

**Sofia University**

**ANNUAL SECURITY & SAFETY REPORT**

**September 30<sup>th</sup>, 2016**

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## **Introduction to the Report**

We urge members of the University community to use this report as a guide for safe practices on and off-campus. The Department of Facility Management sends an email to every enrolled student and current employee on an annual basis to notify them that the report is available to be viewed. The email includes a brief summary of the contents of this report and the web address for the Sofia University website where the Annual Security and Safety Report can be found. The report is available online at <https://portal.sofia.edu/ics/>

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), the Higher Education Opportunity Act (HEOA), and the Violence Against Women Reauthorization Act of 2013 (VAWA). VAWA has amended the Clery Act to require institutions to compile statistics, policies, procedures, and programs for incidents of domestic violence, dating violence, sexual assault, and stalking.

## **Reporting Procedures**

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety-related incidents to Department of Facility Management in a timely manner to aid in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics.

## **General Procedures for Reporting a Crime or Emergency**

It is imperative that all crime and suspicious activity be reported to Department of Facility Management accurately and promptly. By working together, the University community and Department of Facility Management can reduce crime on campus. Members of the University community may report criminal activities or other emergencies in several different ways. While we encourage all campus community members to promptly report all crimes and other emergencies directly to Department of Facility Management, we recognize that some may prefer to report to other individuals or University offices. A list of titles of each person or organization to whom students and employees should report criminal offenses described in the law for the purpose of making described in the law for the purpose of making timely warning reports and the annual statistical disclosure timely warning reports and the annual statistical disclosure is included.

All Department of Facility Management incident reports involving student misconduct are forwarded to the Office of Student Services for review and referral for potential action, as appropriate.

Those wishing to report and receive assistance for emergency situations may call 650-868-7766 Henry Wu(Facilities Manager), 650-450-0050 Rosalie Cook(Director of Student Service). All other non-emergency situations may be reported at 650-493-4430 x262. In response to a call, Department of Facility Management will take the required action.

## **Reporting to the Palo Alto Police Department**

A person reporting a crime to Department of Facility Management has the right to report the crime to the Palo Alto Police Department by calling 911. Department of Facility Management regularly discusses this option with the victim of a crime and will assist the victim with that process. If Palo Alto Police Department is contacted about incidents involving Sofia University students occurring off-campus, Palo Alto Police Department will typically notify Sofia University to respond with them.

## **To Report a Crime**

In the event anyone has information regarding crimes or emergencies they should immediately call Department of Facility Management by dialing:

Emergency: 650-868-7766 **Henry Wu (Facilities Manager)**, 650-450-0050 **Rosalie Cook (Director of Student Service)**

Non-Emergency: 650-493-4430 x262

## **Confidential Reporting**

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may want to consider making a confidential report. Department of Facility Management can file a report on the details of the incident. The purpose of a confidential report is to maintain confidentiality, while taking steps to ensure the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential dangers. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution, and when they involve allegations of sexual harassment (including sexual violence) are made available to the University's Title IX Coordinator. You can call Department of Facility Management and ask that the information remain confidential.

## **Importance of Reporting**

By reporting alleged crimes and other suspicious circumstances directly to Department of Facility Management, the alleged crime or suspicious circumstance will be included in Department of Facility Management Daily Crime and Fire Log, the daily report of crimes or suspicious incidents reported to Department of Facility Management, and it will be included in the Annual Security Report (if appropriate). Additionally, Department of Facility Management will be able to issue timely and appropriate warning bulletins alerting the campus community to the issue. Department of Facility Management reports are confidential. When reporting a crime or suspicious circumstance, you need not state your name or the name of victims, witnesses, etc. Sofia University encourages prompt and accurate reporting of all crimes to the Department of Facility Management and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report.

The institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Timely Warnings**

The Clery Act requires that a timely warning be issued for any Clery Act crime that occurs on or near campus that has been reported to Campus Security Authorities or local police agencies and is considered by the institution to represent a serious or continuing threat to students and employees. Clery Act crimes include: murder; manslaughter; sex offenses; robbery; aggravated assault; burglary; arson; motor vehicle theft; domestic violence; dating violence; and stalking. Warnings may be issued for other types of crimes as well, although these are not required by law.

Crimes reported to professional counselors are exempted from the timely warning requirements.

The Director of Student Services or Manager of Department of Facility Management will determine what situations warrant the issuance of a timely warning. The determination will be made on a case-by-case basis. Factors to be considered include: the nature of the crime; the continuing danger to the campus community; and the possible risk of compromising law enforcement efforts. For example, it's possible to have a rash of residence hall burglaries or motor vehicle thefts that merit a warning because they present a continuing threat to the campus community. However, if two students are involved in an aggravated assault and there is no ongoing threat to the community, a timely warning notice would not be warranted. Sex offenses will be considered on a case-by-case basis depending on when and where the incident occurred, when it was reported, and the amount of information known by Sofia University investigators.

Once it is decided to issue a timely warning, the Director of Student Services will consult with other University officials as appropriate to determine the content of the warning. The message will include information about the crime, the location, suspect information (if known), and recommended actions to be taken. Anyone with information warranting a timely warning should report the circumstances in person or by phone:

Department of Facility Management  
1069 E Meadow Cir  
Palo Alto, CA 94303  
650-493-4430 x262

## **Notification of Missing Students**

### **Reporting a Missing Student**

If a member of the University community has reason to believe that a student is missing, s/he should immediately notify the local law enforcement agency and Office of Student Services at 650-493-4430 x225.

## **Campus Emergency Response and Immediate Notification**

Should an emergency or dangerous situation pose an immediate threat to the campus community, members shall be notified without unreasonable delay unless Department of Facility Management determines that immediate notification would place the Sofia community at a greater risk or would compromise efforts to contain, respond to, or mitigate the emergency. Sofia University Emergency Operations Plan addresses the University's response to emergencies by taking an all-hazards approach to both natural and man-made events.

## **Crime Statistics**

### **Definitions of Categories**

#### **Murder and Non-negligent Manslaughter**

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

#### **Manslaughter by Negligence**

The killing of another person through gross negligence.

**Sex Offenses**

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

**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 definition includes any gender of victim or perpetrator.

**Fondling**

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

**Statutory Rape**

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

**Incest**

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

**Domestic Violence**

The term "domestic violence" means:

- 1) Felony or misdemeanor crimes of violence Committed—
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA) in which the crime of violence occurred; or
  - (v) By any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating Violence**

The term "dating violence" means violence committed by a person:

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

**Stalking**

The term "stalking" means:

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

**Robbery**

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

**Aggravated Assault**

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun,

knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

### **Burglary**

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

### **Motor Vehicle Theft**

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

### **Arson**

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

*In addition to the above crimes, hate crimes may include the following crimes:*

### **HATE CRIMES**

#### **Larceny-Theft**

Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Larceny and theft mean the same thing in the UCR.) Constructive possession is the condition in which a person does not have physical custody or possession, but is in a position to exercise dominion or control over a thing.

#### **Simple Assault**

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

#### **Intimidation**

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

#### **Destruction/Damage/Vandalism of Property**

Destruction/Damage/Vandalism of Property is 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.

#### **Arrests and Referrals Disciplinary Referrals**

Include those individuals referred to the Office of Student Conduct Rights and Responsibilities for liquor law, drug law, and illegal weapons violations. The numbers include incidents that are reported via Public Safety incident reports and reports provided directly to Student Conduct from other members of the Sofia community.

#### **Drug Abuse Violations**

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (demerol, methadones); and dangerous non-narcotic drugs (barbiturates, benzedrine). In CA, simple possession of not more than an ounce of marijuana (other than concentrated cannabis) is a non-criminal infraction.



### **Liquor Law Violations**

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

### **Weapon Law Violations**

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

### **Reporting Incidents & Crime**

Whether it happens to your or you are a witness, you have the responsibility to report crime. If a crime occurs on or around campus, report it immediately to the Facilities Dept. (650-493-4430 x262). Incident/Accident forms are available at the Facilities Manager's office and/or at the Front Desk.

Crimes in progress and crimes that have just occurred should be reported by dialing 911. Whenever possible, the actual victim or witness of the crime should call directly, firsthand information is always more accurate and complete.

When calling to report a crime or incident, please be ready to give information such as:

- A description of what occurred
- Location where the incident occurred
- Was a weapon used
- Where and when was the suspect(s) were last seen
- A description of what the suspects(s) looked like. Include: gender, race, age, height, weight, hair color/length, clothing, facial hair, tattoos, scars, and other noticeable features
- Other relevant information

## **CRIME STATISTICS CHART**

### **Criminal Offenses - On campus**

For each of the following criminal offenses, enter the number reported to have occurred On Campus.			
Criminal offense	Total occurrences On campus		
	2013	2014	2015
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Negligent manslaughter</u>	0	0	0
c. <u>Sex offenses - Forcible</u>	0		
d. <u>Rape</u>		0	0
e. <u>Fondling</u>		0	0
f. <u>Sex offenses - Non-forcible</u>	0		

g. <u>Incest</u>	0	0	0
h. <u>Statutory rape</u>	0	0	0
i. <u>Robbery</u>	0	0	0
j. <u>Aggravated assault</u>	0	0	0
k. <u>Burglary</u>	0	0	0
l. <u>Motor vehicle theft</u> (Do not include theft from a motor vehicle)	0	0	0
m. <u>Arson</u>	0	0	0

### Criminal Offenses - Public Property

For each of the following criminal offenses, enter the number reported to have occurred on Public Property.

Criminal offense	Total occurrences on Public Property		
	2013	2014	2015
a. <u>Murder/Non-negligent manslaughter</u>	0	0	0
b. <u>Negligent manslaughter</u>	0	0	0
c. <u>Sex offenses - Forcible</u>	0		
d. <u>Rape</u>		0	0
e. <u>Fondling</u>		0	0
f. <u>Sex offenses - Non-forcible</u>	0		
g. <u>Incest</u>	0	0	0
h. <u>Statutory rape</u>	0	0	0
i. <u>Robbery</u>	0	0	0
j. <u>Aggravated assault</u>	0	0	0
k. <u>Burglary</u>	0	0	0
l. <u>Motor vehicle theft</u> (Do not include theft from a motor vehicle)	0	0	0
m. <u>Arson</u>	0	0	0

### Hate Crimes - On campus

Occurrences of Hate crimes

Criminal offense	2015	Category of Bias for crimes reported in 2015
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Occurrences of Hate crimes							
Criminal offense	2013	Category of Bias for crimes reported in 2013					
		Total	Race	Religion	Sexual orientation	Gender	Disability
a. <u>Murder/ Non-negligent manslaughter</u>	0	0	0	0	0	0	0
c. <u>Sex offenses - Forcible</u>	0	0	0	0	0	0	0
f. <u>Sex offenses - Non-forcible</u>	0	0	0	0	0	0	0
g. <u>Incest</u>	0	0	0	0	0	0	0
h. <u>Statutory rape</u>	0	0	0	0	0	0	0
i. <u>Robbery</u>	0	0	0	0	0	0	0
j. <u>Aggravated assault</u>	0	0	0	0	0	0	0
k. <u>Burglary</u>	0	0	0	0	0	0	0
l. <u>Motor vehicle theft</u>	0	0	0	0	0	0	0
m. <u>Arson</u>	0	0	0	0	0	0	0
n. <u>Simple assault</u>	0	0	0	0	0	0	0
o. <u>Larceny-theft</u>	0	0	0	0	0	0	0
p. <u>Intimidation</u>	0	0	0	0	0	0	0
q. <u>Destruction/damage/ vandalism of property</u>	0	0	0	0	0	0	0

### VAWA Offenses - On Campus

For each of the following crimes, enter the number reported to have occurred On Campus.			
Crime	Total occurrences On Campus		
	2013	2014	2015
a. <u>Domestic violence</u>		0	0
b. <u>Dating violence</u>		0	0

c. <u>Stalking</u>	0	0
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### VAWA Offenses - Public Property

For each of the following crimes, enter the number reported to have occurred on Public Property.

Crime	Total occurrences on Public Property		
	2013	2014	2015
a. <u>Domestic violence</u>		0	0
b. <u>Dating violence</u>		0	0
c. <u>Stalking</u>		0	0

### Arrests - On campus

Crime	Number of Arrests		
	2013	2014	2015
a. <u>Weapons: carrying, possessing, etc.</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

### Arrests - Public Property

Crime	Number of Arrests		
	2013	2014	2015
a. <u>Weapons: carrying, possessing, etc.</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

### Disciplinary Actions - On Campus

Crime	Number of persons referred for Disciplinary Action		
	2013	2014	2015
a. <u>Weapons: carrying, possessing, etc.</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0



## Disciplinary Actions - Public Property

Crime	Number of persons referred for		
	Disciplinary Action		
	2013	2014	2015
a. <u>Weapons: carrying, possessing, etc.</u>	0	0	0
b. <u>Drug abuse violations</u>	0	0	0
c. <u>Liquor law violations</u>	0	0	0

## Unfounded Crimes

	Number		
	2013	2014	2015
a. <u>Total unfounded crimes</u>		0	0

## **Response to Sexual Misconduct**

Sofia University does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Sofia University issues this statement of policy to inform the community of our comprehensive plan 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 when it is reported to a University official. In this context, Sofia University 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 University community.

Sofia University recognizes that sexual misconduct is a serious issue and will not tolerate any offense of the Sexual Misconduct Policy or the Prevention of Sexual & Other Unlawful Harassment Policy under any circumstances. Any University student or employee who commits any form of sexual misconduct will be subject to disciplinary action, which may result in expulsion or suspension from the University or termination from employment, as well as any actions external authorities may undertake. If a victim wishes to pursue a formal complaint, the Title IX Coordinator will appoint investigators to conduct an investigation. If the victim does not wish to pursue a formal complaint, the Title IX Coordinator will determine, based on all available information, whether or not the University will be able to honor that request.

This determination will be made upon evaluating the potential for on-going threat to the community and/or relevant information about other behavioral concerns of the alleged party. Once an incident of sexual assault becomes known to any University employee that person (with the exception of mental health

counselor acting in their professional capacities) has an obligation to report the incident to his/her supervisor and/or a Title IX Coordinator, and to file a report to HR. Upon receiving the report, a Title IX officer will be assigned to conduct a preliminary investigation to determine whether the incident will be reported to Palo Alto Police Department for criminal investigation. If referred, Palo Alto Police Department will then assume the full responsibility for any criminal investigation. Victims should be conscious of preserving evidence that may be useful during criminal prosecution. Victims should be encouraged to follow up with the University's Counseling Center, or other public and private services within the city. The University may make changes in a victim's academic, working, and living situation if reasonably possible.

## Getting Help

### University Resources

Department of Facility Management  
Emergency: (650) 868-7766 Henry Wu  
Non-emergency: 650-493-4430 x262

Department of Student Service  
Emergency: (650) 450-0050 Rosalie Cook

### Other Resources

Palo Alto Police Department  
Emergency: 911  
Non-Emergency: (650) 329-2406

Rape Abuse & Incest National Network  
(800) 656-HOPE (4673)  
[www.rainn.org](http://www.rainn.org)

National Dating Abuse Hotline  
1-877-331-9474

National Domestic Violence Hotline  
(800) 799-SAFE (7233)  
(800) 787-3224 (TTY)  
[www.thehotline.org](http://www.thehotline.org)

National Sexual Assault Hotline  
(800) 656-HOPE (4673)

## **Definitions**

### **Consent**

Consent is defined in California as follows: California Penal Code 261.6.

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

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

The University's Sexual Misconduct Policy defines consent as clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Consent can be given by

words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in (and the conditions of) sexual activity.

- Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
- Previous relationships or prior consent cannot imply consent to future sexual acts.
- Mutually understandable consent must be obtained and maintained by both parties throughout the sexual interaction
- Consent to sexual activity may be revoked at any time, at which point sexual activity must cease immediately.
- In order to give consent, one must be of legal age. The penal code for the state of California states that “a ‘minor’ is a person under the age of 18 years and an ‘adult’ is a person who is at least 18 years of age”.

### **Sexual Assault**

“Sexual assault” means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

Rape is defined as 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 definition includes any gender of victim or perpetrator.

Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Incest is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

### **Domestic Violence**

The term “domestic violence” means:

- 1) Felony or misdemeanor crimes of violence committed—
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (v) By any other person against an adult or youth victim who is protected from that person’s act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purpose of Clery Act reporting.

### **Dating Violence**

The term “dating violence” means violence committed by a person:

- 1) Who is or has been in a social relationship of a romantic or intimate nature with the victim and
- 2) The existence of such a relationship shall be based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition—

- (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(ii) Dating violence does not include acts covered under the definition of domestic violence.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence and Dating Violence are defined in California as follows:

California Penal Code 273.5

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

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

(1) The offender's spouse or former spouse.

(2) The offender's cohabitant or former cohabitant.

(3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of Section 243.

(4) The mother or father of the offender's child.

## **Stalking**

The term "stalking" means 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(i) Fear for the person's safety or the safety of others; or

(ii) Suffer substantial emotional distress.

2) For the purposes of this definition—

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

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

(iii) Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim.

3) For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking is defined in California as follows:

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.

## **Education and Prevention Programs**

The University engages in comprehensive, intentional, and integrated programming initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and employees that:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct.
- Defines using definitions provided both by the Department of Education as well as state law what behavior constitutes domestic violence, dating violence, sexual assault, and stalking.
- Defines what behavior and actions constitute consent to sexual activity in the State of California and/or using the definition of consent found in the Student Code of Conduct if state law does not define consent.
- Provides a description of safe and positive options for bystander intervention.

Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing the 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 on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

The University continues to maintain on-going cyclical educational campaigns specific to students, faculty, and staff as soon as they join the Sofia community. The educational campaigns consist of presentations, distribution of educational materials to new students, and participating in and presenting information and materials during new employee orientation.

### **Procedures for Reporting a Complaint**

The University has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, and stalking, notifying individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and a respondent, such as housing, academic, transportation and workplace remedial actions, if reasonably available. The University will make such remedial actions, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to Public Safety or local law enforcement.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly by calling, writing or visiting these offices to report in person to the following Title IX Coordinators and/or the Department of Public Safety (if the victim so desires):

Title IX Coordinator  
Aida Smailagic  
650-493-4430 x234  
Aida.Smailagic@sofia.edu

Department of Facility Management  
650-493-4430 x262 (non-emergency)  
(650) 868-7766 Henry Wu (emergency)

Department of Student Service  
(650) 450-0050 Rosalie Cook (emergency)

After an incident of sexual assault or domestic/dating violence, the victim should consider seeking medical attention as soon as possible. For instances of sexual violence, the victim should seek medical attention from:

El Camino Hospital  
Address: 2500 Grant Rd, Mountain View, CA 94040  
Phone: (650) 940-7000

Rape Abuse & Incest National Network  
(RAINN)  
(800) 656-HOPE (4673)  
[www.rainn.org](http://www.rainn.org)

In California, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim 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 five days so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. 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. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to University investigators or police. Although, the University strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. Under the Violence Against Women Act and the Department of Justice Reauthorization Act, victims of sexual assault are not required to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both. The University will assist any victim with notifying local police if they so desire. The following police department may be reached directly:

Palo Alto Police Department  
Address: 275 Forest Ave, Palo Alto, CA 94301  
Phone: (650) 329-2406

The University will provide resources--on campus, off campus, or both--to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violations of this policy.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with Public Safety or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the University, the below are the procedures that the University will follow as well as a statement of the standard of evidence that will be used during any investigation on campus arising from such a report:

**Incident Being Reported:****Sexual Assault****Procedure Institution Will Follow For Students:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. If applicable, institution will provide written information to complainant on how to preserve evidence
3. Institution will assess immediate safety needs of complainant
4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department
5. Institution will provide complainant with referrals to on- and off-campus mental health providers
6. Institution will assess need to implement interim or long-term protective measure, such as housing changes, change in class schedule, "No Contact" directive between both parties
7. Institution will provide written or verbal instructions on how to obtain a No Contact Order
8. Institution will provide a copy of the Sexual Misconduct Policy to the complainant and the respondent, and inform them regarding timeframes for inquiry, investigation, and resolution
9. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not charges will be assessed, as well as any applicable corrective action
10. Institution will enforce the retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sexbased discrimination or for assisting in the investigation

**Procedure Institution Will Follow For Employees:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. If applicable, institution will provide written information to complainant on how to preserve evidence
3. Institution will assess immediate safety needs of complainant
4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department
5. Institution will provide complainant with referrals to the Employee Assistance Program for mental health providers.
6. Institution will assess need to implement interim or long-term protective measure, such as workplace changes, change in class schedule, "No Contact" directive between both parties.
7. Institution will provide written or verbal instructions on how to obtain a protective or restraining order.
8. Institution will provide a copy of the Prevention of Sexual & Other Unlawful Harassment Policy to the complainant and the respondent, and inform them regarding timeframes for inquiry, investigation, and resolution
9. Institution will inform the complainant and accused of the outcome of the investigation, whether or not charges will be assessed, as well as any applicable corrective action
10. Institution will protect the complainant from retaliation and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

**Incident Being Reported:****Stalking****Procedure Institution Will Follow For Students:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. If applicable, institution will provide written information to complainant on how to preserve evidence
3. Institution will assess immediate safety needs of complainant
4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department
5. Institution will provide complainant with referrals to on- and off-campus mental health providers
6. Institution will assess need to implement interim or long-term protective measures, such as change in class schedule, "No Contact" directive between both parties

7. Institution will provide written or verbal instructions on how to obtain a No Contact Order

The following will apply if the stalking is deemed to be a Title IX allegation:

8. Institution will provide a copy of the Sexual Misconduct Policy to the complainant and the respondent, and inform them regarding timeframes for inquiry, investigation, and resolution

9. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not charges will be assessed, as well as any applicable corrective action

10. Institution will enforce the retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

**Procedure Institution Will Follow For Employees:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care

2. If applicable, institution will provide written information to complainant on how to preserve evidence

3. Institution will assess immediate safety needs of complainant

4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department

5. Institution will provide complainant with referrals to the Employee Assistance Program for mental health providers.

6. Institution will assess need to implement interim or long-term protective measure, such as workplace changes, change in class schedule, "No Contact" directive between both parties.

7. Institution will provide written or verbal instructions on how to obtain a protective or restraining order.

The following will apply if the stalking is deemed to be a Title IX allegation:

8. Institution will provide a copy of the Prevention of Sexual & Other Unlawful Harassment Policy to the complainant and the respondent, and inform them regarding timeframes for inquiry, investigation, and resolution

9. Institution will inform the complainant and accused of the outcome of the investigation, whether or not charges will be assessed, as well as any applicable corrective action

10. Institution will protect the complainant from retaliation and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

**Incident Being Reported:  
Dating Violence**

**Procedure Institution Will Follow For Students:**

1. Depending on when reported (immediate vs. delayed report), institution will provide complainant with access to medical care

2. If applicable, institution will provide written information to complainant on how to preserve evidence

3. Institution will assess immediate safety needs of complainant

4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department

5. Institution will provide complainant with referrals to on- and off-campus mental health providers

6. Institution will assess need to implement interim or long-term protective measures, such as change in class schedule, "No Contact" directive between both parties

7. Institution will provide written or verbal instructions on how to obtain a No Contact Order

8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and respondent, and inform them regarding timeframes for inquiry, investigation and resolution

9. Institution will inform the complainant and respondent of the outcome of the investigation, whether or not the accused will be administratively charged, as well as any applicable corrective action

10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of dating violence or for assisting in the investigation



**Procedure Institution Will Follow For Employees:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. If applicable, institution will provide written information to complainant on how to preserve evidence
3. Institution will assess immediate safety needs of complainant
4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department
5. Institution will provide complainant with referrals to the Employee Assistance Program for mental health providers.
6. Institution will assess need to implement interim or long-term protective measure, such as workplace changes, change in class schedule, "No Contact" directive between both parties.
7. Institution will provide written or verbal instructions on how to obtain a protective or restraining order.
8. Institution will provide a copy of the Prevention of Sexual & Other Unlawful Harassment Policy to the complainant and the respondent, and inform them regarding timeframes for inquiry, investigation, and resolution
9. Institution will inform the complainant and accused of the outcome of the investigation, whether or not charges will be assessed, as well as any applicable corrective action
10. Institution will protect the complainant from retaliation and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

**Incident Being Reported:  
Domestic Violence****Procedure Institution Will Follow For Students:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. If applicable, institution will provide written information to complainant on how to preserve evidence
3. Institution will assess immediate safety needs of complainant
4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department
5. Institution will provide complainant with referrals to on- and off-campus mental health providers
6. Institution will assess need to implement interim or long-term protective measure, such as change in class schedule, "No Contact" directive between both parties
7. Institution will provide written or verbal instructions on how to obtain a No Contact Order
8. Institution will provide a copy of the Sexual Misconduct Policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution
9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged, as well as any applicable corrective action
10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of domestic violence or for assisting in the investigation

**Procedure Institution Will Follow For Employees:**

1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care
2. If applicable, institution will provide written information to complainant on how to preserve evidence
3. Institution will assess immediate safety needs of complainant
4. Institution will assist complainant with contacting local police if complainant requests AND provide complainant with contact information for local police department
5. Institution will provide complainant with referrals to the Employee Assistance Program for mental health providers.
6. Institution will assess need to implement interim or long-term protective measure, such as workplace changes, change in class schedule, "No Contact" directive between both parties.

7. Institution will provide written or verbal instructions on how to obtain a protective or restraining order.
8. Institution will provide a copy of the Prevention of Sexual & Other Unlawful Harassment Policy to the complainant and the respondent, and inform them regarding timeframes for inquiry, investigation, and resolution
9. Institution will inform the complainant and accused of the outcome of the investigation, whether or not charges will be assessed, as well as any applicable corrective action
10. Institution will protect the complainant from retaliation and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation