by faculty, on how and where to report Title IX and other harassment incidents.

## **TIMELY WARNINGS, EMERGENCY NOTIFICATIONS, AND OTHER ALERTS**

Gavilan College will immediately notify their campus community upon confirmation of an emergency or dangerous situation that poses an immediate threat to the health or safety of students or employees on campus. An emergency notification will be issued utilizing the RAVE Emergency Notification System, which may include a banner on the College homepage, text messages, phone calls, and social media posts.

If there is an immediate threat to the health or safety of students or employees occurring on campus, the College will follow its emergency notification procedures and adequate follow-up information will be provided to the community, as needed.

Gavilan College will issue timely warnings about Clery Act crimes that occur within Clery Act geography and are reported to a Campus Security Authority or local law enforcement, when those crimes pose an ongoing threat to students or employees. Warnings will be sent in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar circumstances.

Gavilan College may issue Community Alerts for incidents or dangers that do not meet Clery Act standards but for which the College would like to raise awareness, though not required to do so by federal law. Clery Act geography is described in this Report, below.

### ***Types of Notifications***

#### **Timely Warning**

Timely warnings are notifications about Clery Act crimes that may have already occurred but represent an ongoing threat and apply to crimes that occur within the College Clery Act geography and are reported to a Campus Security Authority or local law enforcement. Such warnings may include, but are not limited to the following information:

- Type of crime or incident
- Date, time, and location of crime
- Description of suspect(s)
- Campus Security reminders

The College may not issue a timely warning for crimes reported to a pastoral or professional counselor.

#### **Emergency Notification**

An emergency notification informs recipients about an event that is currently occurring or imminently threatening the campus. Such warnings may include, but are not limited to the following information:

- Type of emergency
- Date, time, and location of crime/incident
- Immediate action being recommended
- Campus Security reminders

If the College issues an emergency notification, it may not also issue a timely warning for the same incident, but may send additional information and updates, including an all clear notice.



## [Community Alert](#)

A “Community Alert” may be issued in other circumstances when an emergency notification or timely warning is not required, but the College deems the information important for the safety and well-being of the community.

## [Emergency Alert Procedures](#)

A team of staff will assist with assessing emergency situations to determine whether there is an ongoing threat or need for safety notice. Gavilan College has partnered with Rave Mobile Safety to provide an emergency notification system called GavAlert. The system is used to send emergency notifications to Gavilan faculty, staff, and students in the event of a campus emergency such as a campus closure or hazardous situation. The system will send notifications through email, voice calls, and text messaging.

The following staff collaborate in deciding the type of notification the College community will receive:

- President
- Assistant Superintendent/Vice President of Student Services
- Vice President Administrative Services
- Vice President of Academic Affairs
- Vice President of Human Resources
- Campus Public Information Officer (PIO)

In making the determination to issue a warning, the team will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the team, compromise efforts to assist the harmed persons or to contain, respond to, or otherwise mitigate the emergency.

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

In some emergency situations, such as severe weather, utility failures, etc., an evacuation of the campus may be ordered. A campus evacuation or closure is an organized withdrawal from campus facilities where the time of return is determined by the circumstances of the emergency event. When such action is warranted, the campus community will be appropriately advised.

## [Things to Watch For](#)

- Watch for people who need help, particularly people with limited mobility or physical disabilities.
- Activate an alarm if told to do so by police or emergency workers.
- Remain at an emergency assembly point. A head count may be taken, and emergency workers may have additional instructions.
- Do not go back into a building until firefighters, police or College officials say it is safe.

## [How to Prepare for an Emergency](#)

- Know the building’s floor plan and the locations of stairs, fire extinguishers, and emergency exits.
- For frequent visits to the same location within a building, become familiar with the number of doors passed along the evacuation route before reaching the nearest exit.
- When exiting in smoky conditions, keep a hand on the wall and crawl to the nearest exit. Always

be aware of more than one path out of the location and the number of doors between the room and the exit.

### [How to Prepare to Leave Campus](#)

- In the event of a campus evacuation or a decision to seek shelter with family or friends, plan to make sure everyone knows the plan.
- Inform family and friends about the plan, including the chosen route, mode of transportation, and estimated arrival time.
- For those with a vehicle, ensure it is in good condition and maintain at least half a tank of gas or electric charge sufficient to drive 50-100 miles. If a personal vehicle is not available, arrange for alternative transportation.
- Bring an emergency kit when evacuating.
- Leave a note indicating the departure time and destination for others to see.
- Keep campus ID and vehicle registration accessible, as access to campus may be restricted.

### [Shelter in Place Procedures](#)

Shelter in place refers to a designated area of safety when it is not safe to go outside. Use a small, interior room, if possible, with as few windows as possible, and take refuge.

Shelter in place may be necessary for severe weather, contamination, or a shooter on campus. Use common sense when determining whether to stay put. If there is contamination or a fire within the building, leave.

### [Severe Weather](#)

- Choose a location with as few windows as possible.
- Try to locate to the lowest level of the building.
- Keep a radio or television on to listen for news updates.

### [Chemical Contamination](#)

- Select an interior space above the ground floor with the fewest windows or vents. The room should have adequate space for everyone to be able to sit. Use more rooms to avoid overcrowding.
- Seal cracks around the door with material that will block air flow.
- Shut off ventilation systems and fans.
- Keep a radio or television on to listen for news updates.

### [Active Shooter or Armed Intruder](#)

- Close and lock exterior doors, then turn off lights and remain quiet.
- If the room cannot be locked, identify a nearby secure location that can be reached safely. Evacuate the building only if it is safe to do so. If gunfire is heard, movement may not be safe.
- Block windows or remain out of sight from the outside. Stay low on the floor or take cover behind the furniture.
- Set cell phones to silent mode.
- If the shooter is nearby, call 911 and provide details about the situation and location. Remain on the line until instructed to hang up.
- Avoid setting off fire alarms, as this may cause others to enter hallways and unknowingly move into danger.

### [Emergency Notification Systems](#)

Students, Faculty, and Staff are automatically enrolled in RAVE Alert using the contact information listed in their self-service employee portal for the campus they are affiliated with.

In addition to auto-enrollment, Gavilan College offers the ability for community partners, parents, or anyone that frequents the campuses to opt-in and receive emergency alerts and notifications through the RAVE Alert System.

### [Register for RAVE Alert System](#)

Students and employees are auto-enrolled via Banner for GavAlert (Rave Mobile Safety) emergency notification system.

The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents and other interested parties. The larger community can also access emergency information via the campus homepage and/or social media.

### [Testing of Notification System](#)

In conjunction with other emergency agencies, Gavilan College conducts at least one emergency response exercises each year. RAVE is also tested several times a year. These tests are designed to assess



and evaluate the emergency response plans and capabilities of the college. These tests may be announced or unannounced.

## **CRIME PREVENTION AND SAFETY ON CAMPUS**

### ***Campus Security and Law Enforcement***

The Campus Security Officers have jurisdiction to operate on their College campus in owned or controlled property. The patrol jurisdiction of Campus Security officers is limited to any buildings or properties owned or controlled by Gavilan College.

Campus Security staff do not maintain any arrest authority.

### ***Interagency Relationships***

As needed, each campus requests assistance from their local Police Department for incidents that require resources not available to the College. Moreover, the College will summon the assistance of other agencies to provide services for incidents that require special resources, including homicide, rape, robbery, and aggravated assaults on campus.

Gavilan College does not currently maintain a Memoranda of Understanding (MOUs) with local law enforcement agencies.

### ***Safety and Access Policies***

#### **Security and access to campus facilities**

Each College maintains a physically secure campus through various methods that minimize hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. Campus Security works with Maintenance and Facilities to address burned out lights in the parking lot or other campus locations; malfunctioning door lock mechanisms; observing and reporting suspicious persons; and reporting unsafe conditions.

#### **Security considerations used in the maintenance of campus facilities**

Safety inspections of buildings are conducted regularly. Campus Security personnel make note of damage or threats to safety and report to the Facilities and Grounds Department

In situations that require immediate assistance, such as a broken door, contact Campus safety at 408-710-7490 for response. Community members are urged to report to Campus Security any threats to safety in our facilities (e.g., suspicious persons, doors propped open, locks or windows in need of repair, etc.)

#### **Monitoring and Recording Crime Activity at Non campus Locations**

Gavilan College is not aware of any monitoring of criminal activity of non- campus officially recognized student organizations by local law enforcement agencies. Gavilan College does not recognize any off-campus housing or off-campus student organization facilities.

#### **Crime Log**

Each Campus Security Department maintains a Daily Crime Log that includes all crimes reportedly occurring within the applicable campus Clery Geography. All entries are reflected in these logs without the presumption of guilt or innocence. The Daily Crime Logs for each institution can be accessed as follows:

- Main Campus Log – in the security office
- Hollister has a log at the security desk

A log for the most recent 60-day period is open to the public for inspection and review during business hours. Campus Safety will make any crime log older than 60 days available within two business days upon request. There is no fee to access this information.

The Crime Log is used to record crimes reported to the College by incident number, date of report, date and time of occurrence, nature of the crime, general location, and disposition (if known). All reports of crimes received by Campus Security that occurred within the required geographic locations are entered into the Crime Log, except where such disclosures are prohibited by law or would jeopardize the confidentiality of the victim. Such information may also be withheld if there was clear and convincing evidence that the release of the information would cause the suspect to flee or result in the destruction of evidence, however once the adverse effect described above is no longer likely to occur the information required will be disclosed in the log. Entries or a change in a complaint's disposition will be recorded within two business days of receipt.

## **POLICIES**

### ***Alcohol and Other Drug Policies***

Gavilan College policy is that all use of alcohol and other drugs is prohibited on property and at any College sponsored activity regardless of its location. Furthermore, the use of tobacco is prohibited in buildings and vehicles and in designated outdoor areas.

The possession, sale, or furnishing of alcohol on campus is governed by California state law and this Policy. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of this policy for anyone to consume or possess alcohol at any facility without prior approval.

### **Student sanctions**

Sanctions for policy violations are progressive in nature and are assigned based on the severity of the violation. Sanctions may include warnings, probation, suspension (interim, general, or limited to on-campus activities), full expulsion, community service, educational requirements (such as reflection papers, workshops, or apology letters), loss of privileges, restitution, or degree withdrawal.

### **Employee disciplinary sanctions**

In general, discipline for employees is applied in progressive steps. An employee will first be provided with an oral warning, followed by a written warning, followed by potential suspension or probation, followed by termination. This procedure is not contractual in nature and does not constitute an agreement that any procedure will apply. Disciplinary steps may be omitted, accelerated, or repeated, as the College determines appropriate. If an employee's actions are found to be sufficiently serious, the employee may be immediately terminated without any prior disciplinary steps.

The purpose of disciplinary measures short of termination is corrective, to encourage employees to improve their conduct or performance so that they may continue their employment with the College. The

College expects all employees to behave in a mature and responsible manner and to perform their jobs conscientiously, without the need for disciplinary action.

## [State Laws for Alcohol and Other Drugs](#)

### Alcohol Offenses

#### Driving Under the Influence (DUI): California Vehicle Code § 23152:

It is unlawful for a person to drive under the influence of an alcoholic beverage, or to have a blood alcohol concentration (BAC) of 0.08% or higher.

#### Public Intoxication: California Penal Code § 647(f):

It is unlawful for a person to be found in a public place unable to exercise care for their own safety or the safety of others due to drug or alcohol intoxication. The statute covers situations where an individual is so impaired by alcohol or drugs that they are a danger to themselves or others or are obstructing public ways. Public Intoxication is generally charged as a misdemeanor, and can result in fines, mandatory alcohol education programs, community service, or jail time, depending on the circumstances and the individual's criminal history.

#### Minor in Possession: California Business and Professions Code § 25662:

It is unlawful for a person under 21 years of age to possess alcohol in a public place or to consume alcohol in a public place.

The law is designed to prevent underage drinking and to impose penalties on minors found in possession of alcohol. Penalties may include fines, community service, and mandatory participation in educational programs regarding alcohol use.

### Drug Offenses:

#### Possession of Controlled Substances, California Health and Safety Code § 11350:

It is illegal for any person to possess a controlled substance that is classified in Schedule I or II (which includes drugs like cocaine, heroin, and certain prescription medications) without a valid prescription.

Possession of a controlled substance can result in misdemeanor or felony charges, with possible penalties including fines and imprisonment. The severity of the punishment often depends on the amount of the substance and prior convictions.

#### Possession for Sale, California Health and Safety Code § 11351:

It is unlawful to possess a controlled substance with the intent to sell it.

Possession for sale involves possession of drugs under California's controlled substances schedules, including narcotics, stimulants, hallucinogens, and more, with the intent to distribute or sell to others, rather than for personal use.

Possession for sale is typically charged as a felony, with the possibility of significant penalties, including imprisonment. The severity of the punishment can vary based on circumstances, including the amount and substance involved.

#### Sale, Transportation and Distribution, California Health and Safety Code § 11352:

It is unlawful to sell, furnish, administer, or give away a controlled substance unless permitted by law.

Classified as a felony, violations can lead to severe penalties, including fines, and imprisonment. The severity of the punishment varies depending on the circumstances of the sale, including type and amount of the substance involved.

#### Driving Under the Influence of Drugs, California Vehicle Code § 23152(d):

It is unlawful for a person to drive under the influence of any drug. This includes both illegal substances (like narcotics) and legal substances that impair the person's ability to drive safely.

The law encompasses a wide range of substances, including prescription medications, over-the-counter drugs, and illegal drugs provided they impair an individual's ability to drive safely by an appreciable degree.

Charged as a misdemeanor, penalties can include jail time, probation, license suspension or revocation, mandatory attendance at DUI education programs, and fines

#### Possession of Drug Paraphernalia, California Health and Safety Code § 11364:

It is unlawful to possess drug paraphernalia with the intent to use it for the consumption of illegal drugs.

#### [Federal Penalties](#)

##### Federal Trafficking Penalties for Schedules I, II, III, IV, & V (except Marijuana, App. 2)

Schedule	Substance	Quantity
II	Cocaine	500-4,999 grams mixture
II	Cocaine Base	28-279 grams mixture
IV	Fentanyl	40-399 grams mixture
I	Fentanyl Analogue	10-99 grams mixture
I	Heroin	100-999 grams mixture
I	LSD	1-9 grams mixture
II	Methamphetamine	5-49 grams pure or 50-499 grams mixture
II	PCP	10-99 grams pure or 100-999 grams mixture

First Offense: Not less than 5 yrs. and not more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.

Second Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.

Schedule	Substance	Quantity
II	Cocaine	5 kilograms or more mixture
II	Cocaine Base	280 grams or more mixture
IV	Fentanyl	400 grams or more mixture
I	Fentanyl Analogue	100 grams or more mixture
I	Heroin	1 kilogram or more mixture
I	LSD	10 grams or more mixture
II	Methamphetamine	50 grams or more pure or 500 grams or more mixture
II	PCP	100 grams or more pure or 1 kilogram or more

First Offense: Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.

Second Offense: Not less than 20 yrs, and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

2 or More Prior Offenses: Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.

Substance/Quantity	Penalty - First Offense	Penalty - Second Offense
Any amount of other Schedule I & II substances OR Any amount of any drug product containing Gamma Hydroxybutyric Acid OR Flunitrazepam (Schedule IV) 1 Gram	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Any amount of other Schedule III Drugs	Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.	Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
Any amount of all other Schedule IV drugs (other than Flunitrazepam)	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.	Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Flunitrazepam (Schedule IV) (Other than 1 gram or more)	Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.	Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
Any amount of all Schedule V drugs	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 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

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



## ***Sexual Violence Policies and Procedures***

### **Title IX office**

Gavilan College has a designated Title IX Coordinator for students and a designated Title IX Coordinator for employees. The Title IX Coordinators respond to reports and will provide a prompt, fair, effective, and equitable response. The Title IX Coordinators will initiate an initial evaluation, contact the Complainant or Reporter to offer Supportive Measures, explain the Resolution Process, and determine how they wish to proceed.

### **Gavilan College**

#### **Title IX Coordinator (Employees)**

Lucy Alvarez — Vice President HR & Labor Relations

408-846-4964, [lavarez@gavilan.edu](mailto:lavarez@gavilan.edu)

Human Resources Office (MP118)

Electronic reporting form: [https://cm.maxient.com/reportingform.php?GavilanCollege&layout\\_id=0](https://cm.maxient.com/reportingform.php?GavilanCollege&layout_id=0)

#### **Title IX Coordinator (Students)**

Ryan Shook- Supervisor, Student Health Services

408-848-2849, [rshook@gavilan.edu](mailto:rshook@gavilan.edu)

Student Health Services (SC 128)

Electronic reporting form: [https://cm.maxient.com/reportingform.php?GavilanCollege&layout\\_id=0](https://cm.maxient.com/reportingform.php?GavilanCollege&layout_id=0)

### **Campus Security**

Gavilan Security Officers are non-sworn and unarmed. They may affect arrests by authority of California Penal Code section 830.7(b). Security Officers are available on a daily basis from 7:00 a.m. to 11:00 p.m.

For urgent assistance call 408-710-7490

For non-emergency assistance, call 408-848-4703

In case of life-threatening emergency, call 8-911.

[security@gavilan.edu](mailto:security@gavilan.edu)

All personnel who work on any part of the disclosure, investigation, or resolution of any cases of domestic violence, dating violence, sexual assault, or stalking will be trained annually on the issues related to sexual and interpersonal violence, how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability, and other related topics. No personnel working on any of these cases shall have a conflict of interest or bias including a bias for or against complainants or respondents.

### **College policy**

Gavilan and each of its Colleges address domestic violence, dating violence, sexual assault, and stalking through Administrative Procedures [3434](#) and [3435](#). These administrative procedures apply to all faculty, staff, and students. The College is committed to addressing incidents covered by Title IX, the Clery Act as amended by the Violence Against Women Act, and California law promptly and equitably and prohibits sexual assault, domestic violence, dating violence, and stalking.

For the Title IX elements of the Policy, in AP 3434, apply, the College must have actual knowledge of alleged Title IX Sexual Harassment that occurred that meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District own or control.
- The conduct meets the definition of Title IX “sexual harassment.”

For disclosures of harm that may not meet all the required elements of Title IX Regulations as addressed in AP 3434, the College may address these harms in AP 3435. Which process is utilized will be a determination of the Title IX Coordinator or designee based on the allegations of harm, where they are alleged to have occurred, and the status of the reporting party and respondent. In all cases, a party or interested student may reach out to the Title IX Coordinator or other resources listed in this Annual Security Report for information as well as explanations of the relevant Policies and Procedures.

Each procedure lists the steps of the process which, in general, include intake, supportive measures and consideration of emergency removal/administrative leave, notice to parties, investigation, provision of an investigative report, hearing, and appeal. There are also discussions of the differences between the formal and informal resolution processes. The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within 180 calendar days. The procedures outline specific time frames for major stages of the resolution process. The process allows for the extension of timelines for good cause with written notice to the parties of the delay and its reasons.

#### [Disclosure and resources](#)

An individual who reports Sexual Misconduct can be assured that all reports will be taken seriously, and that everyone involved in the process will be treated with dignity, respect, and in a non-judgmental manner from the initial report to result. A Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The College encourages students, employees, and third parties to disclose and seek support from campus, medical, mental health, law enforcement, and other supportive resources available on campus and in the community. For ease of reference, the contact information for those resources is listed at the beginning of this Annual Security Report. Resources are denoted as confidential or non-confidential.

The College understands that after a trauma or a crime it may be a challenge to find the exact contact information for the resource needed, or a person may not be sure which resource they need. The College encourages anyone in need of assistance in understanding the resources or getting connected to them to contact the Title IX Coordinator, Human Resources, Campus Security or any of the other listed resources.

While the College encourages harmed persons to seek assistance with Campus Security and/or off campus law enforcement agencies, College employees will notify law enforcement when the victim of the crime elects to or is unable to notify.

Per the Clery Act and College Policy, the harmed person (“victim of a crime”) has the right to:

- Notify College and/or local law enforcement;
- Be assisted by the College in notifying law enforcement if they choose to do so; or
- Decline to notify law enforcement.

Individuals have the right to simultaneously report a crime to law enforcement and to the College. If a crime related to sexual misconduct is reported to Campus Security, they will contact the appropriate Title IX Coordinator. While the College can issue a no contact order, meaning continued contact by the covered person or through a third party would be a violation of College policy, law enforcement and the District Attorney can assist with obtaining a restraining order issued by a court.

#### [Immediate needs following a sexual assault and related violence](#)

After an incident of sexual assault, stalking, and/or domestic/dating violence, the harmed person should consider seeking medical attention as soon as possible. A list of confidential on and off campus resources, including hospital and medical resources, and hotlines where trained and confidential advocates can provide immediate assistance, is included at the front of this Annual Security Report.

Incidents of sexual violence are traumatizing, and the impact may differ. It is crucial that a harmed person seek medical attention as soon as possible, to assess any injuries, pregnancy, sexually transmitted infections, and any other medical harm. The sooner one seeks medical attention; the better medical professionals can address their needs.

Deciding to pursue a criminal investigation can take time, but preserving evidence is essential. If possible, avoid bathing, douching, washing, or cleaning of any part of the body, including brushing teeth, changing clothes, or cleaning the scene until a forensic exam is completed. Store clothing in separate paper bags or cardboard boxes. Save digital communications, photos, videos, and other relevant evidence for potential use in College or legal proceedings.

Individuals are also encouraged to preserve evidence by saving text messages, direct messages, social networking pages, and other communications, as well as keeping pictures, videos, logs, or other copies of documents, if available, as this evidence may be useful in both the College process and the criminal justice process. While the College encourages reporting to Campus Security or local law enforcement, the decision to do so is entirely up to the harmed person.

#### [Supportive measures](#)

When the Title IX Coordinator receives notice of an incident involving Sexual Harassment, the College will promptly inform the Complainant of available Supportive Measures, regardless of whether a formal complaint is filed. The Title IX Coordinator will consider the Complainant’s preferences regarding Supportive Measures and explain the process for filing a formal complaint.

Note: The term “supportive measures” is used in the Gavilan Joint Community College District BP/AP 3434, and such term is referred to as “accommodations and protective measures” for Clery Act purposes.

The College provides all students and employees who report domestic violence, dating violence, sexual assault, or stalking—whether on or off campus—with written information on available supportive measures. These non-disciplinary, non-punitive services are offered at no cost to both the Complainant and Respondent, regardless of whether a Formal Complaint is filed, or law enforcement is involved. Supportive measures aim to ensure equal access to College programs while protecting safety and preventing harassment.

Supportive Measures may include access to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restriction on contact between the Parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar measures. The College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community. Supportive Measures may also include any measure that can be arranged by the College, to the extent reasonably available, to support the safety and wellbeing of the Party.

The implementation of Supportive Measures is coordinated by the Title IX Coordinator, and they are kept confidential to the extent possible without impairing the ability for Supportive Measures to be implemented.

The College maintains confidentiality of these supportive measures unless disclosure is necessary to implement them. While crime statistics are included in the Annual Security Report in compliance with the Clery Act, personally identifying information is excluded.

### ***Filing a Complaint***

Anyone aware of an incident covered by this policy is encouraged to report it promptly to the Title IX Coordinator(s) or Campus Security. Reports can be made in person, by mail, phone, email, or by any method ensuring the Title IX Coordinator(s) receives the information. In this way, reports can be considered for response and investigation and, where appropriate, statistics without identifying information can be included in this Annual Security Report and the College can consider whether it is required to issue a timely warning.

### ***Anonymous Reporting***

Individuals may submit a report without entering their name into a reporting form. There is an authentication option available.

Students may request Mental Health Services to facilitate anonymous reporting to capture general details about an incident (date, time, location, and brief description of the type of incident) for inclusion in the College's Annual Security Report's crime statistics disclosure.

### ***Advisor Participation***

The Parties may each elect to be accompanied by an Advisor to all meetings and proceedings regarding the allegations to which the party is required or invited to participate. The Parties may select an Advisor of their choice, who may be, but is not required to be, an attorney (e.g., a friend, family member, mentor, sexual assault/domestic violence advocate) at their own expense. The Advisor's role is to provide

consultation and support to the Parties. The Advisor may inspect and review all evidence directly related to the allegations and the investigative report that summarizes relevant evidence.

## [Resolution Processes](#)

Reports of Prohibited Conduct are addressed through:

- Formal Resolution: Involves investigation, adjudication, and potential sanctions.
- Informal Resolution: Offers restorative options if all parties and the College voluntarily consent.

The Title IX Coordinator determines the appropriate resolution approach based on the nature of the report, campus safety, and the Complainant's preference. Informal Resolution is not available in cases where an employee is accused of sexually harassing a primary or secondary student or when there is a potential risk of harm to others.

## [Investigation and Hearing Timeline](#)

- The initial assessment will be completed promptly.
- Once a Formal Complaint is accepted, all parties will receive written notification of the complaint and procedures.
- The College aims to complete the grievance process within 180 calendar days, though extensions may be granted for good cause with written notice. Status updates will be provided periodically.
- After the investigation, a hearing will be scheduled no sooner than 10 days from the Notice of Hearing.
- After the conclusion of the live hearing, the Decisionmaker will issue a written determination regarding responsibility. This notification will be provided to all Parties simultaneously, and the determination becomes final either (i) at the time the Parties are provided with a written determination of any appeal, if an Appeal is filed, or (ii) the date that time for the filing of the appeal passes without the filing of an Appeal.

## [Informal Resolution](#)

The College may offer an informal resolution process to the Parties only after a formal complaint has been filed. All Parties must give their voluntary, informed, and written consent to the informal resolution process. Further, the Title IX Coordinator must consent to the use of informal resolution as appropriate in each matter.

Informal resolution options vary and may include, but are not limited to, facilitated discussions with the Parties, facilitated resolution by the Title IX Coordinator, separating the Parties, mediation, and conducting educational prevention and training programs.

The informal resolution process is intended to resolve a formal complaint without a full investigation and adjudication process.

The informal resolution process must not be used to resolve allegations that a College employee sexually harassed a student. The College will never mandate mediation to resolve a disclosure of sexual harassment and will never permit mediation to be used to resolve a disclosure of sexual assault.

## [Procedural Transparency](#)

All proceedings will be conducted in alignment with College policies and ensure timely and equal access to relevant information for all parties. Timely notifications will be provided regarding meetings where the Complainant or Respondent may be present.

College proceedings are independent of California's criminal legal process. Cases under this policy may proceed before, during, or after any civil or criminal proceedings. Decisions by law enforcement or courts do not determine whether a College policy violation has occurred.

### Outcome Notification

The College will simultaneously notify, in writing, both the Complainant and Respondent of the result of any disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking including the procedures to appeal the results of the outcome. If there is a change in result, the College will notify parties and provide updates when the outcome is considered final, and complaint is closed.

### Standard of evidence

The standard of evidence used to determine responsibility under this Policy is the preponderance of the evidence standard. This standard of evidence is applied to all matters within the Scope of this Policy. Preponderance of the evidence means it is more likely than not that the respondent is responsible for a violation of this policy.

### Sanctions

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before the imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker determines the Respondent was responsible for conduct that constitutes sexual assault, domestic violence, dating violence, or stalking, the College will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the Complainant might include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

In certain complex cases, a finding of responsibility for one of the above violations may be combined with a finding of responsibility for another violation of the Sexual Misconduct Policies & Grievance Procedures described above or another Policy (such as sexual harassment, a Standards of Student Conduct violation, or the Computer and Network Use Policy). In those cases, certain additional sanctions (including educational sanctions, fines, and other sanctions listed in the relevant Policies and Codes) may be applied specifically to that other violation that are separate and apart from the list of sanctions available for the four violations listed above.

#### [Disclosure to victim or next of kin](#)

The College shall issue a notice to both the Complainant and Respondent. Reporting victims of a crime of violence, incest, or statutory rape may submit a written request to receive the report on the results of any disciplinary proceeding conducted by the College against the student who is the alleged perpetrator of the crime or offense.

If the victim is deceased as the result of the crime or offense, the victim's next of kin shall be treated as the victim for purposes of this paragraph.

#### ***State Law Definitions***

##### *Rape (CA Penal Code Chapter 1 Section 261)*

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

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



(A) Was unconscious or asleep.

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

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

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

(5) If 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 artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

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

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) For purposes of this section, the following definitions apply:

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

"Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

*Sodomy (CA Penal Code Chapter 1 Section 286)*

Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) Any person who commits an act of sodomy 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, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or 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, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

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

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

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

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time 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, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time 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, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim 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, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, 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, shall be punished by imprisonment in the state prison for three, six, or eight years.

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

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

*Oral Copulation (CA Penal Code Chapter 1 Section 287)*

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(3) Any person who commits an act of oral copulation 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, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) 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, or (C) where the victim is at the time 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, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

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

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

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

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time 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, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of oral copulation, and the victim is at the time 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, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a

mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of oral copulation, where the victim 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

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

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

*Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 285 and Section 289)*  
Section 285

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

Section 289

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when 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, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time 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 or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time 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 or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

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

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

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

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

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

(e) Any person who commits an act of sexual penetration when the victim 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when 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, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

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

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

(1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.

(3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

*Fondling (CA Penal Code Chapter 9. Section 243.4, Assault and Battery)*

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for



the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

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

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

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

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

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

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

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

(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

(4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) “Minor” means a person under 18 years of age.

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

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

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

*Statutory Rape (CA Penal Code, Chapter 1, Section 261.5)*

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

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

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

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

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

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

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

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

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

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

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against a person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and a defendant shall not be denied probation because of their inability to pay the fine permitted under this subdivision.

(f) A person convicted of violating subdivision (d) who is granted probation shall not complete their community service at a school or location where children congregate.

*Incest (CA Penal Code, Chapter 1, Section 285)*

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

*Abuse: (CA Family Code, 6203 (definitions) and 6211)*

(a) For purposes of this act, "abuse" means any of the following:

(1) To intentionally or recklessly cause or attempt to cause bodily injury.

(2) Sexual assault.

(3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

(b) Abuse is not limited to the actual infliction of physical injury or assault.

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

(a) A spouse or former spouse.

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

*Domestic Violence/Dating Violence*

*(CA Penal Code, Chapter 2, Section 273.5 and Section 243)*

*CA Penal Code 273.5*

(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

- (1) The offender's spouse or former spouse.
- (2) The offender's cohabitant or former cohabitant.
- (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.
- (4) The mother or father of the offender's child.

*CA Penal Code 243(e)*

(1) When a battery (willful and unlawful use of force or violence upon the person of another) is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.

*Stalking: CA Penal Code, Chapter 2, Section 646.9*

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

*Stalking: CA Penal Code, Chapter 2, Section 653m*

(a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed

or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business.

*Consent to Sexual Activity (CA Penal Code, Chapter 1, section 261.6 and section 261.7)*

- Consent is positive cooperation in act or attitude pursuant to an exercise of free will. The Person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
- A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under section 261, 286, 287, or 289, or former section 262 or 288a
- This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

## **CRIME STATISTICS AND DEFINITIONS**

### ***Preparation of annual security report***

This report is compiled by the Director of Security & Support Services. The Director produces the annual disclosure of crime statistics from the crimes reported to Security and crime statistics it receives through consultation with the Santa Clara County Sheriff's Office, Morgan Hill Police Department, and the Hollister Police Department. Statistical information is also gathered from reports made to the Vice President of Student Services.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the college community obtained from the following sources: each Gavilan College Campus Security Department (which also includes various reports submitted through the internal incident reporting systems), local law enforcement agencies with jurisdiction on or within each campus, and non-police campus security authorities of each institution (as defined by federal law). For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year the crime was reported. A written request for statistical information is made on an annual basis to all campus security authorities and local law enforcement agencies.

### ***Geography Definitions***

The Clery Act specifically defines the geography of the College which is used to report crimes and in certain cases arrests and referrals for discipline.

#### **On Campus**

(i) Any building or property owned or controlled by a College within the same reasonably contiguous geographic area and used by the College in direct support of, or in a manner related to, the College's educational purposes, including residence halls; and

(ii) Any building or property that is within or reasonably contiguous to the area identified in paragraph (i) of this definition, that is owned by the College but controlled by another person, is frequently used by students, and supports Collegial purposes (such as a food or other retail vendor).

#### **On Campus Residential**

Crimes that occur in on campus residence halls are counted in the On Campus category as well as the On Campus residential category. On Campus Residential is a sub-set of On Campus, and the crime counts should not be added together. The College does not maintain any residence halls.

#### **Non campus building or property**

(i) Any building or property owned or controlled by a student organization that is officially recognized by the College; or

(ii) Any building or property owned or controlled by an College that is used in direct support of, or in relation to, the College's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the College.

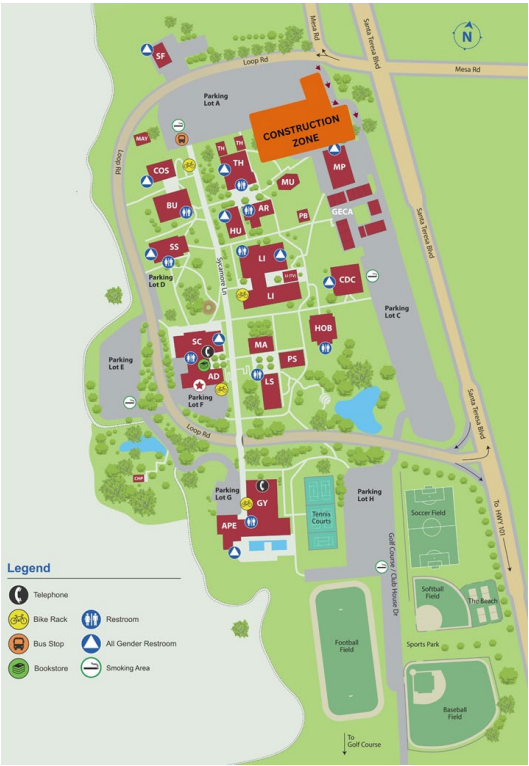
Public property

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

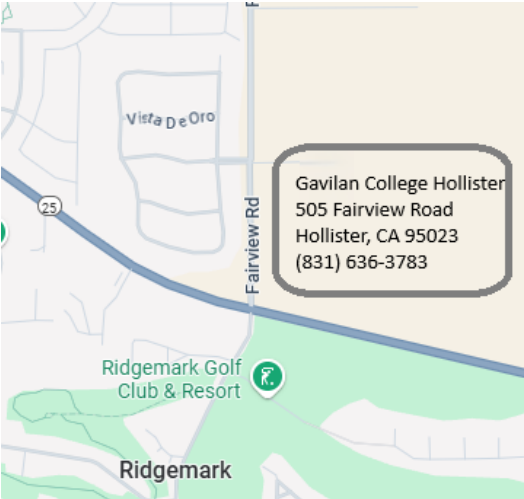
*Campus Maps*

The specific Clery Act geography is as follows:

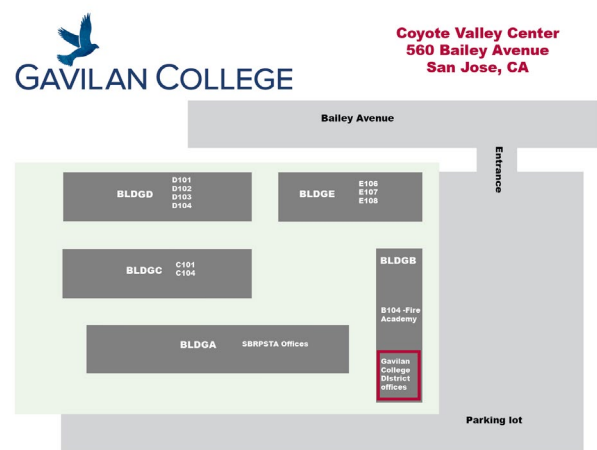
Gilroy



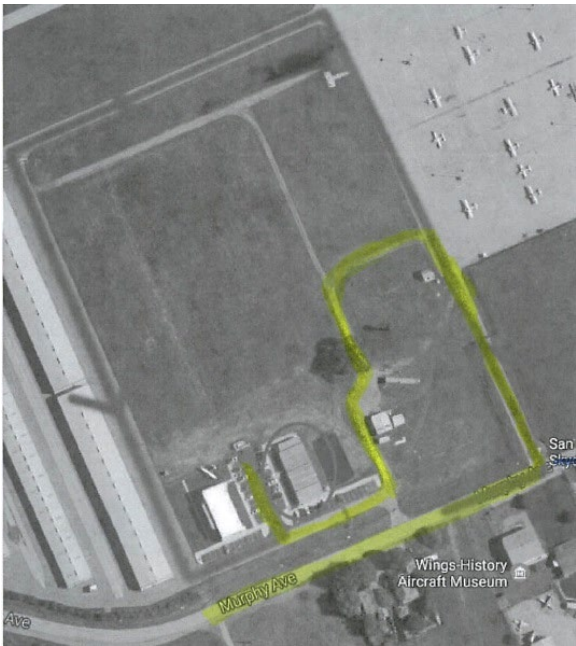
Hollister



Coyoted Valley Center



Gavilan College Aviation Maintenance Technology Department (San Martin Airport)





## **Crime Definitions**

The following are definitions of crimes that are reportable under the Clery Act reporting requirements.

### **Primary Crimes**

#### ***Murder and non-negligent manslaughter***

The willful (non-negligent) killing of one human being by another.

#### ***Manslaughter by negligence***

The killing of another person through gross negligence.

#### ***Sex Offenses***

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

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

Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

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

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

#### ***Robbery***

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

#### ***Aggravated assault***

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

#### ***Burglary***

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

#### ***Motor vehicle theft***

The theft or attempted theft of a motor vehicle. Motor vehicle theft is classified as any case where an automobile is taken by a person not having lawful access, even if the vehicle is later abandoned, including joy riding.

#### ***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.

### *Drug, Alcohol, and Weapons Violations*

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

Drug abuse violations: The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

Weapon law violation: The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

### *Offense Definitions Relating to Hate/Bias-Related Crime*

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

In addition to the Primary Crime offenses mentioned above, there are also four additional criminal offenses related to Hate Crimes, they are: larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property. The following are definitions of Hate/Bias crimes that are reportable under the Clery Reporting Requirements:

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

Simple assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious, severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

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

Destruction/damage/vandalism of property: To willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### *Violence Against Women Act*

#### **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 the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against whom an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

#### Dating violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

#### Stalking

- Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts that the stalker directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## CRIME STATISTICS

Gavilan College – Gilroy, Main Campus	All On-campus property			Non-campus property			Public Property		
Reportable Criminal Offenses	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder & Non-negligent homicide	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	1	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	2	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Referrals – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VAWA	2024	2023	2022	2024	2023	2022	2024	2023	2022
Domestic Violence	0	0	0	0	0	0	1	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	4	0	0	0	0	0	0	0	0

### Hate Crimes:

- No Hate Crimes reported in 2024, 2023, and 2022

### Unfounded Crimes:

- No Unfounded Crimes in 2024, 2023, and 2022

Briggs Building – Hollister	All On-campus property			Non-campus property			Public Property		
Reportable Criminal Offenses	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder & Non-negligent homicide	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Referrals – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VAWA	2024	2023	2022	2024	2023	2022	2024	2023	2022
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

#### Hate Crimes:

- No Hate Crimes reported in 2024, 2023, and 2022

#### Unfounded Crimes:

- No Unfounded Crimes in 2024, 2023, and 2022

Coyote Valley Educational Center	All On-campus property			Non-campus property			Public Property		
Reportable Criminal Offenses	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder & Non-negligent homicide	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Referrals – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VAWA	2024	2023	2022	2024	2023	2022	2024	2023	2022
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

#### Hate Crimes:

- No Hate Crimes reported in 2024, 2023, and 2022

#### Unfounded Crimes:

- No Unfounded Crimes in 2024, 2023, and 2022

Gavilan College Aviation	All On-campus property			Non-campus property			Public Property		
Reportable Criminal Offenses	2024	2023	2022	2024	2023	2022	2024	2023	2022
Murder & Non-negligent homicide	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Arrests – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Referrals – Weapons, Drug, Liquor Law Violations	2024	2023	2022	2024	2023	2022	2024	2023	2022
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VAWA	2024	2023	2022	2024	2023	2022	2024	2023	2022
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

#### Hate Crimes:

- No Hate Crimes reported in 2024, 2023, and 2022

#### Unfounded Crimes:

- No Unfounded Crimes in 2024, 2023, and 2022