2026 ANNUAL SECURITY REPORT
JEANNE CLERY CAMPUS SAFETY ACT
(20 U.S.C. §1092[F])
2023-2025 CLERY CRIME STATISTICS

West Valley College

MISSION COLLEGE
SANTA CLARA

West Valley College

Mission College

Overview of the Clery Act

The Jeanne Clery Campus Safety Act (the Clery Act) is a federal consumer protection law that requires institutions of education participating in the federal student financial aid program to disclose information about crime, support victims of violence, and outline institutional policies and procedures in place to improve campus safety.

Publication of Annual Security Report

The Annual Security Reports (ASRs) include crime statistics for the previous three years, campus security policies, policies concerning alcohol and drug use, and crime prevention and safety awareness programs. These reports contain Clery Act crime statistics that were reported to the District Police, Campus Security Authorities (CSAs), and local law enforcement agencies, that occurred at the following locations: on campus, non-campus buildings or property owned or controlled by the West Valley-Mission Community College District, and public property within, or immediately adjacent to campus.

How Do I Report a Crime?

For all EMERGENCIES or to report a CRIME IN PROGRESS DIAL **9-1-1.**

If you have an emergency and are using a cellular phone dial **408-299-3233** - Santa Clara County Communications Dispatch Center (24 hours a day) and ask for a West Valley-Mission District police officer.

To report a non-emergency or a prior criminal incident that would require the assistance of a police officer contact the Santa Clara County Communications Dispatch Center by dialing, **408-299-2311** (24 hours a day). Request a West Valley-Mission Community College District Police Officer.

When you call **9-1-1** or the non-emergency Santa Clara County Communications dispatch center telephone number 408-299-2311, you will speak with dispatchers or call takers who are not District employees and only provide dispatching services for the West Valley-Mission Community College District Police Department. The County Communications dispatch center is in a remote off campus location. When calling, request a West Valley-Mission Community College District Police Officer.

Clery Act Crime Categories

The ASR must include statistics on the following crime categories: The Clery Act (clerycenter.org)

Criminal Offenses

- Homicide (including Murder and Non-Negligent Manslaughter, and Manslaughter by Negligence)
- Aggravated Assault
- Rape
- Fondling
- Incest
- Statutory Rape
- Burglary
- Robbery
- Motor Vehicle Theft
- Arson

Hate Crimes

- Above listed crimes and Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property

VAWA (Violence Against Women Act)

- Domestic Violence
- Dating Violence
- Stalking

Arrest or Referral for Disciplinary Action (Student Conduct) for violations of law concerning:

- Weapons
- Drugs
- Alcohol

(excluding Public Drunkenness and DUI)

Hazing

New Clery Act amendment requires reporting of hazing incidents statistics, effective Jan. 1, 2025

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14000 Fruitvale Avenue, Saratoga, CA 95070

Campus Map

BUILDINGS

1. Campus Center
2. Hospitality Management
3. Gillmor Center
4. Art Annex
5. Viso/VK Sports Complex
6. Gym
7. Locker & Training Room
8. Telecom TAV
9. Child Development Center *Preschool Lab*
10. Child Development Center *Infant/ Toddler Lab*
11. Library Under Construction
12. Viso Student Engagement Center
13. Mission Temporary Building 2 - 12
14. Mission Temporary Building 13 - 16
15. Mission Temporary Building 17
16. Mission Temporary Building 18
17. Mission Temporary Building 19 - 24
18. Mission Temporary Building 25 - 26
19. Business and Technolgy Building
20. Facilities
21. Science Building
22. Fire Tower
23. Central Plaza
24. Information Systems

ATHLETICS

25. Athletics
26. Tennis Courts
27. Baseball Field
28. Softball Field #1
29. Softball Field #2
30. Soccer/Softball Field #3

PARKING

31. Parking Lot A
32. Parking Lot B
33. Parking Lot C
34. Parking Lot D
35. Staff Parking Lot E
36. Parking Lot F
37. Visitor Parking

MISSION COLLEGE SANTA CLARA

Mission College | 3000 Mission College Blvd. Santa Clara, CA 95054 | missioncollege.edu | @go2MissionSC

3000 Mission College Boulevard, Santa Clara, CA 95055

Message from the Chief of Police

On behalf of the men and women of the West Valley-Mission Community College District Police Department we hope your time on our campuses is safe, secure and enjoyable. This annual security report is in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990. Our goal is to ensure that everyone who visits, works, or studies at our campuses has a safe and secure environment to work and learn.

This report is intended to provide you with important information about safety and security at our WVM District campuses. In addition to outlining many of the policies and the resources offered to the campus community, this report also contains the required crime statistics for the previous three calendar years of January 1, 2023 - December 31, 2025

As members and stakeholders of the West Valley Mission District community we share the responsibility of keeping our community safe and secure. The best protection against crime is an aware, informed, alert campus community in partnership with law enforcement. For more information on District safety, emergency preparedness and prevention please visit our website: Police & Community Services

Thank you for taking the time to review the information provided in this report. We encourage you to utilize this publication as a guide for safe practices on and off campus, and we look forward to our continued partnership as we work to carry out the important mission of maintaining and securing campus safety. We hope you find this report informative.

Please feel free to approach any of our officers and civilian personnel with questions or concerns.

Sincerely,

Dalton C. Rolen

Vice Chancellor, Public Health & Safety
Chief of Police- WVMCCD

The College District

WEST VALLEY-MISSION COMMUNITY COLLEGE DISTRICT

Chancellor:
Bradley J. Davis

Board Members:
Adrienne Grey, President
Susan Oster Fish, Paul Fong, Anne Kepner, Randi Kinman, Diane Lamkin & Karl Watanabe
Ella Rae Peterson, WVC Student Trustee
Yasin Hassan, MC Student Trustee

College Presidents
Dr. Seher Awan, Mission College
Dr. Jennifer Taylor-Mendoza, West Valley College

West Valley-Mission Community College District has a devoted Board of Trustees and a dedicated staff that serves its two colleges. West Valley College in Saratoga and Mission College in Santa Clara are on the cutting edge among higher education institutions in the Silicon Valley.

West Valley College is located at 14000 Fruitvale Ave in Saratoga. The campus is accessible from Saratoga-Los Gatos Road, Saratoga Avenue and Highway 85. The campus serves an average student population of 8000.

Mission College is located at 3000 Mission College Blvd., just off Highway 101 at Great America Parkway in Santa Clara. The Mission College campus serves an average student population of 7,000.

West Valley-Mission Community College District Offices are located at:

14000 Fruitvale Avenue, Saratoga, CA 95070

District Annual Report 2026

College Facts:

West Valley College
Founding Year: 1963
Campus Size:143 acres

Mission College
Founding Year: 1977
Campus Size: 164 acres

Both West Valley and Mission College are commuter campuses, with no on-campus housing.

District Police

The District Police Department is part of the West Valley-Mission Community College District's Health and Public Safety Division. The department is a full-service law enforcement agency, employing police officers whose authority is granted under Section 830.32 (a) of the California Penal Code and Section 72330 (a) of the California Education Code. District police officers are vested with full law enforcement powers and responsibilities similar to local police and sheriffs.

Officers are trained at a local police academy and certified through California's Peace Officer Standards and Training (P.O.S.T). Officers receive on-going training in a variety of areas including but not limited to; investigations, evidence, crisis intervention, and campus specific policing. Officers also regularly participate in mandated perishable skills training such as; Use of Force/ Defensive Tactics/ De-escalation, firearms, and vehicle operations.

Officers are responsible for a full range of public safety services, including but not limited to: Crime prevention, response to all calls for service, crime reports and investigations, medical emergencies, traffic collisions, traffic enforcement, and all other incidents requiring a law enforcement response.

The District Police Department also employee non-sworn personnel including Community Service Officers (CSOs) who wear uniforms and patrol campus on foot and in vehicles. CSOs have radio contact with police officers and can summon assistance as necessary. CSOs also assist in a variety of non-emergency situations, provide campus information, aid motorists, issue parking citations, direct traffic and are assigned to the department's UAS program.

Jurisdiction

The District Police Department's primary jurisdiction is on or near the campus of the community college, and on or near other grounds or properties owned, operated, controlled, or administered by the community college or administered by the state on behalf of the community college (72330 (a) Ed. Code).

Hours of Operation/Service

The District Police Department provides law enforcement services from 6:30 AM to 2:00 AM, seven days a week, 365 days per year. During non-hours of operation (2:01 AM to 6:29 AM). The Santa Clara County Sheriff's Office responds to emergency calls at West Valley College and the Santa Clara Police Department responds to emergency calls at Mission College. Both departments refer non-emergency incidents to the District Police the following day.

The department's mission:

Provide outstanding service and safety through education, community partnerships, and strategic readiness.

Memorandum of Understanding

The West Valley-Mission Community College District maintains formal agreements with the Santa Clara County Sheriff's Office and the Santa Clara Police Department. These agreements outline mutual assistance and clarify operational responsibilities for the investigation of Part I crimes and delineate the geographical boundaries of each agency's operational responsibilities.

CRIME STATISTICS: CLERY DATA

The following Annual Security Report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

WEST VALLEY COLLEGE

Offense	2023			2024			2025		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0	1	0	0
Burglary	3	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
Hazing	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Sex Offenses Non-Forcible									
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
Sex Offenses Forcible									
Includes: sodomy, sexual assault, w/object, oral copulation	2	0	0	0	0	0	0	0	0
VAWA Offences									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	5	0	0	3	0	0	5	0	0
Arrests									
Weapons	2	0	0	0	0	0	0	0	0
Drugs	3	1	0	0	0	0	0	0	0
Alcohol	0	0	0	1	0	0	2	0	0
Referrals									
Weapons	1	1	0	1	0	0	0	0	0
Drugs	0	0	0	2	0	0	0	0	0
Alcohol	1	0	0	1	0	0	0	0	0

Hate Crimes No hate crimes reported in 2023, 2024 and 2025.

Unfounded Crimes No unfounded crimes in 2023, 2024, and 2025.

CRIME STATISTICS: CLERY DATA

The following Annual Security Report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

MISSION COLLEGE

Offense	2023			2024			2025		
	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus	On-Campus	Public Property	Non-Campus
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0	0	0	0
Burglary	2	0	0	1	0	0	2	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Hazing	N/A	N/A	N/A	N/A	N/A	N/A	0	0	0
Sex Offenses Non-Forcible									
Fondling	0	0	0	0	0	0	2	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Sex Offenses Forcible									
Includes: sodomy, sexual assault, w/object, oral copulation	0	0	0	0	0	0	0	0	0
VAWA Offences									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	2	0	0	0	0	0	1	0	0
Arrests									
Weapons	0	0	0	2	0	0	1	0	0
Drugs	0	0	0	2	0	0	1	0	0
Alcohol	4	0	0	1	0	0	2	0	0
Referrals									
Weapons	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0

Hate Crimes No hate crimes reported in 2023, 2024 and 2025.

Unfounded Crimes No unfounded crimes in 2023, 2024, and 2025.

ANNUAL SECURITY REPORT

What is the JEANNE CLERY ACT?

The Clery Act was championed by Howard & Connie Clery after their daughter, Jeanne, was murdered at Lehigh University in 1986.

Signed into law in 1990, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is in memory of Jeanne Clery, a 19-year-old Lehigh University freshman, who was sexually assaulted and murdered in her dorm room in April 1986.

The Jeanne Clery Act was enacted in the belief that crime awareness can prevent campus victimization. This is a federal law that requires colleges and universities to disclose information about campus crime activity and security policies in an annual report. It is generally referred to as the Clery Act.

The law requires colleges and universities receiving federal funding to prepare, publish, and distribute, by October 1 of each year, campus security policies and crime statistics. These campus security policies and crime statistics must be distributed through appropriate publications or mailings, to all current students and employees, and made available to any applicant for enrollment or employment upon request.

In 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act. Included in the bill was the Campus Sexual Violence Elimination Act (Campus Save), which amends the Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. More information about the Clery Act can be found at: The Clery Act (clerycenter.org)

Preparation of the Annual Security Report & disclosure of Crime Statistics

The District prepares this report annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared by the West Valley-Mission Community College District Police Department in cooperation with local law enforcement agencies surrounding our main campuses and alternate sites. Each reporting entity provides updated information to comply with the Act.

The statistics contained in this report, which include specific on-campus crimes, adjacent public areas, and some off-campus locations, are collected by the West Valley-Mission Community College District Police Department. In preparation for annual reporting, the neighboring law enforcement agencies are surveyed for knowledge of crimes that may not have been reported to West Valley-Mission Community College District Police Department. These agencies include, but are not limited to the Santa Clara Police Department, Campbell Police Department, San Jose Police Department, Los Gatos-Monte Sereno Police Department, Foothill-DeAnza District Police Department, and the Santa Clara County Sheriff's Office. West Valley-Mission Campus Security Authorities (CSAs) report crimes to the District Police throughout the year to be included in this report and for timely warning consideration. These CSAs are campus staff and faculty with significant responsibility for student and campus activities and include, but are not limited to the Dean of Student, Athletics staff, Student Club advisors and Student Affairs personnel.

The presentation of statistics in this report is designed to enable the reader to compare specific crimes committed during the past three years. Crimes reported as occurring at locations outside the physical boundaries of the Colleges are generally investigated by the agency having primary jurisdiction over the location where the crime occurred. Crime statistics for non-campus buildings or property are requested by the District Police and are published when available;

however external police agencies are not required by law to provide the requested information.

The federal definition of each crime may differ from the definition of comparable crimes under California statutes and District policy. The Clery Act also requires the reporting of hate crimes where prejudice is due to race, gender, religion, sexual orientation, ethnicity, national origin, gender identity or disability with evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. If a CSA has knowledge of a reportable crime that was not reported for investigation or disciplinary action, that person is required, in most instances, to report the crime to the District Police Department for inclusion in the statistics.

Under the Clery Act, a crime is "reported" when it is brought to the attention of a Campus Security Authority, the West Valley-Mission Community College District Police Department or local law enforcement personnel by a victim, witness, other third party or even the offender. It does not matter whether the individuals involved in the crime, or reporting the crime, are associated with the institution. If a CSA receives a report, that person must include it as a crime report for consideration of inclusion into the Annual Security Report. It is not necessary for the crime to have been investigated by the police, nor must it have to be prosecuted by the Santa Clara County District Attorney's Office, or other appropriate prosecutor, to be included in the report.

What is a CSA?

Campus Security Authorities (CSAs) are individuals at the WVMCCD who, because of their function, have an obligation under the Clery Act to notify the District Police of alleged Clery Act Crimes that are reported to them in good faith, or alleged Clery Act Crimes that they may personally witness.

• In "good faith" means there is a reasonable basis for believing that the information is not simply rumor or hearsay. That is, there is little or no reason to doubt the validity of the information.

• Under the Clery Act, a crime is "reported" when it is brought to the attention of a campus security authority or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the WVMCCD.

Who is a CSA?

These individuals typically fall under one of the following categories:

1. A member of the District Police.
2. Employees having responsibility for campus security in some capacity but are not members of the District Police.
3. Employees or offices where policy directs individuals to report criminal offenses to them or their office.
4. Employees having significant responsibility for student and campus activities, including but not limited to, student discipline and campus administrative proceedings.

Who is not a CSA?

• When acting within the scope of the official responsibilities, Pastoral Counselors and Professional Counselors are not CSAs.

• Individuals who do not have significant responsibility for student and campus activities are not CSAs. Examples: faculty members not responsible for student and campus activities beyond the classroom, cafeteria staff.

What are the responsibilities of a CSA?

If a CSA receives information of alleged Clery Act crime and believes it was provided in good faith, or personally witnesses an alleged Clery Act Crime, he or she should report the crime.

Please note that it is NOT the role of the CSA to investigate the allegation in an attempt to determine

whether the crime occurred and/or confront or apprehend the alleged perpetrator of the crime.

That is the role of law enforcement.

Reporting Crimes and Other Emergencies

There are several ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to law enforcement and to appropriate college officials. Regardless of how and where you decide to report these incidents, it is critical for the safety of the entire college community that you immediately and accurately report all incidents so that the West Valley – Mission Community College District Police can investigate the situation and determine if follow-up actions are required, including issuing a timely warning or emergency notification.

For all EMERGENCIES or to report a CRIME IN PROGRESS DIAL **9-1-1.**

If you have an emergency and are using a cellular phone dial **9-1-1** Santa Clara County Communications Dispatch Center (24 hours a day) and ask for a West Valley-Mission District police officer.

To report a non-emergency or a prior criminal incident that would require the assistance of a police officer contact the Santa Clara County Communications Dispatch Center by dialing, **408-299-2311** (24 hours a day). Request a West Valley-Mission Community College District Police Officer.

When you call **9-1-1** or the non-emergency Santa Clara County Communications dispatch center telephone number 408-299-2311, you will speak with dispatchers or call takers who are not District employees and only provide dispatching services for the West Valley-Mission Community College District Police Department.

The County Communications dispatch center is in a remote off campus location. When calling, request a West Valley-Mission Community College District Police Officer.

Non-Emergencies:

Business/Records Office Phone: 408-741-2092 (West Valley campus)
Business, Parking & Traffic Office: 408-855-5435 (Mission campus)
Dispatch (24 hours) Santa Clara County Communications Non-Emergency **408-299-2311**

In Person

West Valley College

14000 Fruitvale Avenue, Saratoga, CA 95070
(Located in Parking Lot 1)
The Police Records and Livescan Office is located at the West Valley College District Police Office.

Business Hours
Monday-Friday
9:30 am – 5:00 pm
408-741-2092
408-867-2450 fax
district.police@wvm.edu
Call for current hours

Livescan Hours
Monday-Friday
9:30 am – 12:30 pm & 2:30pm – 4:30 pm
408-741-2685
livescan@wvm.edu
Call for current hours

Mission College

3000 Mission College Blvd, Santa Clara, CA 95054
(Located at the Campus Center 1st Floor)
The Parking Service Office is located at the Mission College District Police Office

Business Hours
Monday-Friday
9:00 am – 5:00 pm
408-855-5435
parking.services@wvm.edu
Call for current hours

The police business and parking offices are closed on Saturdays, Sundays, and all college District observed holidays. Our office staff can assist you with non-emergency general police business, lost property, campus safety escorts, and parking information.

Online Reporting

You may submit an on-line report for the following crimes by going to Make an Online Report and clicking the "Online Reporting" contact tab:

- Harassing Phone Calls
- Identity Theft
- Lost, Stolen, or Vandalized Property
- Non-Injury Traffic Collision or Hit and Run Traffic Collisions
- Vehicle Tampering

Request a Copy of Your Report via email:

wvmpd.records@wvm.edu

Anonymous Tips - TipNow

TipNow allows anyone to send anonymous tips about criminal activity, suspicious circumstances or safety issues to the campus police via a secure text-based system. This is accomplished by using one of the TipNow links or phone numbers assigned to each campus (See below). More information about the service can be seen at: Police | Anonymous Tip Reporting .

DO NOT USE TIPNOW FOR CRIMES IN PROGRESS CALL 9-1-1

West Valley College
Anonymous Tip email:
westvalley@tipnow.com
Anonymous voice mail:
Text: 408-414-7908

Mission College
Anonymous Tip email
mission@tipnow.com
Anonymous voice mail:
Text: 408-550-7982

As part of our commitment to provide a safe and secure campus, each department Dean and Office of Student Services encourages students to report any sexual assaults, domestic violence, or stalking, both on and off campus.

Reports can be made confidentially to the following entities on each campus:

- District Police Department
- Campus Health Services
- Office of Student Services
- Campus Counseling Services

Local Law Enforcement
Reference: California Education Code Section 67381

Each college or center of the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The West Valley-Mission Community College District Police Department maintains written agreements with the Santa Clara County Sheriff's Office and the City of Santa Clara in compliance with the Education Code and the Kristen Smart Campus Safety Act.

NEW ON THE PATROL:

MEET MISS B

Reporting for Duty (and Belly Rubs)!

West Valley-Mission Community College District has a brand-new hero on four legs! Miss B, whose full name is Beatrice or Bea for short, has started her new job as our campus Crisis & Therapy K-9.

Alongside, West Valley-Mission Police Captain Jorge Gutierrez, Miss B is on a mission to patrol campus, make friends with students and employees, and deliver pawsitive vibes wherever she goes.

WHAT DOES A CRISIS & THERAPY K-9 DO?

Miss B isn't just cute, she's highly trained to support our campus community with:

STRESS & ANXIETY RELIEF

Perfect during midterms, finals, or tough study days.

COMFORT & CRISIS SUPPORT

A calm, grounding presence when you need a listening ear (or a soft paw).

MOOD BOOSTS & WELLNESS

Instant smiles, wagging tails, and unconditional love.

HOW TO SAY HELLO

Spot Miss B and Police Captain Jorge Gutierrez around campus?

Stop and say hi! High fives, gentle pats, and friendly smiles are always welcome.

FOLLOW HER CAMPUS ADVENTURES

IG Page placeholder

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Kristin Smart Campus Safety Act of 1998

This interagency operations and protocol agreement, between the West Valley-Mission Community College District Police Department and neighboring agencies is to clarify agency jurisdiction and response responsibility as required by the Kristin Smart Campus Safety Act of 1998.

The California Legislature under this Act also reaffirms that campus law enforcement agencies have primary authority for providing law enforcement service on their campus.

This Act also requires law enforcement agencies to designate operational responsibility and define specific geographical boundaries of response for the investigation of Part I violent crimes of homicide, forcible rape, robbery and aggravated assaults on campus property and property controlled by the college.

The West Valley-Mission Community College District Police Department has primary responsibility for law enforcement response and investigations of criminal activity on District property. The West Valley- Mission Community College District Police Department has a Memorandum of Understanding (MOU) with both Santa Clara County Sheriff's Office and the City of Santa Clara authorizing the West Valley-Mission Community College District Police Department to request assistance when needed. Further, these agencies may assume control over investigations for serious violent Part I crimes that may be beyond the resources of the West Valley-Mission Community College District Police Department in accordance with existing Mutual Aid procedures.

Education and Prevention

The District Police encourages members of the community to assist in preventing crime by minimizing opportunities of becoming a victim and by using good judgment and safety practices. On the District web page there are links found under District Services for both crime prevention and emergency preparedness.

The District Emergency Services program maintains a web site on the West Valley-Mission Community College District Police Department: Police | Emergency Assistance and on the WVM web portal for students and staff. On this site you will find a series of educational links for classes, information regarding current emergency preparedness, and procedures along with free training classes offered to the campus communities.

Emergency Response and Evacuation Procedures

The WVM District maintains an Emergency Operations Plan (EOP) that identifies roles and responsibilities and outlines emergency responses to all hazards that could affect the campuses. This plan dictates that if there is an immediate or potential threat to the health and safety of students or employees, occurring on campus, the college presidents or district administrators may implement the EOP operational protocols. Each campus maintains the capability necessary to warn and evacuate their respective location. Part of these capabilities include the development and distribution of emergency response guidelines to students, faculty, and staff. These guidelines are maintained and distributed in a variety of ways. Some campuses post information in hallways and classrooms. This plan is reviewed and revised annually and remains current to the evolving environment of the individual college campus.

Drills, Exercises and Training

To ensure the campus emergency management plans remain current and actionable, the campuses conduct at least one exercise annually. These exercises include, but are not limited to seminars, drills, table-tops, functional, and full-scale exercises. The campuses conduct after-action reviews of all emergency management exercises. The Emergency Management Team works with each campus location to develop exercise scenarios. Outreach to local, state, and federal responders and stakeholders is also conducted in order to solicit participation. In conjunction with at least one emergency management exercise each year, the campus will notify the appropriate campus community of the exercise and remind the community of the college's WVM RAVE Alert System.

Emergency Notifications

In an effort to provide notice to the West Valley-Mission community, in the event of a serious incident which may pose an ongoing threat to members of the WVM community, an emergency notification would be distributed to the campus community. As circumstances allow the decision to distribute an emergency notice will be based on the judgment of the Chief of Police, Chancellor, each College President, or designee.

An emergency notification is triggered by an event that is occurring or imminently threatening the campus. A significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus would trigger such emergency notification.

Any of the following may be used to issue immediate warnings about serious emergencies on campus:

Text message alerts via (WVM RAVE ALERT SYSTEM)

- Classroom Emergency Telephones
- Broadcast email and voicemail.
- Fire Alarm
- Building Safety Team members

Timely Warnings

Timely Warnings are for any Clery crime committed or reported to your campus security authorities or a local law enforcement agency and are considered by the institution to represent a serious or continuing threat to students and employees.

As required by federal law (20 U.S.C. § 1092(f)), the District will issue a Timely Warning to the affected college community when a Clery reportable crime occurs on campus or in an area surrounding the campus, when the Chief of Police (or designee) determines that the situation represents a serious or continuing threat to the campus community. The decision to issue a Timely Warning will be made on a case-by-case basis. Persons authorized to initiate and send Timely Warnings will do so in a timely manner. The people authorized to send Emergency Notifications are the individuals authorized to send Timely Warnings.

The level of detail included in a Timely Warning will vary depending on the type of crime. The name(s) of a victim(s) will not be published in the Timely Warning. Where possible, information that might identify the victim will also be excluded. Other details may be excluded from a Timely Warning if, in the professional judgment of responsible authorities, the information would compromise law enforcement's efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency: WVM RAVE ALERT SYSTEM

Timely Warnings will most often be distributed via email; however, additional messaging methods may be employed. Timely warnings may also be distributed via the Emergency Notifications methods.

The decision to issue a Timely Warning for sex offenses involving persons who are acquaintances will be made on a case-by-case basis. Factors which will be considered when making this decision include: the level of force and violence used to commit the crime, the potential use of a drug to commit the crime, and the existence of multiple crimes of a similar nature occurring in close proximity, either in time or location. The District Chief of Police and the affected college president and or District Title IX Coordinator are responsible for determining if a Timely Warning will be issued for non-stranger sexual assaults; either may make this determination. Consultations with other college staff members may occur on a need-to- know basis.

Mass Notifications: Emergency Notification or Timely Warnings?

	Emergency Notification	Timely Warning
Recipients	The Entire Campus	The Entire Campus
Triggering Incident	Any situation thought to pose an immediate threat to the safety and security of the campus community	Clery-reportable crimes believed to present an ongoing threat
Timeline for sending a message	As soon as first responders confirm significant emergency or dangerous situation	As soon as pertinent information is available
Follow-up message required?	YES	NO

Any of the following may be used to issue Timely Warning notices.

Postings on the District, West Valley or Mission College websites,
District or College email,
Student and staff web portals,
Fliers and other informational materials may also be posted on campus buildings to inform students, faculty, and staff of ongoing safety concerns.

Confidentiality

The crime statistics included in the ASR do not include any information that would identify the victim or the person accused of committing the crime. Your report to District Police may, but is not required to, include personally identifiable information.

When issuing a Timely Warning with respect to a Clery Act crime, District Police will withhold as confidential the name of and other personally identifying information or personal information about the victim, to the extent possible while balancing the need to ensure the safety of the campus community.
If you are a victim of a crime and wish to talk confidentially to someone about your situation, please contact the Counseling Center.

West Valley College at 408-741-2009
Mission College at 408-855-5034

The WVM Safe app was deployed in 2026 as another tool to keep the campus community informed and safe. Students and staff can view campus safety procedures, receive emergency notifications, make anonymous tips, share location with friends for a virtual escort, view this ASR report, as well as many other things. Download it today!

Mental Health Counseling & Sexual Assault Advocacy Offered at both West Valley College and Mission College

If you are experiencing a crisis or psychiatric emergency, call 911 or 988 for immediate support.

Active students can take advantage of 8 sessions per semester. Sessions are available for those who are not currently receiving mental health services from another mental health provider off campus.

Lynnea Palazzolo
lynnea.palazzolo@wvm.edu
West Valley College

Melissa Johnsgard
melissa.johnsgard@wvm.edu
Mission College

Personal Counseling

Personal Counseling is available in Health Services with one of our counseling interns, supervised by a licensed professional. Individual confidential and private 50-minute sessions are offered at no additional fee. Examples of issues addressed:

- Sexual Assault
- Depression & Loneliness
- Relationships & Communication
- Academic Pressure
- Sexuality & Gender
- Disordered Eating
- Substance Use & Addictions
- Suicidal Thoughts
- Stress & Anxiety

Schedule an Appointment

Please access your Medicat Health Portal and complete 3 forms:
General Health Services Consent
Personal Counseling Consent
West Valley OR Mission College Request Form (depending on which campus you prefer)

Voluntary Confidential Reporting

If crimes are never reported, little can be done to help prevent other members of the community from also being victimized. If you are the victim of a crime and do not want to pursue action within the District's System or through the criminal justice system, you may still want to consider making a confidential report. With your permission, the Human Resources Department (employees) or the Vice President of Student Services (students) can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. This information allows the District to keep an accurate record of the number of incidents involving students, determines crime patterns with regard to a particular location, method, or assailant, and alerts the campus community to potential danger. Reports filed in this manner are counted and disclosed in the Annual Security Report. In limited circumstances, the police department may not be able to assure confidentiality and will inform you in those cases.

The West Valley-Mission Community College District Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the West Valley-Mission Community College District Police Department cannot hold the victim of every crime report confidential; however, the identity of victim information involving particular crimes such as sexual assault can be protected upon request of the victim. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other campus security authorities as identified below. Confidential reports of crime may also be made to the District Human Resources Department (employees), Vice President of Student Services (students) or Health Services on either campus.

Sexual Assault Awareness and Prevention

These programs consist of guest speakers, films, and printed materials. To obtain further information please contact the West Valley-Mission Community College District Police Department, Health Services, or Student Services. Counseling assistance is available through Health Services and Counseling Department. The West Valley- Mission Community College District will vigorously prosecute and discipline persons identified as responsible for sexual assaults. In addition to criminal prosecution, the College District will impose discipline against students, student organizations, college faculty or staff identified as committing or participating in sexual assaults. College discipline includes expulsion from the college; suspension for a specific time period; or probation for a specific time period.

Discipline proceedings involving students will be processed through the Office of the Vice President of Student Services. Discipline proceedings involving faculty or staff members will be processed through the District Human Resources Office. Both the accuser and the accused are entitled to the same opportunities to have others present during a campus disciplinary proceeding. Both the accuser and the accused shall be informed of the outcome of any campus proceeding alleging a sexual assault.

Reporting Sexual Assault

As soon as possible, the victim should report incidents of sexual assault, including date or acquaintance rape to the West Valley-Mission Community College District Police Department, the local police (if the victim is unable to contact the West Valley-Mission Community College District Police Department), or a college faculty or staff member who can aid in contacting the proper authorities. The Counseling Department and Health Services can also help in contacting the proper authorities. The victim should make every attempt to preserve any physical evidence of the assault. This may include not showering or bathing, not cleaning the scene of the incident, and not

disposing of any damaged clothing, or other items. The District Police will immediately initiate a criminal investigation into on-campus sexual assaults.

The victim will be given information on counseling and support groups. If the victim wishes to change an academic schedule, the appropriate steps will be taken to accommodate the victim to the full extent possible. The colleges also encourage persons reporting to seek the support and assistance of friends or family when needed, in presenting their concerns. Santa Clara County offers 24-hour counseling for victims of crimes.

The *Santa Clara County Valley Rape Crisis Center* may be reached at *1-408-287-3000.*

Confidential reporting may also be made to Campus Security Authorities (CSA)

Missing Person Notification

If a person has not returned home, failed to appear for work, class, an appointment as anticipated, or there is a belief that something is suspicious about his or her presence, report the situation to law enforcement.

You need not and should not wait 24 hours or more to report a missing person. Anyone can file a missing person report, but campus officials who become aware of a potentially missing student must report it immediately to West Valley- Mission Community College District Police Department.

Pursuant to California Penal Code 14205(a), a law enforcement agency must take a missing person report without delay. When a report is filed with West Valley- Mission Community College District Police Department, a complete and thorough investigation surrounding the incident will be conducted by the appropriate jurisdiction.

In compliance with federal law, during registration, students have the option to specify contact(s) to be notified in the event the police determine someone is a missing person. This contact information is kept confidential and only accessible by authorized college officials for disclosure to law enforcement personnel during a missing person investigation.

Federal law also requires the college to inform students that an emergency contact will be notified within 25 hours of a person being determined as missing. For non-emancipated minors, a custodial parent or guardian will be notified in addition to any listed emergency contact(s).

The college may make additional notifications as necessary, and as provided for by FERPA, to resolve a safety emergency, including notifying parents and guardians, even when they were not specifically listed by a student as an emergency contact.

Annual Disclosure of Crime Statistics

The crime statistics were compiled by West Valley-Mission Community College District Police Department, campus officials having responsibility for oversight of student activities, and relevant local agencies. The following definitions are from the FBI's National Incident-Based Reporting System (NIBRS) and the Jeanne Clery Campus Safety Act (Clery Act). The FBI's Uniform Crime Reporting (UCR) Program transitioned to NIBRS and retired the previous Summary Reporting System (SRS). For statistical purposes, crimes 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 surrounding jurisdictions that surround the two college campuses.

All of the statistics are gathered, compiled, and reported to the West Valley-Mission Community College District community via this report. This information is available at the West Valley-Mission Community College Police Department website at: Police & Community Services. West Valley Mission Community College campus authorities submit the annual crime statistics

published in this report to the United States Department of Education (DOE).

The criminal law definitions (California) are found in Appendix A. (See Page 55)

WVM campus authorities submit the annual crime statistics published in this report to the United States Department of Education (DOE).
The statistical information gathered by the United States Department of Education is available to the public through the DOE website:
Home | U.S. Department of Education

Clery Act Crimes

Definitions of Reportable Crimes as Defined in the:

U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington, D.C., 2016. Violence Against Women Act of 1994. FBI's Uniform Crime Reporting (UCR) Program Crime/Law Enforcement Stats (UCR Program) — FBI Summary Reporting System (SRS) User Manual, National Incident-Based Reporting System (NIBRS) Data Collection Guidelines, and Hate Crime Data Collection Guidelines and Training Manual

Murder/Non-Negligent Manslaughter – defined as the willful killing of one human being by another.

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

Rape – Penetration no matter how slight of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.

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

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

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

Robbery – defined as 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 – defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
Burglary – unlawful entry of a structure to commit a felony or a theft.

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

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.

Domestic Violence – Includes felony or misdemeanor crimes 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 cohabiting with or has cohabited 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 laws.

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

a. The length of the relationship.
b. The type of relationship.
c. The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

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

1. engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
2. engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

Hate Crimes – includes all of the crimes listed above that manifest evidence that the victim was intentionally selected because the perpetrator's bias against the victim based on one of the Categories of Prejudice listed below, plus the following four crimes.

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

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

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

- **Destruction/Damage/Vandalism to Property (except Arson)** – 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.

Categories of Prejudice as Defined in the:
U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington, D.C., 2016. FBI's Uniform Crime Reporting (UCR) Program https://ucr.fbi.gov/ Hate Crime Data Collection Guidelines and Training Manual.

Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

Gender – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Religion – A preformed negative opinion or attitude toward a group of persons who share the same

religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Ethnicity – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

National Origin – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.

Gender Identity – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Definitions of Clery Act Locations as Defined in the:

U.S. Department of Education, Office of Postsecondary Education, The Handbook for Campus Safety and Security Reporting, 2016 Edition, Washington, D.C., 2016.

On-Campus – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and is frequently used by students, and supports institutional purposes.

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

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

California Criminal Laws Relevant to Domestic Violence

13700 PC Domestic Violence - Defined
Abuse committed against an adult or fully emancipated minor who is the spouse, former spouse, cohabitant, former cohabitant, who has a dating relationship, former dating relationship, engagement relationship, former engagement relationship, or parties having a child in common.

273.5 PC Spousal Abuse or Cohabitant Abuse

- Willfully inflicts corporal injury upon
- Spouse or Cohabitant or Parties with a Child in Common
- Results in a Traumatic condition
- Verifiable Injury (Officer's observation or medical exam)

243(e) (1) PC Battery
Willfully and unlawfully use force or violence against,

- Spouse, cohabitant, parties with a child in common, non-cohabiting former spouse or fiancé/fiancée or a person with whom the defendant currently has or has previously had a dating relationship regardless of sexual orientation.
- Visible injury not necessary **422 PC Terrorist Threats**
- Threat to commit a crime which will result in Death or Great Bodily Injury
- Must be unequivocal, unconditional, immediate, and specific
- Causes sustained fear for safety.
- To a person or their immediate family

646.9 PC Stalking

- Willfully, maliciously and repeatedly follows or harasses.
- Makes a credible threat (Pattern of conduct by suspect, taken in totality, so that a reasonable person would fear for their safety or that of their immediate family)

591 PC Malicious Destruction of Phone Lines

- Unlawfully and maliciously
- Takes down, removes, injures, or obstructs.
- Any telephone, telegraph or cable TV line, or any other line used to conduct electricity.

273.6 PC Violation of Domestic Violence Protective Order

- Intentionally and knowingly violate a Domestic Violence Protective Order (including Emergency Protective Order, Temporary Restraining Order and Restraining Order

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

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.

Common signs of abusive behavior in a relationship According to the National Domestic Violence Hotline, one feature shared by most abusive relationships is that an abusive partner tries to establish or gain power and control through many different methods, at different moments. Even one or two of the following behaviors is a red flag that a partner may be abusive.

- Showing extreme jealousy of friends or time spent away from a partner.
- Preventing or discouraging one's partner from spending time with friends, family members, or peers.
- Insulting, demeaning, or shaming a partner, especially in front of other people.
- Preventing one's partner from making their own decisions about working or attending school.
- Controlling finances in the household without discussion, including taking a partner's money or refusing to provide money for necessary expenses.
- Pressuring one's partner to have sex or perform sexual acts they are not comfortable with.
- Pressuring a partner to use drugs or alcohol.
- Threatening to harm or take away a partner's children or pets.
- Intimidating one's partner with weapons
- Destroying a partner's belongings or home.

If you notice warning signs in your relationship or that of someone you care about, remember there are support resources available on your campus, including individuals with whom you can speak confidentially and who can assist you with making a safety plan. A good starting place for a list of resources is your campus Title IX webpage. You can also contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233), which is free and confidential.

Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:

- Seems nervous around you,
- Seems afraid of you,
- Flinches, cringes, or retreats when you are emotional,
- Seems scared, or unable to contradict you or speak up around you, and/or
- Restricts their own interactions with friends, family, coworkers, or others in order to avoid upsetting you

If you recognize the behaviors above in yourself, or in how your partner reacts, these could be signs that you are hurting them. This can be a difficult realization to come to but it's vital that you do so if you want to change and stop harming your partner. By acknowledging that your actions are harmful and taking responsibility for them, you can continue to progress on the path toward correcting them. You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233), which is free and confidential.
Source: Domestic Violence Support | National Domestic Violence Hotline (thehotline.org)

Stalking: (42USC/13925) Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to a) fear for his or her safety or the safety of others; or b) suffer substantial emotional distress. A person commits the crime of stalking when the person either:

engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or

engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

Recognizing Stalking Behaviors

If someone tells you that they do not want you to contact them or do something like visit their home or send them gifts, or if they have stopped interacting with you, respect their choice. Everyone has the right to set boundaries.

A person who engages in stalking may:

- Repeatedly call or send other unwanted communication such as text messages, emails, social media messages, letters, etc.
- Follow the person and seem to "show up" wherever they are.
- Send unwanted gifts.
- Damage home, car, or other property.
- Monitor phone calls or computer use.
- Drive or linger near the home, school, or work of the person they are stalking.
- Use other people to try and communicate with the person they are stalking, like children, family, or friends.

Source: Stalking - Victim Connect Resource Center

Below are some tips from the Stalking Prevention Awareness and Resource Center (SPARC) regarding steps one can take if they are experiencing stalking.

Trust your instincts – if you/someone feels they are in immediate danger or fear a threat of harm, **call 9-1-1**
Keep a record or log of each contact with the stalker.
Save evidence when possible, such as emails, text messages, postings on social media, etc.

Know that there are support resources available on each WVMCCD campus, including individuals with whom individuals can speak confidentially and who can assist in making a safety plan and/or seeking a protective order. A good starting place for a list of resources is your campus Title IX webpage.

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

Violence Against Women Act (VAWA)

On March 7th, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. L. 113-4), which, among other provisions, amended section 485(f) of the HEA, otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). The Clery Act requires institutions of higher education to comply with certain campus safety- and security-related requirements as a condition of their participation in the title IV, HEA programs. Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of dating violence, domestic violence, sexual assault, and stalking and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports. On July 22, 2015, the Department of Education issued a Letter providing an overview of the final regulations to the Clery Act, released in October 2014.

Every post-secondary institution participating in Title IV financial aid programs will be required to:

- compile statistics of incidents of sexual assault, domestic violence, dating violence, and stalking that occur within Clery geography and are reported to campus security authorities.
- include within its Annual Security Report a statement of policy regarding:
  - its programs to prevent domestic violence, dating violence, sexual assault, and stalking.
  - the procedures that will be followed once an incident of these crimes has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from the report
  - educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include primary prevention and awareness programs for incoming students and new employees, as well as ongoing prevention and awareness programs for students and faculty.

Domestic Violence, Dating Violence, Sexual Assault, and Stalking

The West Valley-Mission Community College District does not discriminate on the basis of sex in its educational programs and sexual harassment nor tolerate sexual violence, which is a type of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether gender based or not and include dating violence, domestic violence, and stalking. The West Valley-Mission District informs the community of our plan in addressing sexual misconduct; educational programs and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus, and how these events are reported to a college official. West Valley-Mission Community College District prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community. District Administrative Procedure 3540 specifically prohibits these acts:

BP 3540 SEXUAL AND OTHER ASSAULTS

References:
Education Code Sections 67382, 67385, and 67386;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student or member of the public, that occurs on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.

The procedures shall meet the criteria contained in Education Code Sections 67385, 67385.7, and 67386, and 34 Code of Federal Regulations Section 668.46.

Date Adopted: January 17, 2012
Date Revised: April 21, 2015
Reviewed: January 2020

Defining Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Sexual Assault: Sexual assault occurs when a person engages in sexual intercourse or deviate sexual intercourse with a complainant without the victim's consent.

Consent

Consent must be informed, freely given and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent: this includes impairment or incapacitation due to alcohol or drug consumption or being asleep or unconscious. Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence does not necessarily constitute consent. Whether a person has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

What consent does—and doesn't—look like - love is respect

Rape: Is 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. Rape also occurs when a person engages in sexual intercourse with a person by forcible compulsion or the threat of forcible compulsion that would prevent resistance by a person of reasonable resolution, or when a person is unconscious or where the person knows that the victim is unaware that the act is occurring.

- Is an act of sexual intercourse accomplished with a person, whether or not they are the spouse of the perpetrator, under any of the following circumstances:
- Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.
- Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury to the person or another.
- Where a person is prevented from resisting by any intoxicating or anesthetic substance,

or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

- Where a person is at the time unconscious of the nature of the act, and this is known to the accused. "Unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:
- Was unconscious or asleep.
- Was not aware, knowing, perceiving, or cognizant that the act occurred or of the essential characteristics of the act due to the perpetrator's fraud in fact.

Where a person submits under the belief that the person committing the act is the victim's spouse, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief. When the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, there is a reasonable possibility that the perpetrator will execute the threat. "Threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

Domestic Violence Resources:

Victims of domestic violence have a right to go to Superior Court and File a petition requesting orders for relief. Victims have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damage to property, and any other related expenses. The victim has the right to ask the landlord to change the locks with 24 hours. The victims should report incidents to their local law enforcement agency. The agency will file a report with the District Attorney's Office so a charging decision can be made of criminal charges. The victim is entitled to a free copy of the police report from the agency taking the report.
For further information and assistance for victims of domestic violence call the Victim Witness Assistance Center in Santa Clara County at 408-295-2656 or the California Victim Compensation Board at 1 800 777-9229.

Definition Domestic Violence: (42USC / 13925) includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Definition of Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

a) fear for their safety or the safety of others; or
b) suffer substantial emotional distress.

What do you do if you area a victim of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

After an incident of sexual assault, it is important to seek medical attention as soon as possible. Evidence may be collected even if a victim chooses not to make a report to law enforcement. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 72 hours so that evidence, as may be necessary to the proof of criminal activity or may be helpful in obtaining a protection order, may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Any person may report any type of sex discrimination (Title IX or non-Title IX), including sexual harassment (whether or not the individual reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email. Such a report may be made at any time, including during non-business hours, by using the

telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator

Title IX Fact Sheet

What is Title IX?

Title IX requires that "no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance..." As such, Title IX of the Education Amendments of 1972 prohibits discrimination based on the gender of students and employees of educational institutions that receive federal financial assistance. West Valley-Mission Community College District ("WVMCCD" or "the District") is governed by Title IX.

Who is covered by TITLE IX?

All educational institutions that receive federal financial assistance are affirmatively required to adhere to Title IX regulations. Even if only one of the institution's programs or activities receives federal funding, all the programs within the institution must comply with Title IX regulations.

Facts about TITLE IX

Athletic departments are not the only component of college life governed by Title IX. The regulations prohibit sex discrimination regarding all programs, including:

- Course offerings, classroom access, grading, and other academics
- Student counseling and academic support
- Hiring and retention of employees (staff, faculty, and administration)
- Job related benefits and leave
- Pregnancy

In addition to sex discrimination, Title IX also prohibits sexual misconduct (which includes sexual harassment, gender harassment, and sexual violence). Additional information regarding what behaviors may constitute sexual harassment and other forms of sexual misconduct is available in WVMCCD's Title IX Policy located on its website and in its student, faculty, and employee handbooks.

Title IX serves to protect the rights of men and women. Title IX requires that males and females receive fair and equal treatment in all educational and employment areas.

Title IX also protects individuals who report sex discrimination and sexual misconduct from retaliation by individuals or by institutions. The reporting of incidents of discrimination is integral to the effective enforcement of Title IX law. Therefore, the protection of complainants, as well as the accused, is important. Retaliation against any individual who reports or makes a complaint about a Title IX violation will not be tolerated at WVMCCD. The district will impose appropriate corrective action against any individual found to have engaged in acts or threats of retaliation.

Compliance with TITLE IX- Who is responsible?

Certain employees of the Colleges and District are required to report instances of alleged violations of Title IX. Without exception, if an employee is not sure if a situation warrants reporting, he/she must seek guidance from the Title IX Coordinator. It is essential that institutions receiving federal financial assistance operate in a nondiscriminatory manner. To ensure compliance with the law, adherence to Title IX regulations is everyone's responsibility. The penalty for failure to comply with Title IX, in extreme circumstances, can include the termination of all or part of an institution's federal funding including grants and student loans. It can also result in the termination of a college or District employee or the dismissal of a student.

INFORMATION ON PROTECTIVE ORDERS

Restraining Order Help Center | Superior Court of California | County of Santa Clara

Court-Ordered Restraining Orders

A victim/survivor may choose to obtain a restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can help protect a victim/survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. In order to obtain one, the victim/survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment. An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.

If you obtain a restraining order

A copy should be provided to your campus Police Department. In order to comply with the restraining order, Title IX Coordinators, and/or the on campus Police Department on your designated campus may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed.

REPORTING COMPLAINTS UNDER TITLE IX

Any member of the WVMCCD community, who believes he/she has been the victim of sex discrimination, sexual misconduct, or who has witnessed such conduct, should report such misconduct, or file an informal or formal complaint with the College's Title IX Coordinator.

Students who believe they have been or are victims of sex discrimination or sexual harassment, including sexual assault or sexual violence on or off campus, whether by College employees, contracted services employees, other students, or non-community members, are encouraged to request immediate personal support and assistance from any member of the Office of Student Services or the Title IX Coordinator. Student complaints against other students concerning sexual assault, sexual violence or other sexual misconduct may be made on an informal or formal basis with the College's Title IX Coordinator or WVMCCD's Police Department. All complaints filed with or received by the Police Authority will be forwarded to the Title IX Coordinator, who will direct that an appropriate investigation be conducted.

Employees who believe they are being harassed or discriminated against on account of their gender should promptly make a report to the Title IX Coordinator, to his/her supervisor, to the Associate Vice Chancellor of Human Resources and Director, Compliance, Training & Employee Relations: a campus President. All reports made to the employee's supervisor, campus President or the WVMCCD Police Authority must, in turn, be immediately forwarded to the District Associate Vice Chancellor of Human Resources and the Director, Compliance, Training & Employee Relations

Important facts

1. WVMCCD will utilize its best efforts to protect all College community members from sex discrimination, gender-based harassment, sexual harassment, sexual assault, and sexual violence.
2. WVMCCD will take affirmative and corrective action whenever it becomes aware of possible sex discrimination, sexual assault, sexual violence, or other sexual misconduct within the College community, whether or not a complaint has been made.
3. In order to meet its Title IX obligations and to the extent possible, every effort will be made to keep the details of complaints confidential if requested to do so by a victim of sexual misconduct and to follow the District's procedures for conducting an investigation and recommendations. However, the District's ability to strictly observe confidentiality may be compromised where the safety of members of the community is judged to be at risk.
4. The safety and security of all members of the College community is a priority matter.
5. The internal investigation of a complaint will be conducted, and a decision rendered, no matter the timeline or outcome of case adjudication by external authorities. Expanded information concerning sex discrimination, sexual harassment, sexual assault, sexual violence, and WVMCCD's Title IX Policy and Procedures Governing the Reports and Investigation of Title IX Complaints, can be found in WVMCCD's student, faculty and employee handbooks, as well as on the College's website.

What federal agency enforces TITLE IX?

The United States Department of Education's Office for Civil Rights (OCR) is in charge of enforcing Title IX. Information regarding OCR can be found at Title IX and Sex Discrimination | U.S. Department of Education

Report an Incident to TITLE IX

West Valley-Mission Community College District encourages everyone to report all forms of gender-based discrimination and sexual misconduct to the College, District and/or the police. Making a report means telling someone in a position of authority what happened – this can be in person, over the phone, or in an email. Contact the Title IX Coordinator or submit an online complaint form Title IX (Sexual Misconduct) Reporting Form.

Please note the Title IX Coordinators deal specifically with gender-based discrimination and harassment. You can report all other forms of unlawful discrimination or harassment by submitting a completed complaint form to the Director of Compliance, Training & Employee Relations.

Who Can File a Report?

Anyone (students, faculty, or staff) can report gender-based discrimination or sexual misconduct to the college. It does not matter if you were personally involved in an incident or if you witnessed something happening to someone else. West Valley-Mission Community College District follows: See Something, Say Something, Do Something model. This means we expect community members to look out for each other and report misconduct that affects all members of our campus community.

When Should I File a Report?

You should report incidents of gender-based discrimination and sexual misconduct as soon as possible. While it is never too late to report sexual harassment, sexual assault, stalking, or dating or domestic violence, it is much easier to conduct a thorough investigation if a report is made in a timely manner. Reporting instances of sexual misconduct as soon as possible allows the college to help you (and other affected parties) connect with valuable support services.

Where Should I File My Report?

You have the choice to report sexual misconduct to Mission College, West Valley College,
District Human Resources, or District Police or local Police. You can file a report with the District and still decline to file a report with local law enforcement agencies. If you are unsure of where to file your report, contact the College's Title IX Coordinator to discuss your reporting options, and help you file a report with the WVMCCD District Police if you so desire. Report all instances of gender-based discrimination and sexual harassment to the Title IX Coordinator.

Filing a Report with the College

To file a formal complaint, complete the Title IX (Sexual Misconduct) Reporting Form
form and e-mail a completed copy to the College's Title IX Coordinator.

The Title IX Coordinator at **Mission College** is:

Omar Murillo Ed. D., Vice President of Student Services
Mission College Student Services
3000 Mission College Blvd
Santa Clara, CA 95054
Phone: (408) 855-5195
Email: omar.murillo@missioncollege.edu

The Title IX Coordinator at **West Valley College** is:

Tanya Anderson Jones-Bey, Ed.D., Vice President, Student Services, Diversity, and Inclusion
West Valley College Student Services
14000 Fruitvale Avenue
Saratoga, CA 95070
Phone: (408) 741-4616
Email: tanya.anderson@westvalley.edu

The District Title IX Compliance Officer at **WVMCCD** is:

Laura Benson, Vice Chancellor, Human Resources Compliance, Training & Employee Relations
Human Resources Department
14000 Fruitvale Avenue
Saratoga, CA 95070
Phone: (408) 741-2060
Email: laura.benson@wvm.edu

The Federal Campus Sex Crime Prevention Act

(Megan's Law)
The Federal Campus Sex Crimes Prevention Act requires the WVM District to inform the campus community where to find information on registered sex offenders. California law requires sex offenders to register with their local police or sheriff, which places their names in a state-wide database.

The State of California Registered Sex Offenders database can be accessed at:
http://www.meganslaw.ca.gov

Sex Offender Registration
California Penal Code Section 290.01 requires every person who was convicted of a sex offense to register with the Campus Police Department of a College or University within Five (5) days where he/she is:

- Enrolled as a Full-time student.
- Enrolled as a Part-time Student.
- Employed as a Full-time Staff, Faculty, or Instructor.
- Employed as a Part-time Staff, Faculty, or Instructor.
- Employed as a Full-time or Part-time Classified employee.
- Employed as a volunteer.
- A contractor who is contracted by the College or University to work on campus.
- A carrier driver who delivers to that College or University more than 14 consecutive days or 30 days in a calendar year (i.e., Water delivery, Mail, VTA drivers, Outreach drivers, Armored car drivers, Telephone, Gas, and Electricity technicians, Computer technicians, Office supply drivers, and others).

This section does not relieve the person to register as a Sex Offender with the jurisdiction where he/she is residing. The registrations as a Sex Offender with a College or University Police Departments are in addition to the registration with the local police and sheriff's departments.

Anyone needing to register per Section 290 of the California Penal Code must call the Records Office to make an appointment at 408-741-2092.

Prevention and Education Awareness

West Valley-Mission Community College District takes a comprehensive institutional approach to address prohibited Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking. It also ensures that appropriate education and support services create an environment that does not tolerate Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking.

Trained facilitators provide presentations, workshops, and other educational events and programs to the WVM community. Multi-week awareness programs, training, primary prevention programs, bystander intervention training, and ongoing prevention and awareness campaigns are offered during the Academic Year for the campus community. Some are voluntary and others are mandatory.

Staff and faculty are required by the WVM District to complete various trainings to identify, prevent, and report sexual harassment and sexual misconduct, which includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Primary prevention and awareness training programs are required to be completed by all new employees and annually by all employees via an on-line course. In addition, Title IX office provides Sexual Misconduct training available to all faculty and staff throughout the year.

Descriptions of some of these programs offered to the campus community are:

Human Resource Trainings			
Training Topic	Type	Format	Targeted Staff
HR Onboarding	Orientation	Online / In-Person	All Employees
FERPA	Orientation	Online	All Employees
Mandated Reporting	Orientation	Online	All Employees
VAWA / CLERY	Orientation	Online	All Employees
Sexual Harassment: Staff to Staff	Orientation	Online	Supervisors, Managers & Administrators
Sexual Harassment: Policy & Prevention	Orientation	Online	Supervisors, Managers & Administrators
Title IX	Orientation	Online	All Employees
Legal Compliance & Best Practices in the Area of Bullying & Title IX	One Session	Classroom / In-Person	Supervisors, Managers & Administrators
Title IX Compliance Putting it into Practice	One Session	Classroom / In-Person	Supervisors, Managers & Administrators
Association of Title IX Administrator Level One Certificate	One Session	Classroom / In-Person	Supervisors, Managers & Administrators

Program Type	Audience	Number of Programs Held (frequency)	Description
Personal Safety and Awareness	Student, Staff, Faculty & Community	Ongoing	Provide training on primary prevention and best practices for response and creating an informed environment.
Mental Health First Aid CPR	Student, Staff & Faculty	Ongoing	Courses teach participants how to help someone who is developing a mental health problem or experiencing a mental health crisis
FERPA Adjudication Workshops	Staff & Faculty	Twice- Spring Semester	Education on FERPA is a federal law that protects the privacy of student education records.
Women of Wonder (WOW)	Student, Staff, Faculty & Community	Ongoing	Training on how to be empowered regarding relationships, social competencies, attitude, and personal development.
New Student Convocation for Students	Incoming Students	Once – Fall Semester	All students and parents who attend receive information on consent, safety & resources. A presentation on Sexual Assault/Dating Violence, Academic Stress and Success Strategies are presented. Title IX info is provided.
Suicide Prevention Presentations https://qprinstitute.com/	Student, Staff, Faculty & Community	Ongoing	75 Minute Suicide Prevention Training Sessions by arrangement
Dating Violence Presentations joinonelove.org-workshop/	Student, Staff, Faculty & Community	Ongoing	85 Minute Training Sessions on dating violence by arrangements
Suicide Prevention Week	Student, Staff, Faculty & Community	Annual	National Suicide Prevention Week is an annual week-long campaign in the United States to inform and engage health professionals and the public about suicide prevention and warning signs of suicide.
AOD Awareness (Alcohol and Drug)	Student, Staff, Faculty & Community	All College Week	Alcohol and Drug Information & Prevention Workshops

Program Type	Audience	Number of Programs Held (frequency)	Description
Domestic Violence Awareness Month	Student, Staff, Faculty & Community	Annual	Topics that are covered during workshop sessions: -What is Domestic Violence -What is gender difference -How to recognize the signs -What can a person do to get out of a DV situation -What are the available resources
Denim Day	Student, Staff & Faculty	Twice- Spring Semester	Domestic Violence Awareness Why Denim? — Denim Day
Coffee with the Cops	Student, Staff & Faculty	Ongoing	Community building and safety information sessions.
Safety Training Emergency Preparedness	Student, Staff & Faculty	Ongoing	Topics that are covered during workshop sessions: -Run-Hide-Fight -Campus lockdown procedures -Campus shelter in Place procedures -General Campus Safety procedures -Evacuation drills -How to report an in-progress crime Additional training courses provided to staff include: -EOC/ICS tabletop exercises for college command staff -Area supervisor and building sweeper training -Campus evacuation drills

ASSISTANCE AND SAFETY ESCORTS

The District Police will provide you with assistance in unlocking your vehicle, providing jumper cables, or summoning a tow truck or locksmith to assist you. In general, we will not attempt to open vehicles which have electric locks or windows. We will also assist family members in contacting students who are in class if there is a serious family emergency.

There is an escort service at both colleges from Monday through Thursday evenings. Escorts can be reached by dialing 2092 on the **West Valley College** campus or 408-741-2092 from a non-campus line. Escorts can be reached by dialing 5435 on the **Mission College** campus or 408-855-5435 from a non-campus line.

After 5 PM call County Communications, 408-299- 2311 and ask for a West Valley-Mission police officer and request an escort on campus.

Times can be arranged in advance so the escorts can meet students at their classes. We do not provide escorts to off campus locations.

Safety of Buildings and Grounds

The District buildings and property are patrolled by officers of the West Valley-Mission Community College District Police Department. The District Police regularly patrols each campus and reports malfunctioning lights and other unsafe physical conditions to District Facilities for service or correction. Possession and use of ***all*** weapons are prohibited on both West Valley and Mission campuses *(5.19 Student Conduct Policy & District Administrative Procedure 3530*)

BP 3530 WEAPONS ON CAMPUS

References:

Penal Code Sections 626.9 and 626.10

The District strives to provide employees, visitors, and students with a safe environment in which to work, learn, and visit; therefore, the District does not tolerate violence or threats of violence within the District. Firearms or other weapons shall be prohibited on any college or District center or in any facility of the district except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

Date Adopted: January 17, 2012
Reviewed: January 2020

Access to Campus Facilities

During business hours (generally 8 AM to 10 PM), the District will be open to the public. During non-business hours access to all District facilities is by key and or access card. In the case of extended closing periods, the district will determine access controls. Some facilities may have individual hours, which may vary at different times of the year. Examples include Physical Education facilities, Theater, and Hospitality Management. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility. Notification of extended or adjusted hours should be directed to District Facilities and District Police During the academic year, the Facilities Safety Committee on each campus will meet to discuss campus security, safety and access issues of pressing concern such as: general safety issues, alarms, locks, landscaping, lighting, and communications. Emergencies may necessitate changes or alterations to any posted schedules.

Campus Security for Satellite Location and Occasional Instruction Sites Non-Campus Locations

The District Police does not patrol at off-campus locations but does work cooperatively with the local law enforcement agency on any report of an incident or crime. The district maintains a facility in the City of Campbell, Campbell Educational Development Center, 1 West Campbell Av. Suite J-66, which is served by the Campbell Police Department.

As of Fall Semester 2016 the district maintains a facility in the city of Sunnyvale, Foothill Sunnyvale Center located at the Moffett Business Park 1070 Innovation Way, which is served by the Foothill-DeAnza CCD Police Department.

Mission College held classes at the following locations:

San Jose Year Up - 450 W Santa Clara St Suite 220, San Jose, CA 95110
Apollo HS - 1835 Cunningham Ave, San Jose, CA 95122
Santa Clara HS - 3000 Benton St, Santa Clara, CA 95051
Wilcox HS - 3250 Monroe St, Santa Clara, CA 95051
Elmwood Jail - 701 S Abel St, Milpitas, CA 95035
Santa Clara County Main Jail - 150 W Hedding St, San Jose, CA 95110
Santa Clara Adult Education - 1840 Benton St, Santa Clara, CA 95050
VTA - 3331 North First Street, San Jose, CA, 95134

Fairwood Elementary - 1110 Fairwood Ave, Sunnyvale, CA 94089
Educare California at Silicon Valley - 1399 Santee Dr, San Jose, CA 95122

West Valley College held classes at the following locations:
Del Mar HS - 1224 Del Mar Ave, San Jose, CA 95128
Leigh HS – 5210 Leigh Ave, San Jose, CA 95124
Lynbrook HS – 1280 Johnson Ave, San Jose, CA 95129
Prospect HS – 18900 Prospect Rd, Saratoga, CA 95070
Westmont HS - 4805 Westmont Ave, Campbell, CA 95008
Saratoga HS - 20300 Herriman Ave, Saratoga, CA 95070
Los Gatos HS - 20 High School Ct, Los Gatos, CA 95030
Silicon Valley Adult Education - 760 Hillsdale Ave, San Jose, CA 95136
Santa Maria Urban Ministry - 778 S Almaden Ave, San Jose, CA 95110
PARS Equality Center - 1635 The Alameda, San Jose, CA 95126
Sanborn Park - 16055 Sanborn Rd, Saratoga, CA 95070

Safety is Our Number One Priority

The safety of our West Valley-Mission Community College District faculty, staff, students, and visitors is our number one priority. Public Safety and a myriad of other departments across all campuses work hard to develop and nurture the safest possible environment for our college community. Our Police, Emergency Management, Behavioral Intervention Team, Community Oriented Team, Compliance, and other units all work together to help to achieve this mission. Although this college community is a great place to learn, work, and study it does not mean that the campus community is immune from problems that arise in other communities.

With that in mind, West Valley-Mission Community College District Police has taken progressive measures to create and maintain a safe environment on campus.

Though the West Valley-Mission Community College District is progressive with its policies, programs and education, it is up to each of us to live with a sense of awareness and use reasonable judgment when studying, working or visiting our college campuses.

Marsy's Law – Victim Bill of Rights

On November 4, 2008, the voters of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law, a measure to provide all victims with rights and due process. Additional information can be found at: http://oag.ca.gov/victimservices/marsys_law

Resources – Santa Clara County

VICTIMS' BILL OF RIGHTS ACT OF 2008

On November 4, 2008, the voters of California voted Proposition 9 into law. This measure amends the California Constitution. The amendment contains victims' rights now known as Marsy's Law. The Santa Clara County District Attorney's Office will

implement policies and procedures which are in legal accord with these rights.

MARSY'S RIGHTS

California Constitution, Article I, Section 28 (b) confers certain key rights and protections to victims of crime and their families.

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

1. **Fairness and Respect** – To be treated with fairness and respect for their privacy and dignity, and to be free from intimidation, harassment, and abuse throughout the criminal or juvenile justice process.
2. **Protection from the Defendant** – To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. **Victim Safety Considerations in Setting Bail and Release Conditions** – To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. **The Prevention of the Disclosure of Confidential Information** – To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. **Refusal to be the Interviewed by the Defense** – To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. **Conference with the Prosecution and Notice of Pretrial Disposition** – To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. **Notice of and Presence at Public Proceedings** – To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. **Appearance at Court Proceedings and Expression of Views** – To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. **Speedy Trial and Prompt Conclusion of the Case** – To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.
10. **Provision of Information to the Probation Department** – To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. **Receipt of Pre-Sentence Report** – To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.

12. **Information About Conviction, Sentence, Incarceration, Release, and Escape** – To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. **Restitution –**
    A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
    B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
    C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. **The Prompt Return of Property** – To the prompt return of property when no longer needed as evidence.
15. **Notice of Parole Procedures and Release on Parole** – To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. **Safety of Victim and Public are Factors in Parole Release** – To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. **Information About These 16 Rights (To be informed of these enumerated rights)** – To be informed of the rights enumerated in paragraphs (1) through (16).

Alcohol and Drug Policies

Alcoholic Beverages

The possession, sale, or furnishing of alcohol on West Valley-Mission district property is governed by District Policy and California state laws. Violators are subject to disciplinary action and criminal prosecution. West Valley-Mission prohibits the possession of open containers of alcoholic beverages on any district property, with the exception for those circumstances outlined in WVM Administrative Police 3560.

Drug Free Campus

Both the abuse and moderate use of alcohol and illegal drugs can result in injury and death. While chronic problems are associated with long-term abuse, damage can occur from moderate or even a single experimental use of a substance. Alcohol and drug use seriously impair learning and motivation; disrupts the classroom; jeopardizes our physical and mental health; subjects us to criminal penalties; injures our families; erodes our relationships; and inhibits our ability to benefit from an education. West Valley- Mission Community College District therefore asks you to support, maintain, and promote actively a drug-free learning environment by being aware and informing others of college policies, referral sources for help, and the substantial legal, personal, and health consequences associated with use. If you or someone you know is having problems with alcohol or drugs, seek out confidential assistance on-campus, or from one of the community agencies listed on this sheet.

(West Valley-Mission Community College District Policy BP 3550)

BP 3550 DRUG FREE ENVIRONMENT AND DRUG PREVENTION PROGRAM

References:

Education Code Section 67384
Drug Free Workplace Act of 1988, 41 U.S. Code Section 8103
34 Code of Federal Regulations Sections 86.1 et seq
Drug Free Schools and Communities Act, 20 U.S. Code Section 1011i

The District shall be free from all drugs and shall prohibit the unlawful use, possession, sale, or distribution of alcohol, narcotics, dangerous or illegal drugs, or other controlled substances, as defined in California statutes, on District property or at any function sponsored by the District or Colleges.

Any student or employee who violates this policy will be subject to disciplinary action (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal.

Illicit drugs and the abuse of alcohol pose various health risks that can have both immediate and long-term effects. The use of illicit drugs can lead to a range of health issues including but not limited to:

- Addiction, which is a chronic, often relapsing brain disease that causes compulsive drug seeking and use, despite harmful consequences to the individual and those around them.
- Overdose, which can be fatal, occurs when a person consumes too much of a drug.
- Impaired brain function affecting memory, attention, and the ability to learn.
- Increased risk of bloodborne infections, such as HIV or hepatitis C, particularly if drugs are injected.
- Mental health problems, including increased rates of anxiety, depression, and schizophrenia.
- Physical harm to organs, such as liver disease in alcohol abuse or lung disease in smoking substances.
- Unsafe behaviors leading to accidents, injuries, or violence.

Alcohol abuse can lead to:

- Short-term risks such as injuries, accidents, and risky sexual behaviors.
- Long-term risks include chronic diseases such as liver cirrhosis, pancreatitis, and various cancers.
- Alcohol poisoning, which is a critical condition that results from drinking a large amount of alcohol in a short period.
- Dependency and alcoholism, which can affect personal relationships, employment, and lead to legal problems.

Both illicit drug use and alcohol abuse can have detrimental effects on personal relationships and employment and can lead to significant legal and financial problems.

The Chancellor shall assure that the District distributes annually to each student and employee the information required by the Drug Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

The Colleges will provide information pertaining to the health risks and effects associated with alcohol and narcotics or other dangerous or illegal drugs. Students may be referred to various on campus programs or outside agencies for support, information, and/or enrollment in a drug recovery program. The Chancellor shall establish administrative procedures to assure that each campus health center applies to distribute dosages of a federally approved opioid overdose reversal medication and participates in the Naloxone Distribution Project through the State Department of Health Care Services.

Date Adopted: January 17, 2012
Date Revised: April 16, 2024

Item 5.19 *Student Conduct Policy* prohibits the use, distribution, sale or possession of controlled substances on college property or at events sponsored by the college. All state and federal laws pertaining to unlawful use and possession of drugs and alcohol are enforced on the campuses.

WVMCCD Student Policies (missioncollege.edu)
Student Conduct | West Valley College

Health Consequences
Even experimental use of a substance may result in:

- Impaired learning due to poor concentration, fatigue, drowsiness, anxiety, altered perception, confusion, indifference, depersonalization, memory loss, panic attacks, and drug-induced psychiatric problems.
- Impaired judgment leading to driving under the influence of alcohol/drugs.
- The intravenous use of drugs can result in hepatitis, tetanus, abscesses, and AIDS.
- The use of stimulants can lead to cardiac fibrillation, heart attack, seizures, respiratory cardiac arrest and death.

The most common negative health consequences from occasional drinking are:

- Trauma-related (i.e., auto accidents, violent and abusive acts) and involve both the drinker and non-drinking victims.
- Long-term alcohol abuse can cause brain damage, cirrhosis of the liver, hepatitis, permanent in coordination, ulcer disease, gastritis, pancreatitis, heart disease, stroke, anemia, sexual dysfunction, cancers, and many other health problems.
- The Health Services Office provides drug and alcohol abuse education programs and confidential assistance.

BP 3570 SMOKING AND THE USE OF E-CIGARETTE DEVICES ON CAMPUS

References:

Government Code Sections 7597.1

The District shall provide a safe learning and working environment for students and employees. It is the intent of the District to provide a smoke-free and vapor-free environment to the greatest extent possible. This policy applies to, without limitation, traditional tobacco-based products, such as cigarettes, cigars, and pipe tobacco, and to electronic devices, such as e-cigarettes, e-pipes, and e-hookahs that deliver vapor for inhalation.

Smoking and the use of e-cigarette devices are prohibited in all indoor locations within the District. Smoking and the use of e-cigarette devices are prohibited in any enclosed place of employment on campus, including lobbies, lounges, waiting areas, stairwells, and restrooms that are a structural part of any building that is a place of employment.

Smoking and the use of e-cigarette devices are prohibited in all areas of the Mission and West Valley campuses except in parking lot areas that are at least twenty-five (25) feet away from buildings and pathways.

The Chancellor shall establish administrative procedures that address notification of the policy, the posting of signs, the provision of education and training, and responsibility for enforcement.

It is the responsibility of all students and employees to observe the policy on smoking and e-cigarettes. Failure to comply with this policy will be treated in the same manner as other violations of District policy and may result in disciplinary action.

This policy does not supersede more restrictive policies that may be in force under state or federal regulations.

To enforce regulations and procedures, the Chancellor is authorized to:

- Set enforcement standards for all District sites and campuses.
- Impose a fine for a first, second, and third offense and for each subsequent offense. The amount of any fines will not exceed one hundred dollars ($100). Funds shall be allocated to include, but not be limited to, the designated 32 enforcement agency, education and promotion of the policy, and tobacco and vapor cessation treatment options.
- Direct that the district post signs stating its smoking, tobacco, and use of e-cigarette devices policy on campus, as follows:
  - the locations at which smoking, tobacco, or e-cigarette device use is prohibited on campus
  - the locations at which smoking, tobacco, or e-cigarette device use is permitted on campus
- Inform employees and students of the smoking, tobacco, and use of e-cigarette devices policy and enforcement measures.

See Administrative Procedure 3570

Date Adopted: January 17, 2012
Date Revised: April 21, 2015
Reviewed: January 2020

District & College Service Offices

The following listing provides telephone numbers of campus units that deal with issues of personal health, safety, and empowerment; substance abuse prevention, assessment, and treatment; and student legal assistance.

Contact the following services on campus:

Mission College Student Health Services
Location: SEC - 104
(Across from the Welcome Center)
408-855-5140
Student Health Services (missioncollege.edu)

West Valley College Student Health Services
Location: Student Services Center
408-741-2027
Health Services (wvm.edu)

Mission College Counseling Services
Location: Student Engagement Center SEC 139
408-855-5555
Connect with a Counselor (missioncollege.edu)

West Valley College Counseling Services
Location: Student Services Center
408-741-2009
Counseling Services | West Valley College

FOR FREE CONFIDENTIAL ASSISTANCE

For assistance off-campus, call:
Alcoholics Anonymous
408-374-8511

Narcotics Anonymous
408-998-4200

National Council on Alcoholism, Bay Area
415-296-9047

For a more comprehensive list of off-campus referrals contact Campus Health Services.

HEALTH RISKS ASSOCIATED WITH ALCOHOL AND OTHER DRUG ABUSE

Drinking alcohol and other drug misuse can cause a host of negative health outcomes. Overdose and driving while intoxicated are the most recognized but alcohol and drug misuse have been linked to higher rates of cancer, heart disease and cognitive impairment, unintended pregnancy, sexually transmitted infections, and they are associated with higher rates of suicide, among a number of other negative health outcomes.

Health Effects of Alcohol and Other Drugs:

Alcohol's Effects on Health | National Institute on Alcohol Abuse and Alcoholism (NIAAA)

Rethinking Drinking | NIAAA

Fentanyl
According to local data, fentanyl has been found in much of the illegal drug market—including non-opioids.

Fentanyl | Overdose Prevention | CDC

Locations | Overdose Prevention Resources | County of Santa Clara

Overdose Prevention

The Campus Opioid Safety Act required colleges and universities to put the power of reversing fentanyl overdoses directly into the hands of students.

Reversing Overdose with Naloxone:
Naloxone DrugFacts | National Institute on Drug Abuse (NIDA)

West Valley College: Naloxone (Narcan) is available via vending machines that distribute free Naloxone (Narcan) and fentanyl test strips. One can be found in the Campus Center Building's lobby, near cafeteria entrance. It can also be obtained at the Student Health Center located on the 1st floor of the Student Services Center.

Mission College: Naloxone (Narcan) is available via vending machines that distribute free Naloxone (Narcan) and fentanyl test strips. One can be found in the Campus Center Building 1st Floor. It can also be obtained at the Student Health Center located on the 1st floor of the Student Engagement Center SEC 139

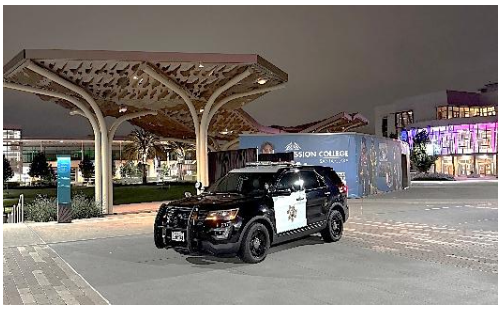
Drug-Free Awareness Programs
Dangers of Drug Abuse - NIDA.NIH.GOV | National Institute on Drug Abuse (NIDA)
Campus Drug Prevention - Campus Drug Prevention Homepage | Campus Drug Prevention

Bystander Intervention

West Valley-Mission Community College District and the campuses provide training on safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking.

Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Information about bystander intervention is included in a variety of prevention, outreach, and awareness programs across the West Valley-Mission Community College District. This training encourages employees and students to:

- Notice the Event
- Interpret the Event as a Problem
- Assume Personal Responsibility
- Learn How to Help
- And Step Up by utilizing the "4 Ds" – Direct, Distract, Delegate, and Delay
    - Direct – Directly addressing the situation.
    - Distract – Making a simple (or elaborate) distraction to diffuse the situation.
    - Delegate – Finding someone else to address the concern.
    - Delay – Checking in with the person after to see if you can do anything to support them



Crimes of Opportunity: Theft & Identity Theft

While West Valley College and Mission College campuses are reasonably safe environments, crimes do occur. In addition to the Clery Act crimes statistics, other common crimes that occur on campus are outlined below.

Theft is a common occurrence on college campuses. Often, this is due to the fact that theft is often seen as a crime of opportunity. recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim to theft.

- Do not leave laptop computers or textbooks unattended in labs or libraries, even if it is for a short period of time.
- Keep doors to labs, classrooms locked when not occupied.
- Do not keep large amounts of money with you.
- Report suspicious persons to the police immediately.

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involves fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information. Persons involved in identity theft often use computers or other forms of media to assist them.

You can take measures to prevent this from happening to you:

- Do not give anyone your personal information unless there is a legitimate reason to trust them.

- Never give your credit card information, date of birth, or other information over the telephone, unless you can confirm the person receiving that information.
- Complete a credit check frequently to make sure there is no suspicious activity.
- Examine financial information often to make sure all transactions are authorized and accounted for.
- Use security software and install firewalls on computers.

Risk Reductions

With no intention to victim-blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find out a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol consumed, or is acting out of character, get the person to a safe place immediately.
- If you suspect you or a friend has been drugged, contact a law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason for you to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are:
  - needing to take care of a friend or family member, not feeling well,
  - having somewhere else you need to be, etc.

- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until both of you have your full judgment before doing anything you may regret later.

Hazing on Campus

Education Code Section 66302 requires the governing board of each community college district to adopt and publish policies on harassment, intimidation, and bullying to be included within the rules and regulations governing student behavior. Penal Code Section 245.6 makes it unlawful to engage in hazing, as defined, with specified penalties for engaging in hazing.

Associated Student Organizations (Administrative Procedure 5400) prohibits hazing activities as defined in Sections 32050 and 32052 of the Educational Code. The district is working on a Hazing Policy to align with the "Stop Campus Hazing Act" by providing a framework for reporting and addressing hazing incidents.

The West Valley-Mission Community College District (WVMCCD) is committed to maintaining an inclusive and equitable community that values diversity, mutual respect, and fosters healthier and safer environments for living and learning. Hazing is contrary to our institution's values and will not be tolerated.

Hazing reporting is a part of a newly enacted **amendments to the Clery Act**, in accordance with federal requirements. The change, which takes effect immediately, enhances transparency but does not directly indicate an increase in hazing incidents on campus.

Hazing was previously not a standalone crime category in Clery Act reporting but is now included as a legally required reporting category.

The updated federal guidelines now require all colleges and universities that receive federal funding to track and disclose hazing incidents in their annual security reports. Hazing statistics are included in this year's report, which exist to maintain compliance with federal laws and keep the campus community informed.

Pursuant to the Clery Act, any designated Campus Security Authority (CSA) must report incidents of hazing. New Clery Act amendment requires reporting of hazing incidents statistics will first be included in the 2026 annual security report (2025) statistics

Definition of Hazing

Hazing: Any intentional, knowing, or reckless act committed by a person against another person regardless of the willingness of such other person to participate, in connection with initiation, affiliation, or continued membership in a student organization, that creates a risk of or causes physical or psychological injury beyond the reasonable risks of normal participation in the district or organization.

Hazing may include, but is not limited to:
whipping, beating, striking, electronic shocking; sleep deprivation, exposure to extreme elements, or excessive physical exertion; forced consumption of alcohol, drugs, or other harmful substances; coerced sexual acts; activities that induce fear of bodily harm or violate local, state, tribal, or federal laws.

Definition of Student Organization:
An organization at the district in which two or more of the members are students enrolled at the district, regardless of whether the organization is established or recognized by the district. A student organization may include a student club, society, association, athletic team, club sports team, fraternity, sorority, band, or student government

Hazing Prevention and Awareness Programs

1. Every incoming student's orientation includes information on hazing awareness, prevention, and reporting.
2. Athletic teams shall receive annual hazing prevention training that includes information on hazing awareness, bystander intervention, ethical leadership and ways to build group cohesion without hazing, consequences of engaging in hazing activities (including mental health, student wellness, student conduct, student organization, criminal and civil), and options for reporting.
3. College Employees of Student Organizations and club sports shall complete annual hazing prevention training that includes information on hazing awareness, bystander intervention, ethical leadership and ways to build group cohesion without hazing, consequences of engaging in hazing activities (including mental health, student wellness, student conduct, student organization, criminal and civil), and options for reporting.
4. Each College shall implement at least one campus wide event or activity as part of National Hazing Prevention Week campus resources related to hazing including how to report hazing; and prevention and bystander intervention training as it relates to hazing. The event or activity should be open to students, staff, faculty, families, and alumni.

Reporting Incidents of Hazing

Immediate Danger: Call 911

Each College shall distribute and make publicly available a mechanism or procedure for reporting hazing. The mechanism or procedure must provide an option for an individual to submit an anonymous report.

The mechanism or procedure must provide information about how an individual can report hazing without fear of retaliation or reprisal. Alleged victims and witnesses should not be deterred from reporting any incidents of hazing out of a concern that they might be disciplined for related violations of hazing or other District policies.

A person who participates as a complainant or witness in investigations or proceedings involving hazing shall generally not be subject to discipline for related violations of the Standards of Conduct at or near the time of the incident unless the district determines the violation was sufficiently egregious that it placed the health and safety of another person or the district at risk. It shall also be known that retaliation against any person participating or perceived to be participating in the reporting of or investigation into acts of hazing will constitute a violation of the Standards of Conduct.

Hazing Investigation Process

All reported acts of hazing committed by students or impacting students shall be reported to the TITLE IX Compliance Officer or their designee for appropriate investigation and sanctioning processes. Investigations will be conducted in accordance with the District Standards of Conduct Procedures and Policy.

Title: Hazing
Code: AP 3436
Book: Administrative Procedures
Section: Chapter 3 - General Institution

West Valley-Mission
Community College District

The District is committed to providing an academic environment free of hazing. This procedure defines hazing and sets forth a procedure for the reporting, investigation, and resolution of complaints of hazing. This procedure protects current, former, or prospective students.

Definitions

Hazing – Any intentional, knowing, or reckless act committed by a person against another person regardless of the willingness of such other person to participate, in connection with initiation, affiliation, or continued membership in a student organization, that creates a risk of or causes physical or psychological injury beyond the reasonable risks of normal participation in the District or organization.

Hazing may include, but is not limited to: whipping, beating, striking, electronic shocking; sleep deprivation, exposure to extreme elements, or excessive physical exertion; forced consumption of alcohol, drugs, or other harmful substances; coerced sexual acts; activities that induce fear of bodily harm or violate local, state, tribal, or federal laws.

Student organization – An organization at the District in which two or more of the members are students enrolled at the District regardless of whether the organization is established or recognized by the District. A student organization may include a student club, society, association, athletic team, club sports team, fraternity, sorority, band, or student government.

Prohibited Conduct

The District prohibits students, student organizations, and employees from engaging in, encouraging, or facilitating hazing. The District strictly prohibits retaliation against individuals who report hazing.

Reporting Hazing

Individuals may report hazing using the following methods:

Immediate Danger: Call 911

Anonymous Reports: Individuals may report hazing anonymously through TipNow. This system allows individuals to submit secure text or voicemail-based reports to the WVMCCD District Police Department. Additional information about anonymous tip reporting can be found on the Police and Community Services website. Anonymous reports can also be submitted through the WVMCCD incident reporting system.

Confidential Reports: Individuals may also report hazing via the District's incident reporting system. The system includes a confidential reporting method in which the reporter provides his/her/their identity.

The District will investigate reports of hazing promptly and confidentially to the extent permitted by law.

Investigation and Disciplinary Process

The Vice President of Student Services will investigate reports of hazing.

Violation of the District's prohibition on hazing will result in appropriate disciplinary action up to and including termination of employment or expulsion. Student organizations recognized by the District that permit hazing may face suspension, revocation of recognition, or other disciplinary actions.

Disciplinary action may include referrals for criminal prosecution.

The District Police will investigate all reports of hazing.

Annual Reporting and Transparency

The District shall collect and report statistics on hazing incidents in its annual security reports. (See AP 3515 Reporting of Crimes.)

The District shall publish an annual Campus Hazing Transparency Report on its website. The Campus Hazing Transparency Report will summarize hazing incidents and identify the student organization found responsible for hazing. The District will update this report at least twice per year and maintain the Campus Hazing Transparency Report for five years.

Prevention and Education

The District will provide a comprehensive prevention and outreach program addressing hazing for students, employees, and District Police. The comprehensive prevention program shall include components on identifying hazing, hazing prevention, and bystander intervention strategies. The District's outreach program shall inform students of the District's policy on the prohibition of hazing and include a process for contacting and informing the student body, athletic programs, and affiliated student organizations about the District's prohibition on hazing.

The District requires all students involved in student organizations, clubs, or athletic teams to complete hazing prevention training annually. Additionally, all employees who advise or oversee student groups must also complete hazing prevention training.

Adopted: **July 14, 2026**
Last Revised: **July 14, 2026**

Legal References:

- 20 U.S. Code Section 1092 ; Education Code Section 66305 et seq.; Penal Code Section 245.6

Community Resources

Asians Americans for Community Involvement (AACI)
749 Story Road, Suite 50 San
Jose, CA 95122
Phone: 408-975-2730 HOTLINE: 408-975-2739
http://www.aaci.org/ https://aaci.org/contact/
AACI is Santa Clara County's largest community-based organization focused on the Asian American community

Next Door - Solutions to Domestic Violence
1400 Parkmoor Avenue, Suite 120
San Jose, CA 95126
Office phone: 408-501-7550
email: info@nextdoor.org
24-HOUR Crisis Hotline: 408-279-2962
Next Door Solutions – to Domestic Violence
Next Door provides counseling, emergency shelter, legal assistance, a 24-hour hotline, and other services for victims of domestic violence.

Santa Clara County (SAFE)
Santa Clara Valley Healthcare SAFE+ Program
751 South Bascom Avenue
San Jose, CA 95128
Phone: 408-793-SAFE (7233)
SART provides emergency comprehensive medical / forensic victim examinations and expert witness testimony following allegations of adult sexual assault.
The SAFE+ Program | Health System | County of Santa Clara

Santa Clara County Probation Department, Juvenile Services Division
840 Guadalupe Parkway
San Jose, CA 95110
Phone: 408-278-5800
Fax: 408-294-4391
Santa Clara County Probation Department Web

Mothers Against Drunk Driving (MADD)
511 E. John Carpenter Freeway
Irving, TX 75062
Phone: 877-275-6233
24-HR Victim Help line:
1-877-623-3435
MADD
Email: bayarea.ca@madd.org
MADD provides victim assistance, case watching, education, public awareness and monitoring legislation issues as they apply to drinking and driving. "If you drink, don't drive - Stay Alive..."

Parents of Murdered Children
635 West 7th Street Suite 307
Cincinnati, Ohio 45203
Phone: 513-721-5683
Fax: 513-345-4489
pomc.org
Parents of Murdered Children is a self-help organization that provides on-going professional support to survivors of homicide victims through meetings, peer counseling, telephone friends and a newsletter.
natlpomc@pomc.org

Santa Clara County District Attorney
70 West Hedding Street
San Jose, CA 95110
Phone: 408-299-7500
Fax: 408-287-5076
email: publicinformation@dao.sccgov.org Santa Clara County District Attorney-da.org
The DA's office has specialized teams to enhance services to victims, including Domestic Violence, Robbery, Assault, Vehicular Crime, Child Abduction, Elder and Child Abuse, Consumer Fraud, Homicide and Sexual Assault.

Continuation: Community Resources

Santa Clara County Social Services Agency
Department of Child and Family Services
353 W Julian Street
San Jose, CA 95110
e-mail: client.comments@ssa.sccgobv.org
Phone 408-755-7600

Support Network for Battered Women (YWCA) Rape Crisis Center
375 South Third Street
San Jose, CA 95112
Phone: 408-998-4204
24-hr Hotline: 1 (800) 572-2782
YWCA Golden Gate Silicon Valley
The Support Network provides assistance to victims of Rape and Domestic Violence through crisis counseling, emergency shelter service, a 24- hour bilingual hotline, legal services and children's services.

Victim Services Unit
70 W Hedding Street
West Wing
San Jose, CA 95110
Phone: 408-295-2656
e-mail: victimservices@dao.sccgov.org
Help for crime victims and witnesses- Crisis counseling, follow-up care, assistance with court, recovery of loss services and assistance.
Victim Services Unit | Office of the District Attorney | County of Santa Clara

US Department of Justice, Office of Violence against Women
Phone: 202-307-6026
www.justice.gov/ovw
U.S. Department of Education Office for Civil Rights 1 (800) 872-5327

Santa Clara County Office of Women's Policy – Restraining Orders
e-mail: owp@ceo.sccgov.org
Office of Women's Policy | Division of Equity and Social Justice | County of Santa Clara
OWP Brochure Final 2025

U.S. Citizenship and Immigration Services
www.uscis.gov

Student and Exchange Visitor Program
www.ice.gov/sevis/

Santa Clara County LGBTQ+ Community Resources
LGBTQ+ community resources | Behavioral Health Services | County of Santa Clara
Community support resource guide from peer support, legal services, college support, intimate partner violence support and many more support services.

NAMI Santa Clara County
1150 S. Bascom Avenue, Suite 24
San Jose, CA 95128
Phone: 408-453-0400
Help Line: 408-453-0400 x1
Fax: 408-453-2100
e-mail: info@namisantaclara.org
Finding Missing Persons -
NAMI Santa Clara County help people with a lived experience of mental illness and families by providing support, education and advocacy; to promote research; to reduce stigma and discrimination in the community; and to improve services by working with health professionals and families.

State, National, and Global Resources

California Rural Legal Assistance, Inc.
California Rural Legal Assistance, Inc. (CRLA) is a nonprofit law firm founded in 1966 to provide free civil legal services to low-income residents of California's rural counties.
Phone: 1 (800) 337-0690
Home page | California Rural Legal Assistance, Inc.

National Sexual Violence Resource Center (NSVRC)
Their mission is to provide leadership in preventing and responding to sexual violence through collaborating, sharing and creating resources, and promoting research.
Phone: 877-734-3895
email: resources@nsvrc-respecttogether.org

Homepage | National Sexual Violence Resource Center (NSVRC)

U.S. Department of Education, Office for Civil Rights
The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces federal civil rights laws, conscience and religious freedom laws, the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Breach Notification Rules, and the Patient Safety Act and Rule, which together protect your fundamental rights of nondiscrimination, conscience, religious freedom, and health information privacy.
Phone:1 (800) 421-3481
e-mail: ocr@ed.gov
If you wish to fill out a complaint form online with the OCR, you may do so at:
File A Complaint | U.S. Department of Education

The National Human Trafficking Hotline
The National Human Trafficking Hotline connects victims and survivors of sex and labor trafficking with services and supports to get help and stay safe. The Trafficking Hotline also receives tips about potential situations of sex and labor trafficking and facilitates reporting that information to the appropriate authorities in certain cases.

Emergency: Call 911
Hotline: 1 (888) 373-7888
Home | National Human Trafficking Hotline

U.S. Department of State – Office of Overseas Citizens Services
Assist victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation
From the US or Canada: 1 (888)-407-4747
From overseas: +1 (202)-501-4444
Help Abroad | Travel.State.gov

Relevant State and Federal Websites

U.S. Department of Education – Campus Security
Campus Security | U.S. Department of Education

Safety and Security Data Analysis Cutting Tool
Campus Safety and Security

California Codes Education Code – Sections 67380-67385.7
California Legislative Information

State of California Department of Justice – Megan's Law Home
Disclaimer - Megan's Law Website

California Community Colleges Chancellor's Office
California Community Colleges

California Community Colleges Emergency Preparedness
Emergency Preparedness | California Community Colleges Chancellor's Office

Security on Campus – Information regarding the Clery Act
Home

Important WVMCCD Police Department Telephone Numbers

CELL PHONES FOR EMERGENCIES:
408-299-3233
(County Communications)

District Police Business / Records:
408-741-2092

District Police
Live Scan (Fingerprinting):
408-741-2685

District Police
Parking Services:
408-855-5435

COUNTY COMMUNICATIONS 24 HOUR
NON-EMERGENCY: 408-299-2311

(Request a West Valley-Mission Community College District Police Officer)

Santa Clara County Law Enforcement Agencies (Non-Emergency Numbers)

California Highway Patrol
Business Office 408-467-5400
Dispatch 707-648-5550

Campbell Police
Business Office 408-866-2121
Dispatch 408-866-2101

Foothill-De Anza CCD Police
Business Office 650-949-7313
Dispatch 408-924-8000

Gilroy Police
Dispatch 408-846-0350

Los Altos Police
Dispatch 650-947-2770

Los Gatos-Monte Sereno Police
Business Office 408-354-5257
Dispatch 408-354-8600

Milpitas Police
Dispatch 408-586-2400

Morgan Hill Police
Business Office 408-776-7300
Dispatch 408-779-2101

Mountain View Police
Business Office 650-903-6344

Santa Clara Police
Business Office 408-615-4700
Dispatch 408-615-5580

Santa Clara County Sheriff's Office
West Valley Cupertino Substation
Business Office 408-868-6600

Stanford University Police
Business Office 650-723-9633
Dispatch 650-329-2413

Palo Alto Police
Business Office 650-329-2406
Dispatch 650-329-2413

San Jose-Evergreen CCD Police
Dispatch 408-270-6468

San Jose Police
Dispatch 408-277-8900

San Jose State University Police
Dispatch 408-924-2222

Sunnyvale Department of Public Safety
Dispatch 408-730-7100

Appendix A: Jurisdictional 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, 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, 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.

(i) 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.

(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, or any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will, to masturbate or touch an intimate part of either of those persons or a third person, 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 does not 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

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

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars ($70) against 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 enjoyed 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) A 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 someone with whom the offender has, or previously had, an engagement or dating relationship as defined in paragraph (10) of subdivision (f) of Section 243.

(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.

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

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 their safety, or the safety of their 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)
a) 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.

b) 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

c) 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

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