



# **ANNUAL SECURITY REPORT (ASR) 2023 FOR MAYFIELD COLLEGE, CATHEDRAL CITY, CA**

**CLERY CRIME STATISTICS CALENDAR YEARS  
2020-2022**

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES &  
CAMPUS CRIME STATISTICS ACT (20 U.S.C. § 1092(F))**

**Updated September 28, 2023**

# TABLE OF CONTENTS

Title	Page
PREPARATION OF THE ANNUAL SECURITY REPORT.....	4
REPORTING A CRIME .....	4
TIMELY WARNINGS.....	5
DAILY CRIME LOG .....	6
CAMPUS CRIME STATISTICS FOR MAYFIELD COLLEGE, CATHEDRAL CITY, CA .....	7
CLERY GEOGRAPHY DEFINITIONS: CATHEDRAL CITY CAMPUS .....	7
ACCESS TO MAYFIELD COLLEGE .....	11
PROMPT AND ACCURATE REPORTING.....	11
REGISTERED SEX OFFENDERS.....	12
VIOLENCE AGAINST WOMEN ACT (VAWA) .....	12
Federal VAWA Definitions.....	12
State Definitions .....	14
CONSENT.....	18
SEXUAL ASSAULT, RAPE, OR MISCONDUCT.....	19
CONFIDENTIALITY .....	20
Limited Exceptions to Confidentiality .....	20
Procedures to Follow When a Crime of Dating Violence, Domestic Violence, Sexual Assault, or Stalking has Occurred.....	21
Important Phone Numbers for Victims of Sexual Assault: .....	21
PRESERVING EVIDENCE AFTER A SEXUAL ASSAULT.....	21
If You Have Been Sexually Assaulted: .....	22
Orders for Protection/No-Contact Orders.....	23

BYSTANDER INTERVENTION .....	23
RISK REDUCTION AND ONGOING AWARENESS.....	23
INSTITUTIONAL DISCIPLINARY ACTION .....	24
Sexual Harassment and Equal Educational Opportunity .....	29
Acts of Intolerance, Racism, or Harassment .....	30
Reporting of Incidents of Abuse or Harassment .....	30
Equal Opportunity Grievances by Students Involving Mayfield College Employees.....	31
Investigation and Informal or Formal Resolution .....	31
FORMAL GRIEVANCE PROCESS .....	31
DRUGS AND ALCOHOL PREVENTION PROGRAM .....	31
MAYFIELD COLLEGE CAMPUS SAFETY AND SECURITY PROGRAMS FOR STUDENTS AND EMPLOYEES.....	31
EMERGENCY RESPONSE AND EVACUATION PROCEDURES .....	32

## **PREPARATION OF THE ANNUAL SECURITY REPORT**

Mayfield College prepares its annual disclosure of crime statistics, which is included in the Annual Security Report (ASR). The ASR will also address monitoring and recording of crime statistics through local police, of criminal activity on campus and at non-campus locations, along with policies and programs addressing security and crime prevention while attending Mayfield College.

Every year, Mayfield College will provide to students and employees the Annual Security Report, which includes separate crime statistics for 35-325 Date Palm Drive Suite 101, Cathedral City, California 92234 and 73680 Buena Vista, Twentynine Palms, California 92277 for calendar years 2020, 2021, and 2022. The students and employees at the Twentynine Palms campus will receive an Annual Security Report specific to their campus. Each campus has its own Annual Security Report and its own statistics. Students and employees will be notified by email in addition to receiving hard copies given to employees in their school mailboxes and students in their class. The ASR, along with the statistics for the two locations, are held in the administrative office at the Cathedral City Campus and at the Twentynine Palms Campus. The ASR is posted on the website and given to students at enrollment and during orientation. The information is compiled by Kevin Ha, President, who reaches out to the Cathedral City and the Twentynine Palms Police Department on an annual basis in July every year (a certified and trackable letter is mailed to each police department) to obtain the crime statistics reported to local police. Statistics for the shared parking lot in Cathedral City are gathered from the property management company that manages the Granite Esplanade strip mall. If the breakdown for the shared parking lot is available, statistics from the Cathedral City police department are gathered. In Twentynine Palms, Mayfield College occupies the entire building and does not share the parking lot with any other businesses.

## **REPORTING A CRIME**

Any student, faculty member, or employee of Mayfield College at the Cathedral City and Twentynine Palms campuses should directly report any criminal act or other emergency to Kevin Ha, President, at 760-328-5554 for any crimes committed during school hours. Kevin Ha, President, will immediately call the local police/sheriff's offices. In the absence of Kevin Ha, students should directly report to Monica Briceno, Director of Career Services, Alexandra Grajeda, Financial Aid Manager, or to Julie Ha, Director. If any criminal act or emergency occurs after school hours, reports should be made directly to the local police/sheriff's offices as well as to the off-hours Mayfield College message board at 760-328-5554.

Upon receipt of a call, officers are dispatched to the site, an investigation is conducted, and appropriate action taken. Please be as detailed as possible when providing a physical description of a suspect or perpetrator to the police and to Kevin Ha, President, Monica Briceno, Director of Career Services, Alexandra Grajeda, Financial Aid Manager, or to Julie Ha, Director. Along with describing a person's height, weight and build, try to include information pertaining to facial hair, skin complexion, jewelry and tattoos (where applicable). Vehicle descriptions should include: make, model, color and approximate year of manufacture. When possible, try to record marker plate, state of origin, and any

notable damage to the vehicle. It is also imperative that crime scenes not be disturbed to preserve any physical evidence that may exist.

Mayfield College does not have its own campus security or enforcement authority, nor does it possess the arrest authority needed to halt a perpetrator. The campus is under 24-hour camera surveillance. All crimes on campus should be reported to Kevin Ha, the President, Monica Briceno, Director of Career Services, Alexandra Grajeda, Financial Aid Manager, or to Julie Ha, Director, who will report the crime to the Cathedral City and/or Twentynine Palms Police Department for record keeping purposes. Mayfield College does not have any official agreements between the institution and the police departments, but it maintains a working relationship with the local police departments.

Mayfield College does not employ pastoral or professional counselors who counsel students, who are subject to the exemption as a campus security authority. When students or employees report crimes to campus security officials, the crimes will be noted for the Clery statistics and students or employees may indicate to have their names held confidential.

If you are the victim of a crime and do not want to pursue action with Mayfield College or the criminal justice system, you may still want to consider making a voluntary, confidential report. With your permission, Kevin Ha, President, 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. With such information, Mayfield College can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime regarding a location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Mayfield College.

## **TIMELY WARNINGS**

A timely warning is made when a crime occurring on-campus or on public property is considered to represent a serious or continuing threat to students and employees. The crimes include crimes identified in the ASR. Anyone with information warranting a timely warning should report the circumstances to Kevin Ha, President, by phone 760-328-5554 or in person in Suite 101, 35-325 Date Palm Drive, Cathedral City, CA 92234. Kevin Ha will work with the local police in communicating information about crimes reported to them that require timely warning.

Mayfield College will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to Campus President, Kevin Ha, has occurred in a Clery defined geographical area, and a case-by-case analysis of pertinent facts known is completed and a determination is made of a serious or continuing threat to the community exists. The Campus President, considering all information from law enforcement personnel on the scene, is responsible for the decision to issue a timely warning. The Campus President will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and will determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued. If it is determined that all three factors are met, the Campus President will, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, determine the content of the timely warning bulletin, work with administration to disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the timely warning bulletin: posting a notice on the Mayfield College website at [www.mayfieldcollege.edu](http://www.mayfieldcollege.edu), emailing a copy of the bulletin to all students and staff to their contact information on record, and providing a copy of the bulletin to all instructors to notify their students during class.

For clarity to the community when a timely warning is issued, it will be titled “Timely Warning Crime Bulletin” and include the following:

- A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.
- The Clery Act reportable crime that occurred.
- The date, time, and location the crime occurred.
- The date the Timely Warning Bulletin is issued.
- A description of the suspect, and name if known, when the suspect is at-large and evading apprehension and/or law enforcement is seeking assistance from the public to locate.
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime. The Timely Warning Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime. serious situation arises, either on or near campus, which constitutes an ongoing or continuing threat to students and employees, a campus wide “timely warning” will be issued.

## **DAILY CRIME LOG**

While the college does not have an on-campus security or enforcement department, Mayfield College tracks all crime reports on the Cathedral City campus that are reported to Kevin Ha, President, who is responsible for maintaining the Daily Crime Logs, preparing and publishing the Annual Security Report for each campus. Each of the campuses’ Daily Crime Logs contains records of criminal incidents by date reported and includes the nature of the crime, date and time the crime occurred, the general location of the crime and the disposition of the complaint if known. Entries to the Daily Crime Log will be made within two business days of the report of the information to Mayfield College. Mayfield College makes the most recent 60-day period open for public inspection during normal business hours. Any portion older than 60 days can be made available within two business days of the request. Each of the Daily Crime Logs is available upon request in the administration office in Suite 101.

## **CAMPUS CRIME STATISTICS FOR MAYFIELD COLLEGE, CATHEDRAL CITY, CA**

Mayfield College believes a community that is well informed about the nature of its crimes is a safety conscious public. Not only is it your right to know the information included in this document--it is to your advantage to act on it by developing personal routines that enhance your own safety and becoming actively involved in the reporting of crimes and suspicious/unusual activities. The crime statistics in this document are compiled by Kevin Ha, President. The statistics are based on crimes reported to the President of Mayfield College and/or the Cathedral City and Twentynine Palms Police Department. On an annual basis, President Ha seeks information on the crime statistics from the two police departments in July so that the statistics reported to the local police departments can be included in the most recent calendar year's statistics.

There are no non-campus locations for student organizations that are officially recognized by the institution. Therefore, Mayfield College is not monitoring or recording through local police agencies any criminal activity at non-campus locations.

See the following page for statistics reported for the prior three calendar years.

### **CLERY GEOGRAPHY DEFINITIONS: CATHEDRAL CITY CAMPUS**

Mayfield College is a non-residential career school located in a shopping strip mall known as the Granite Esplanade strip mall at 35325 Date Palm Drive, Cathedral City, CA 92234. The following definitions describe the areas that cumulatively account for Mayfield's "Clery Geography."

#### **"On-Campus"**

Clery Geography "On-Campus" is defined as any space rented by Mayfield College in the Granite Esplanade strip mall at 35325 Date Palm Dr., Cathedral City, CA 92234. It includes any leased space used by Mayfield in direct support of, or in a manner related to, the Mayfield's educational purposes. Mayfield College does not have residence halls nor do we own or control any buildings contiguous to the space we rent nor do our students utilize space controlled by another person or entity. Mayfield also rents space in the Granite Esplanade strip mall that is used as a student lounge and is not used for educational purposes. The student lounge is included in the On-Campus Clery Geography.

"On-Campus" are the spaces that Mayfield College leases at the Granite Esplanade. The spaces we lease are units: 101, 102, 108, 135, 136, 137, 138, 139, 141A, 141B, 145, 146, 200, 201, 202, 203, 205, 206, 207, 208, 215, 235, 241, 151I, 153E, 153G, 153H, 153I. The on-campus statistics indicate the number of crimes that occur on Mayfield's designated leased space.

“Non-Campus”

Clery Geography “Non-Campus” is defined as any building or property owned or controlled by a student organization that is officially recognized by Mayfield College. Mayfield College does not have any non-campus locations as we do not have student organizations that are officially recognized by the institution. In addition, “Non-Campus” includes any building or property controlled by an institution that is utilized in direct support of, or in relation to, its educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area. We do not have any non-campus buildings nor properties that are frequently used by students, nor do we have “mobile” campuses.

“Public Property”

Clery Geography “Public Property” encompasses all public property including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to or accessible from the campus. Included in our “Public Property” are the following streets that are adjacent to the Granite Esplanade strip mall and its associated sidewalks: Date Palm Drive, Converse Drive, Paseo Real Road and Paseo Real Circle. Our parking areas are adjacent to the building suites that we use for educational purposes and are included in our Clery Geography “Public Property.” The parking lot for the Granite Esplanade strip mall is an outdoor lot adjacent to the ground floor and is shared by all tenants of the strip mall. Thus, crimes that occur in the shared parking lot are included in our “Public Property” statistics. We obtain the information on crimes that occur in the shared parking lot from what is reported to us by students and employees, from the strip mall’s property management company and from the information we are able to cull from the data provided by the Cathedral City police department. The property management company of Granite Esplanade obtains the crime statistics from what is reported to them by the tenants in addition to the footage from the cameras that are placed throughout the property. In addition, the property management company employs a security company which patrols the shared parking lot and the public areas of the Granite Esplanade strip mall.

	ON-CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
<b>Criminal Offenses</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Criminal homicide: Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Criminal homicide: Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses: Rape	0	0	0	0	0	0	0	0	0
Sex offenses: Fondling	0	0	0	0	0	0	0	0	0
Sex offenses: Incest	0	0	0	0	0	0	0	0	0
Sex offenses: Statutory rape	0	0	0	0	0	0	0	0	0

	ON-CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	1	1
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	1
Arson	0	0	0	0	0	0	0	0	0
<b>Hate Crimes<sup>1</sup></b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Criminal offenses: Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Criminal offenses: Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses: Rape	0	0	0	0	0	0	0	0	0
Sex offenses: Fondling	0	0	0	0	0	0	0	0	0
Sex offenses: Incest	0	0	0	0	0	0	0	0	0
Sex offenses: Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0

<sup>1</sup> Hate Crimes category of bias: Race, Religion, Sexual orientation, Gender, Gender Identity, Disability, Ethnicity, National origin. As there were no Hate Crimes reported in this three-year cycle, the categories are not broken out on this year's report.

	ON-CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Domestic violence	0	0	0	0	0	0	0	0	1
Dating violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Illegal weapons possession...	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Illegal weapons possession..	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0

Mayfield College does not have dormitories nor other residential facilities for students on campus nor any officially recognized student organizations with non-campus locations. Mayfield College’s Cathedral City campus is located in the Granite Esplanade shopping strip mall at 35325 Date Palm Drive, Cathedral City, CA 92234. We do not have the entire building to ourselves as we have suites that we rent out within the shopping mall. The spaces we rent are throughout the shopping mall on both the ground floor and 2<sup>nd</sup> floor of the Granite Esplanade, which is one building with two floors (ground floor and 2<sup>nd</sup> floor). There are other businesses within the shopping mall that share the building with us. Our Clery statistics are generated from the space we rent in the Granite Esplanade shopping mall, all public property including thoroughfares, streets, sidewalks, and the outdoor parking lot adjacent to the ground floor shared with all tenants of the Granite Esplanade shopping mall, that is within the campus, or immediately adjacent to or accessible from the campus. Included in our statistics are the following streets that are adjacent to the Granite Esplanade shopping mall and its associated sidewalks including: Date Palm Drive, Converse Drive, Paseo Real Road and Paseo Real Circle. Our statistics include the parking lot on the ground floor adjacent to the building suites that we

use for educational purposes. The Granite Esplanade parking lot is shared with the other tenants in the Granite Esplanade shopping mall. The Granite Esplanade shopping mall does not have any parking lot buildings attached to the building. The On Campus statistics are generated from crimes that occur on Mayfield's designated leased spaces #101, 102, 108, 135, 136, 137, 138, 139, 141A, 141B, 145, 146, 200, 201, 202, 203, 205, 206, 207, 208, 215, 235, 241, 151I, 153E, 153G, 153H, 153I.

Included in our "Public Property" are the following streets that are adjacent to the Granite Esplanade shopping mall and its associated sidewalks including: Date Palm Drive, Converse Drive, Paseo Real Road and Paseo Real Circle. Our parking areas are adjacent to the building suites that we use for educational purposes and are included in our Clery Geography "Public Property". The parking lot for the Granite Esplanade shopping mall is an outdoor lot adjacent to the ground floor and is shared by all tenants. Thus, crimes that occur in the shared parking lot are included in our "Public Property" statistics. We obtain the information on crimes that occur in the shared parking lot from what is reported to us by students and employees, the shopping mall's property management company and from the information we are able to cull from the data provided by the Cathedral City police department. The property management company of Granite Esplanade obtains the crime statistics from what is reported to them by the tenants in addition to the footage from the cameras that are placed throughout the property. In addition, the property management company employs a security company which patrols the shared parking lot and the public areas of the Granite Esplanade shopping mall.

## **ACCESS TO MAYFIELD COLLEGE**

Students, faculty and employees of Mayfield College have access to the academic and administrative facilities on campus Monday through Thursday, 8am - 10pm and Friday from 8am - 5pm. The spaces we lease are units: 101, 102, 108, 135, 136, 137, 138, 139, 141A, 141B, 145, 146, 200, 201, 202, 203, 205, 206, 207, 208, 215, 235, 241, 151I, 153E, 153G, 153H, 153I. Access to some facilities is restricted to selected students, faculty members, or staff members. For example, certain classroom facilities at Mayfield College are open only to students, faculty members, and staff members involved with classes taught there or employees involved in the operation of those facilities. An example of this type of facility would be the computer lab and the student services/break area during normal business hours. The general public is able to walk into the reception area during business hours to inquire about the school. Any suspicious persons should be reported immediately to Kevin Ha, President. Because Mayfield College's Cathedral City campus is located in an open-air shopping strip mall, the doors to the classroom suites are locked during the time when access is not permitted.

## **PROMPT AND ACCURATE REPORTING**

Mayfield College encourages accurate and prompt reporting of all crimes to the Campus President, Kevin Ha, and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. Mayfield College follows all applicable policies and laws regarding confidentiality of records and reserves the right to provide police any information obtained as a result of a criminal investigation. See section titled "Reporting a Crime," which describes treatment of confidential reporting.

## **REGISTERED SEX OFFENDERS**

Students, faculty and staff of Mayfield College may contact the California Office of the Attorney General at their website <http://www.meganslaw.ca.gov/Search.aspx?lang=ENGLISH> for information concerning registered sex offenders.

## **VIOLENCE AGAINST WOMEN ACT (VAWA)**

On March 17, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), effective July 1, 2015.

Each year, Mayfield College reports statistics for domestic violence, dating violence, sexual assault and stalking in accordance with the definitions used in section 4002 (a) of the Violence Against Women Act of 1994. Beginning in 2014, the campus has added VAWA to our Daily Crime Log and began reporting the information in the ASR. All prospective and continuing students and employees will be offered a crime prevention program at the time of hire and/or as part of student orientation as well as on an annual basis. In addition, crime prevention is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 10 modules thereby students will be receiving crime prevention education on a monthly basis.

Mayfield College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking.

### **FEDERAL VAWA DEFINITIONS**

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking under the Clery Act as amended by VAWA.

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

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

For the purposes of this definition -

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.<sup>2</sup>

Domestic Violence - A felony or misdemeanor crime of violence committed

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<sup>2</sup> 34 C.F.R. § 668.46(a).

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.<sup>3</sup>

Sexual Assault - An offense that meets the definition of rape, fondling, incest, or statutory rape.

- Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.<sup>4</sup>
- 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 his/her age or because of his/her temporary or permanent mental incapacity.<sup>5</sup>
- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.<sup>6</sup>
- Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.<sup>7</sup>
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - a. Fear for the person's safety or the safety of others; or
  - b. Suffer substantial emotional distress

For the purposes of this definition -

- “Course of conduct” means two or more acts, including, but not limited to, acts in 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.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.

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<sup>3</sup> Id.

<sup>4</sup> Definition from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program.

<sup>5</sup> Definition from the NIBRS User Manual.

<sup>6</sup> Id.

<sup>7</sup> Id.

- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.<sup>8</sup>

## STATE DEFINITIONS

The following definitions reflect California state law and may be different from the federal definitions above. The federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence - Included within the definition of domestic violence as set forth in California Penal Code §13700.

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

- A. sexual relations between the parties while sharing the same living quarters,
- B. sharing of income or expenses,
- C. joint use or ownership of property,
- D. whether the parties hold themselves out as spouses,
- E. the continuity of the relationship, and
- F. the length of the relationship.

“Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.<sup>9</sup>

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or statutory rape):

- Rape - Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
  1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare

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<sup>8</sup> §668.46(a).

<sup>9</sup> Cal. Penal Code § 13700 (a), (b).

and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

2. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:
  - a. Was unconscious or asleep.
  - b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
  - c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
  - d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
7. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
  - a. As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age

of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

- b. As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.<sup>9</sup>

- Sexual Battery (Fondling) -

- 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.

- 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.

- 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.

- 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.

- E. Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.

- 1. 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.

- 2. 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.

- 3. As used in this section, the following terms have the following meanings:

- “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
- “Sexual battery” does not include the crimes defined in Section 261 or 289.

- “Seriously disabled” means a person with severe physical or sensory disabilities.
- “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
- “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
- “Minor” means a person under 18 years of age<sup>10</sup>

Incest - 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.<sup>11</sup>

- Statutory Rape -

- Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- 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<sup>12</sup>

- Stalking-

- 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.

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<sup>10</sup> 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.

<sup>11</sup> § 243.4.

<sup>12</sup> § 285.

- For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”
- For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
- This section shall not apply to conduct that occurs during labor picketing.
- For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household <sup>13</sup>

## CONSENT

Consent in reference to sexual activity is defined under California law as the following: In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.<sup>14</sup> In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim

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<sup>13</sup> § 261.5.

<sup>14</sup> § 646.9.

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.

## **SEXUAL ASSAULT, RAPE, OR MISCONDUCT**

Any behavior that constitutes a sexual offense under this policy will subject the offender to disciplinary action and sanctions by Mayfield College, up to and including dismissal, whether or not criminal charges are filed and without regard to whether the conduct occurred on or off campus. Prohibited conduct includes sexual assault, rape, attempted sexual assault or rape, indecent exposure, voyeurism, or possession or distribution of illegal pornography. In addition, sexual assault, rape and other sexual offenses are illegal under California criminal statutes and may be prosecuted in a court of law.

Sexual assault occurs when a person performs or compels another person to perform any sexual act or to have any form of sexual contact without consent. Rape is a specific kind of sexual assault that involves any vaginal, oral, sodomy, anal, or urethral penetration with any body part or object without consent. Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in the proposed sexual act. Lack of consent may result from inability because of mental impairment of the victim (due to, for example, intoxication), or physical helplessness of the victim (due to, for example, being asleep). Lack of consent may also result from intimidation (due to, for example, the aggressor's language, size, or threatened or actual use of force) that silences the victim. Attempted sexual assault or rape occurs when a person intends to commit the offense and engages in conduct that would lead to it.

Students will also be disciplined for other sexual offenses including which are criminal in nature or which violate other community standards. Investigation and the disciplinary hearing are conducted by Kevin Ha, Julie Ha, Monica Briceno and Alexandra Grajeda. These individuals undergo training annually. Each of these individuals receive annual training from an external training provider, Kantola, where documentation of annual training is provided. Kantola is an innovative company focused on diversity, equity, & inclusion and harassment/violence prevention.

Victims and witnesses of sexual offenses should be assured that care, confidentiality and consideration of the victim's wishes will be considered throughout the investigation. The administration is obligated to consider requests for changes in programs and/or class schedules if they are reasonably available. Individuals who feel that they are victims of any sexual offense are urged to file a complaint with the Cathedral City Police Department and the Office of the President. Victims should seek immediate medical assistance from Eisenhower Hospital (10 minutes away from campus), Desert Regional Hospital (20 minutes away from campus) or other medical facilities in the Twentynine Palms vicinity.

Desert Regional Medical Center, 1150 N Indian Canyon Dr, Palm Springs, CA 92262, Ph: 760-323-6511  
Eisenhower Medical Center, 39000 Bob Hope Drive, Rancho Mirage, CA 92270, Ph: 760-340-3911

## **CONFIDENTIALITY**

A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering an institutional investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

Mayfield College will be unable to investigate a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a complaint with the Institution and a separate complaint with local police. If a victim insists on confidentiality, Mayfield College will likely not be able to fully assist the victim with academic support or accommodations or adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with Mayfield College or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested.

### **LIMITED EXCEPTIONS TO CONFIDENTIALITY**

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct , Domestic Violence, and Dating Violence).

This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable. Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

## **PROCEDURES TO FOLLOW WHEN A CRIME OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING HAS OCCURRED**

Victims of sexual assault should:

- Seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection. See section titled Preserving Evidence After a Sexual Assault.
- Report such acts to Kevin Ha, President and the Cathedral City and/or Twentynine Palms Police Department. At the victim's request, officers or administrators will assist in the notification of local law enforcement. Mayfield College's disciplinary system may proceed against any alleged violator of institutional policy, whether state or federal criminal proceedings exist or are pending.
- Preserve any evidence of the assault for proof of a criminal offence.
- If necessary, seek counseling and/or emotional assistance and support. Speaking with a trained counselor can be critical to the emotional or mental well-being of the victim. See contacts below.

### **IMPORTANT PHONE NUMBERS FOR VICTIMS OF SEXUAL ASSAULT:**

Coachella Valley Sexual Assault Services	760-568-9071
Cathedral City Police Department	760-770-0300
Eisenhower Medical Center	760-340-3911
Desert Regional Medical Center	760-323-6511
Twentynine Palms Police Department	760-367-9546

## **PRESERVING EVIDENCE AFTER A SEXUAL ASSAULT**

Evidence of a sexual assault should be preserved as soon as possible after the incident, even if the reporting student is unsure about reporting or filing criminal charges. A Sexual Assault Forensic Examination (SAFE) will preserve evidence and may be done up to 84 hours after an assault. A SAFE may be done regardless of whether the student receiving the examination wants to pursue criminal charges or may be helpful in obtaining a protection order. The student does not need to provide his/her name to police to have the exam and for the evidence to be preserved. Preserving evidence, including from a SAFE, does not obligate the student to pursue criminal charges or appear in court. Steps to preserve evidence:

- Do not shower or douche.
- Try not to urinate. Urinating may reduce the ability to detect “date rape” drugs.
- If there was oral contact, do not smoke, eat, or brush teeth.

- Do not change clothes. If you have already changed your clothes, place them in a paper bag (plastic may destroy evidence). If you haven't changed, keep the original clothes on and bring an extra set to wear home from the hospital.
- Go to a hospital with the capability of providing a SAFE exam and request the exam. The cost of a SAFE examination is paid for from a state fund.

## **IF YOU HAVE BEEN SEXUALLY ASSAULTED:**

There are many resources for victims who are unsure what to do when dealing with domestic violence, relationship abuse and stalking. One option is the criminal justice system. Do not be afraid to call the police if you have been abused. The goal of the police and legal system is to provide some measure of safety for victims of violence and to provide information about additional resources, such as temporary living accommodations if necessary. One immediate alternative is to obtain a Temporary Restraining Order. If you have been recently threatened, hurt, or abused, or are being stalked by your current or former intimate partner, call 9-1-1 or 9-911. Tell the dispatcher that you are in danger and that you need help immediately.

The police are required to write an incident report for all domestic violence calls, even if the batterer has already left the scene. Although it is best to make the report as soon as possible, you may call the police anytime, even days or months, after you have been abused. Alternatively, you can contact a domestic violence and dating violence hotline at any time at 800-799-SAFE.

Mayfield College encourages individuals to report a sexual assault to the police having jurisdiction where the assault occurred. Additionally, victims are encouraged to seek guidance and support from professional resources.

### ***MAYFIELD COLLEGE WILL ISSUE THE FOLLOWING STATEMENTS TO ANYONE REPORTING A SEXUAL ASSAULT***

Mayfield College will provide a written notification about existing counseling health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and the community. These written notifications will be provided to every student during orientation and will be posted in every classroom. The notifications are available in offices of Student Services, Career Services, Financial Aid, Admissions and in the student lounge. The notices are given to the student at enrollment and at New Student Orientation.

1. Mayfield College will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures if the victim requests them, and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
2. Mayfield College will provide the student or employee a written explanation of the student's or employee's rights and options. The options include notifying law enforcement, being assisted by the President to notify law enforcement, or declining to notify such authorities.

These written notifications will be provided to every student during their monthly orientation and will be posted in every classroom). Each program is made up of 10 modules so students receive crime prevention education on a monthly basis – 10 times during their 10-month program.

## **ORDERS FOR PROTECTION/NO-CONTACT ORDERS**

Victims have a right to obtain an order of protection, a “no contact” order, a restraining order or a similar lawful order issued by a criminal court. Mayfield College does not issue orders of Protection nor can we comply or enforce those orders. If a student has already obtained an order of protection, a “no contact” order, or a restraining order, the student should contact Campus President, Kevin Ha. If the order involves another student, Mayfield College can discuss available options for attendance while the other party to the order is not on campus. If a student with or under such an order breaches the order, any Mayfield College administrator or the student should call the local authorities using the non-emergency numbers listed in Appendix A. In an emergency call 9-1-1 or 9-911.

To obtain an order of protection, a “no contact” order, or a restraining order, please contact the clerk of the court in your city or county to obtain the necessary forms for the protective order. Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Contact information for courts in an around campus can be found in Appendix A.

## **BYSTANDER INTERVENTION**

If you are the bystander to domestic violence, dating violence, sexual assault or stalking, below are some options for the bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone.
- Practice with friends and family about what you would say and how you would say it.
- When intervening, be respectful, direct and honest.
- Contact your local sexual assault center to see if they offer resources or training on bystander intervention ([www.nsvrc.org/organizations/state-and-territory-coalitions](http://www.nsvrc.org/organizations/state-and-territory-coalitions)).
- If you see or hear something and you do not feel safe, contact the police.

## **RISK REDUCTION AND ONGOING AWARENESS**

Mayfield College provides risk reduction and ongoing awareness through orientation of new staff and perspective and continuing students. In our orientation program, staff and students are provided information on general crime prevention, how to interrupt situations of harm and the appropriate notification system when an act occurs. Training will offer 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. Training occurs at New Student Orientation and also at each orientation for a new module which occurs monthly. In addition,

risk reduction and ongoing awareness is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 10 modules so students receive risk reduction and ongoing awareness education on a monthly basis – 10 times during their 10-month program.

## **INSTITUTIONAL DISCIPLINARY ACTION**

### *Disciplinary action in cases of alleged interpersonal violence*

Mayfield College strictly prohibits all acts of sexual harassment, sexual assault, domestic violence, dating violence, and stalking (interpersonal violence). Individuals may also face criminal investigation and prosecution in addition to any actions under Mayfield policies and procedures. Mayfield may receive reports of interpersonal violence from a variety of sources including:

- Victims and witnesses
- Campus security authorities
- Responsible employees
- Other law enforcement agencies
- Members of the community who learn of an incident and choose to report

A report of sexual harassment, sexual assault, domestic violence, dating violence, and stalking (interpersonal violence) can be made via email at [titleix@mayfieldcollege.edu](mailto:titleix@mayfieldcollege.edu), by phone at 760-328-5554, and in person at 35325 Date Palm Dr. #101, Cathedral City, CA 92234.

For complaints against an employee for sexual harassment, sexual assault, domestic violence, dating violence, or stalking, complaints can be made via email at [titleix@mayfieldcollege.edu](mailto:titleix@mayfieldcollege.edu), by phone at 760-328-5554, and in person at 35325 Date Palm Dr. #101, Cathedral City, CA 92234.

In all cases, whether involving a disciplinary process for students or employees, Mayfield will provide a prompt, equitable, fair and impartial process from the initial investigation to the final result.

### *Information About Disciplinary Proceedings for Students Under the Title IX Policy*

In the case of a report of sexual assault, domestic violence, dating violence, or stalking that occurs on campus or as part of Mayfield's education programs and activities, the proceedings and the main steps in the disciplinary process for students when handled by the Title IX officers (Kevin Ha, Julie Ha, Monica Briceno, and Alexandra Grajeda) and anticipated timelines for each include:

- The Title IX officers are responsible for receiving and reviewing reports of interpersonal violence.
- The Title IX officers are the responsible decision makers and determine if the reported behaviors may constitute a policy violation. The approximate timeline for this step is 30 days.

- Investigation and issuance of investigation report is the responsibility of the Title IX officers. This step may take approximately 90 days.
- All parties (complainant and respondent) are given 10 business days of time to review and respond to investigation report.
- Formal hearing or issuance of findings is the responsibility of the Title IX officers. This process may take up to 45 days.
- The complainant and respondent are provided 10 business days to file.
- If an appeal is filed, an appeal panel has 21 days to consider the appeal and decide.

An informal resolution process is voluntary. It is designed to resolve complaints without a hearing while meeting the needs and interests of the parties. It is available only after a formal complaint has been filed and at any time during the investigation. All parties and the Title IX officers must agree in writing to participate for an informal resolution procedure to be used, and all parties must agree in writing to the proposed resolution. If the parties are unable to agree, or if any party chooses not to engage in or to withdraw from the informal resolution procedure before it concludes, then the informal resolution procedure will terminate, and formal grievance procedures will be followed.

Pursuing an informal resolution does not preclude later use of a formal investigation if new information becomes available or if the informal resolution does not achieve its intended purpose. The Title IX officers may initiate an investigation at any time it deems appropriate, solely at its own discretion.

Extensions of time are granted in circumstances where there is good cause. Every situation is different and many factors can affect the timeline.

Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking include the following:

- A signed written, formal complaint submitted by impacted party outlining allegations requesting a formal investigation into the allegations.
- Complaint is reviewed by the Title IX officers who issues a determination to open investigation or dismiss complaint.
- The need for accommodations or protective measures is assessed and these measures are issued if needed.
- A notice of investigation is issued simultaneously to both impacted party and responding party.
- Both impacted party (the complainant or victim) and responding party (the accused) are entitled to updates throughout the investigation.
- Both parties are afforded the same rights during the investigation, adjudication and appeal stages of the proceedings.
- If disciplinary proceedings are appropriate, written notice will be provided to both parties and a hearing will be scheduled.

The Title IX officers will conduct a live hearing. The parties will have the opportunity to cross examine each other and witnesses. At no time may parties conduct cross examination. All cross examination will be conducted by the party's advisor.

Determinations are made by the Title IX officers using the preponderance of the evidence standard, which means that a responding party is found responsible for violating the policy if it is more likely than not that the alleged misconduct occurred. This standard of evidence is used for all interpersonal violence allegations.

In all proceedings, including any related meetings or hearings, both the impacted party and responding party are entitled to the same opportunities to have others present at the hearing. This includes the right to be accompanied by a support person of their choice as well as an advisor. A support person is any individual who provides the party support, guidance or advice and may, but need not be, an attorney. An advisor is someone who during a live hearing will conduct cross-examination of the other parties and witnesses; the party cannot personally conduct cross-examination of the other party. If during the hearing a party does not have an advisor present, Mayfield will appoint one to conduct cross examination on their behalf.

Both parties are informed simultaneously in writing of the outcome of the proceeding and the procedure and timeframe in which to file an appeal of the outcome, of any change to the results that occurs because of the appeal, and when such results become final.

Responding parties found responsible for interpersonal violence face disciplinary action. Remedies will be issued to the impacted party.

All investigations and proceedings are conducted by officials who receive annual training on interpersonal violence investigation and adjudication, how to investigate fairly and impartially, and how to conduct a proceeding in a manner that protects the safety of the parties and promotes accountability.

#### *Information About Disciplinary Proceedings for Students*

The student conduct process begins when the Title IX officers receive a written report of an incident. These reports include but are not limited to police reports, or incident reports from faculty, staff, or students. The Title IX Officers will review the information available to decide next steps. If the Title IX officers review a report and determines that alleged behaviors are not in violation, no action will be taken. If, however, it appears the student may have engaged in prohibited conduct, the Title IX officers may assign charges and schedule a hearing or pursue an alternative resolution process.

If a hearing is necessary, it is facilitated by the Title IX officers. The purpose of the student conduct hearing is to discuss alleged violations. As part of this process, students will be asked to share their perspective related to the alleged violations and discuss personal responsibility as well as community impact. Those charged with engaging in prohibited conduct will have the opportunity to receive a fair hearing. The formal rules of process, procedure and evidence used by the criminal justice system do not apply to the student conduct process.

The standard of proof for violations is a preponderance of the evidence standard. The evidence must demonstrate that it is more likely than not that the violation occurred.

Parties involved in the hearing may bring a support person/advisor to the hearing, at their own expense. The support person/advisor may be an attorney. The support person/advisor may not speak directly on the student's behalf. The support person/advisor may not serve in a dual role as a witness in the hearing. In cases involving alleged violence (including domestic violence and dating violence), sexual misconduct, or stalking a support person/advisor may not be another student except for extraordinary circumstances and approved by the Title IX officers. The parties may bring or request relevant witnesses. A request for witnesses must be made at least one (1) business day prior to a scheduled hearing. Witnesses may be present only when they are giving information. Witnesses may not serve in the dual role as a support person. The Title IX officers have the discretion to ensure questions are relevant to the case.

The Title IX officers are committed to providing necessary accommodations to ensure a fair and safe process for participants. Accommodations will take into consideration disabilities, personal safety and language differences.

The Title IX officers make decisions and determine the finding of responsibility for each charge based on the preponderance of information standard. If found responsible for engaging in prohibited conduct, the Title IX officers will determine appropriate sanctions based on the incident's severity, impact on others, and the Responding Party's student conduct record. The Title IX officers have ten (10) business days from the date of the hearing to provide a decision to a Responding Party. The number of days may be extended at the discretion of the Title IX officers, who will notify all parties of any delay. The hearing outcome will include the findings of responsibility, rationale for the findings, sanctions (if applicable), and information on the appeal process.

An appeal must be submitted via email at [titleix@mayfieldcollege.edu](mailto:titleix@mayfieldcollege.edu) or in person at 35325 Date Palm Dr. #101, Cathedral City, CA 92234 within ten (10) business days after the decision of the Title IX officers is sent to the involved parties. The decision by the Title IX officers is considered final if an appeal is not submitted within the specified time. Appeals submitted by another party on a student's behalf will only be accepted when a student acknowledges and affirms that the appeal represents their position. Once an appeal is submitted it is reviewed by the owner of Mayfield College, Julie Ha. While an appeal is pending, the Responding Party must comply with all sanctions and restrictions from the decision of the Title IX officers, unless otherwise specified. An appeal is limited to a review of the record of the hearing and supporting information that was evaluated in the decision making process. New information will only be considered if the Chair determines that the information was not available at the time of the hearing.

#### *Information About Disciplinary Proceedings Involving Employees*

Investigation of interpersonal violence incidents are coordinated between the Title IX office and the Office of Equal Opportunity (OEO).

All proceedings involving employees will:

- Include a prompt, fair, and impartial process from the initial investigation to the final decision.
- Be conducted by Title IX officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to investigate and hearing process that protects the safety of victims and promotes accountability.
- Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.

- Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- Provide for simultaneous notification, in writing, to both the accuser and the accused, of:
- The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking.

The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding:

#### *Options for appeal*

Discipline of employees is governed by the State of California Rules. Prior to imposing discipline, the owner of the school, Julie Ha, must meet with the employee to present information about the reason for potential discipline, disclose the source of that information unless prohibited by law, and give the employee an opportunity to respond. The purpose of the meeting is to exchange information before making a final decision. The appointing authority and employee are each allowed one representative of their choice. Statements during the meeting are not privileged. The employee will be allowed up to 5 business days after the meeting to provide the appointing authority any additional information relating to issues discussed at the meeting. The appointing authority must provide written notice of the meeting at least 3 business days prior to the meeting. The written notice must contain the date, time, and location of the meeting; the purpose of the meeting; general information about the underlying reasons for scheduling the meeting; the employee's right to present information at the meeting; and the right to have a representative of choice accompany the employee to the meeting. If reasonable attempts to hold the meeting fail, the appointing authority may send written notice advising the employee of the possibility of discipline and stating the alleged reasons. The employee has 10 days from receipt of the notice to respond in writing. After the meeting and/or review of any information submitted by the employee, discipline may be imposed.

#### *Disciplinary Sanctions for Students*

For a student found responsible, disciplinary sanctions may be imposed pursuant to the Student Handbook, up to and including expulsion from Mayfield College.

Disciplinary sanctions include:

- Disciplinary standings
- Disciplinary probation
- Loss of good standing
- Disciplinary suspension
- Deferred disciplinary suspension
- Disciplinary expulsion
- Discretionary sanctions

- Alcohol and drug education, intervention, or treatment
- A continuum of conflict resolution processes
- Withholding or revocation of a degree
- Educational sanctions
- Restorative sanctions
- Parent/guardian notification (student under the age of 21)
- Compliance with court-ordered sanctions

#### *Disciplinary Sanctions for Employees*

For an employee found in violation, disciplinary sanctions may be imposed pursuant to applicable policies and procedures, up to and including termination from Mayfield College.

Disciplinary sanctions include:

- Coaching
- Verbal reprimand, documented conversation
- Pay reduction
- Suspension without pay
- Demotion
- Facilitation or mediation
- Change in job responsibilities
- Letter of expectation
- Termination

## **SEXUAL HARASSMENT AND EQUAL EDUCATIONAL OPPORTUNITY**

Mayfield College provides an equal educational opportunity to all students and does not discriminate based on race, color, sex, sexual orientation, marital status, veteran's status, religion, national or ethnic origin, age, or disability in the administration of educational programs, admission and employment policies, scholarship and loan programs, and other school-administered programs. Mayfield College is dedicated to the mission that all human beings possess an inherent dignity. Mayfield College strongly condemns any unlawful or wrongful discrimination against the rights of others. Throughout the year, Mayfield College requires students to attend awareness programs for the prevention of rape, acquaintance rape, and other forcible and non-forcible sexual offences.

Mayfield College does not condone or tolerate any behavior (verbal, electronic, or physical) by an employee, student, or visitor that would constitute sexual harassment. Such behavior will subject the harasser to appropriate sanctions, including, but not limited to, counseling, suspension, expulsion, or civil or criminal action. Sexual harassment is a form of illegal discrimination referring to a wide range of inappropriate behaviors and/or unwanted conduct of a sexual

nature that effectively denies the victim of the harassment the opportunity to work and/or study in a non-threatening, stress-free environment.

Mayfield College defines sexual harassment in the following ways: Sexual harassment shall include, but not be limited to, unwelcome sexual advances, direct or indirect sexual demands, requests for sexual favors, sexual comments, gestures, or other physical actions of a sexual nature when:

- Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's educational success.
- Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive educational environment.

Furthermore, Mayfield College considers it a violation of an individual's rights to retaliate against a person who has initiated an inquiry or complaint having to do with abuse or harassment, and/or to instigate any other person to participate in such activity.

## **ACTS OF INTOLERANCE, RACISM, OR HARASSMENT**

Mayfield College is committed to maintaining a multicultural academic community in which the dignity and worth of each of its members is respected. It is the policy of the college that acts of intolerance, abuse, or harassment by students, faculty, staff and visitors, will not be tolerated. Any individual who violates this policy will be subject to appropriate action, including, but not limited to, counseling, suspension, expulsion, termination from the campus, or civil or criminal action.

Acts of intolerance and abuse are defined as any offensive verbal, written, or physical conduct directed at a person or group based upon race, color, national and/or ethnic origin, gender, sexual orientation, disability, religion, veteran's status, age, or association with persons different from oneself where such behavior is intimidating, hostile, demeaning, or could or does result in emotional or physical harm, embarrassment, or fear of one's personal safety.

Abuse and harassment include offensive behavior that interferes with a person or group's educational status or participation in campus activities, or which creates a hostile academic or social environment. Prohibited behaviors include threatening or offensive letters, use of threatening or demeaning language, vandalism, or graffiti to campus property, and stalking or aggression relating to dating relationships.

## **REPORTING OF INCIDENTS OF ABUSE OR HARASSMENT**

Any incident of criminal misconduct, such as physical assault or destruction of property, should be promptly reported to Kevin Ha, President and may be reported to the Cathedral City and/or Twentynine Palms Police Department. Any incident of abuse or harassment by a student or an unidentified perpetrator should be promptly reported to Kevin Ha, President. If appropriate, the student disciplinary process will be initiated.

## **EQUAL OPPORTUNITY GRIEVANCES BY STUDENTS INVOLVING MAYFIELD COLLEGE EMPLOYEES**

Students who feel that they have been discriminated against or subjected to harassment by a Mayfield College employee in violation of the above policies are urged to promptly report the matter to Kevin Ha, President.

### **INVESTIGATION AND INFORMAL OR FORMAL RESOLUTION**

If the reported incident is not of a serious nature or in situations where miscommunication is occurring, Kevin Ha may attempt to resolve the matter through discussion and mediation with the alleged harasser's supervisor. In situations where serious misconduct is reported, Kevin Ha will investigate and determine the appropriate action. The complainant and the alleged perpetrator will be notified of the disposition within 45 days.

### **FORMAL GRIEVANCE PROCESS**

If the student is not satisfied with the above resolution, the student may submit a written grievance within 30 days to Kevin Ha, President, stating the nature of the complaint, a description of the incident(s) and any possible witnesses, and the remedy sought. Kevin Ha will seek a resolution of the grievance. If it cannot be resolved, Kevin Ha will convene a resolution committee consisting of representatives of the executive management team. The committee will consider the evidence presented, determine the facts, and recommend a decision to Kevin Ha.

### **DRUGS AND ALCOHOL PREVENTION PROGRAM**

All Mayfield students and Employees read and sign the Drug Free and Alcohol Abuse Prevention Policy, which outlines the policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws, the policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws, and include a description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989.

### **MAYFIELD COLLEGE CAMPUS SAFETY AND SECURITY PROGRAMS FOR STUDENTS AND EMPLOYEES**

Annually, Mayfield College will offer for students and for employees, the following three safety and security programs. Employees will receive training on an annual basis. Campus Safety and Security is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 10 modules so students receive Campus Safety and Security education on a monthly basis – 10 times during their 10-month program.

- A. *Informational Program for Students and Employees about Campus Security Procedures and Practices.* This program will inform students and employees about campus security procedures and practices. This program will also inform students and employees about Drug Free and Alcohol Abuse prevention education programs available at Mayfield College. Employees will receive training on an annual basis. Campus Safety and Security is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 10 modules so students receive Campus Safety and Security education on a monthly basis – 10 times during their 10-month program.
- B. *Campus Safety and Security Program.* The student and employee will learn safety tips while on or off campus. This program focuses on using one's instinct, common sense, and action to reduce a criminal's opportunity. This program encourages students and employees to be responsible for their own security and the security of others. This program covers general personal safety while on campus, protecting individual and school property and equipment, personal safety while on campus, and safety while driving.
- C. *Rape Awareness, Education, and Sexual Assault Prevention Program.* Students and employees will learn about what constitutes rape, unlawful sexual contact, sexual assault and what males and females should know about these crimes and the definition of consent where “No means No.” This program also focuses on date rape and will include role playing. Students and employees will learn about procedures to follow if sexually assaulted, including procedures as to whom to contact, the importance of preserving evidence, and to whom the offense should be reported. Mayfield College’s Rape Awareness, Education, and Sexual Assault Prevention Program promotes the awareness of dating violence, domestic violence, sexual assault, and stalking by disseminating pamphlets throughout the year in addition to posters being put on the classroom walls throughout the year. It is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 10 modules so student will be made aware of dating violence, domestic violence, sexual assault and stalking prevention techniques on a monthly basis – 10 time during their 10-month program.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Anyone with information warranting an emergency response should report the circumstances to Kevin Ha, President, by phone 760-328-5554 or in person in Suite 101, 35-325 Date Palm Drive, Cathedral City, CA 92234.

*Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An “immediate” threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of your buildings.*

In cases where evacuation is required, the notification will be via an alarm. The building evacuation procedures include responsible campus personnel, safe zones, and routes of egress are outlined on the next page. As Mayfield is one campus with no outbuildings or housing, the notification process will involve only those currently on campus. The President, or his designee, will also initiate a call to the appropriate authorities to report the emergency and request a response.

The President will, without delay, in consultation with local police, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. As soon as the President has confirmed that a significant emergency or dangerous situation exists, he will consider the safety of the campus community, determine what information to release about the situation, and begin the notification process.

The only reason the President would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. For example, an alarm may not sound if there is an armed intruder and sounding an alarm would compromise the safety of students, employees, or bystanders.

An announced evacuation will take place once a year. Documentation of the evacuation will be maintained in the President's Office

**I have received Mayfield College's 2023 Annual Security and Fire Safety Report.**

Student/Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

School Official's Signature \_\_\_\_\_ Date \_\_\_\_\_



Revision Date: August 30<sup>th</sup>, 2023

## **Building Emergency Evacuation Plan**

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### **Overview**

Purpose of this plan is to ensure complete evacuation of campus buildings in case of an emergency; all occupants are responsible to adhere to the following procedure.

The following are emergencies for which a total or partial evacuation of a building is necessary.

- Earthquake
- Fire
- Explosion
- Bomb threats
- Release of hazardous chemical substances, in quantities or toxicity, which threaten human health
- Building Air contamination
- Severe Weather

Whenever you hear the building alarm or are informed of a general building emergency,

- Do not panic
- Do not ignore alarm.
- Leave the building immediately, in an orderly fashion.
- Do not use elevators.
- Classes in session must be dismissed and students directed to leave.
- Follow quickest evacuation route based on your location (Refer to floor evacuation diagram/map).
- Do not go back to your office area for any reason.
- Proceed to the designated emergency assembly point for your area. If the designated assembly point/area is unsafe or blocked due to the emergency, proceed to the alternate assembly point.
- Report to your Work Area Rep at the assembly point to be checked off as having evacuated safely; also report any knowledge you may have of missing persons.
- Return to the building only after emergency official give the all-clear signal. Silencing the Alarm doesn't mean the emergency is over.

**\*This plan will be updated and exercised by conducting evacuation drill at least annually.**



Revision Date: August 30<sup>th</sup>, 2023

## **Emergency Evacuation Personnel**

### **Work Area Representatives**

Department Directors will serve as the Work Area Representative. Work Area Reps. are expected to promote health, safety and fire prevention in the workplace in case of an Emergency:

- Sound the alarm, even for a small fire
- Ensure area occupants leave the building in cases where there is word of an emergency but the building alarm didn't sound
- Inform occupants of their responsibility to report to your assembly point
- Assist or direct occupants with limited mobility either to a safe area or downstairs if they are able to descend the stairway
- Check off co-workers who safely reported to the assembly point from the occupant list
- Collect information on missing personnel known, or suspected to still be in the building, and report to emergency personnel and the Emergency Coordinator

### **Floor Monitors**

Floor Monitors are expected to:

- Monitor corridors on assigned floor and ensure personnel are moving toward exits
- Check restrooms on assigned floor to ensure they have been evacuated
- Make sure fire doors on enclosed stairways and exits are closed and not blocked open
- Assist and/or direct occupants with limited mobility, either to safe areas, or down stairs if able to negotiate stairway
- Leave the building as soon as possible and go to assigned entryway. Report presence of anyone still on your floor
- Prevent re-entry into the building until emergency responders or the emergency coordinator announces the all-clear signal
- Fill out building evacuation observation report form

### **Emergency Coordinators**

Emergency Coordinators are expected to:

- Collect information on building occupants known or suspected to still be in building from Work Area Reps
- Meet emergency responders at building entrance
- Report information on occupants needing assistance to evacuate and other personnel suspected to still be in the building to emergency responders



Revision Date: August 30<sup>th</sup>, 2023

- Transmit the 'All-Clear signal' to floor monitors and emergency evacuation personnel

### **General Evacuation Procedure**

At the sound of the Emergency Alarm, it is the responsibility of all building occupants to evacuate immediately and proceed to predetermined assembly points, away from the building.

Building occupants are also responsible for ensuring that their visitors/customers follow the evacuation procedure described herein, and leave the building along with all other occupants.

Faculty and Staff are responsible for dismissing students, and directing them to leave the building by the nearest building exit upon hearing the building alarm or being notified of an emergency.

Designated essential personnel needed to continue or shut down critical operations, while an evacuation is underway, are responsible for recognizing and/or determining when to abandon the operation and evacuate themselves.

Contract workers will be made familiar with the procedures outlined herein, and are expected to leave the building when the alarm sounds.

**PLEASE NOTE: Assigned duties are to be carried out only if you are not putting yourself in danger or risking your personal safety.**



Revision Date: August 30<sup>th</sup>, 2023

### **Procedure for Individuals Needing Assistance during Evacuation**

Any person unable to use stairs, or need assistance to evacuate, should proceed to the nearest designated "safe area" or remain in his/her office if safe. Emergency evacuation personnel will check "safe areas", and ensure emergency response and rescue personnel are notified if someone has taken refuge there. They will also report any person taking refuge in offices in their areas.

#### **Selecting Safe Areas:**

Safe Areas; unless otherwise specified are regular locations that are easily accessible to individuals with limited mobility, and are monitored by emergency personnel (Work Areas Reps, Floor Monitors).

Two areas per floor have been designated as "safe areas". These locations are for use as a refuge by individuals who cannot negotiate stairs during evacuation, until trained emergency rescue personnel arrive to assist in their safe evacuation if circumstances warrant.

Please note that when choosing safe areas you must consider all types of emergencies including severe weather.



Revision Date: August 30<sup>th</sup>, 2023

## **Building Specific Information:**

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**Building Name:** Mayfield College in the Esplanade

### **Emergency Evacuation Coordinators:**

The Primary Emergency Evacuation Coordinators and his/her alternative are listed below. In the event the primary coordinator is not available during an Emergency, alternate coordinators will assume responsibility in the order in which they appear and they will carry out their duties as directed in this plan.

**Primary 1:** Isela Franco

Alternative #1: Veanna Ponce

Alternative #2: Monica Fajardo-Briceno

**Primary 2:** Jonathan Rodriguez

Alternative #1: Brian Palacio

Alternative #2: Michelle Rodriguez

### Safe Areas:

The following are "safe areas" for Mayfield College in the Esplanade.

<b>Floor</b>	<b>Safe Areas</b>
First Floor	Parking Lot
Second Floor	Stairway near the elevator



Revision Date: August 30<sup>th</sup>, 2023

**Floor Monitors:**

Primary Floor Monitors and Alternates are listed below, and will carry out their duties as described in this plan. In the event that the Primary Floor Monitor is not available at the time of the emergency, Alternate Monitors will assume those duties.

**Floor Monitors**

<b>Floor</b>	<b>Primary Representatives</b>	<b>Alternate</b>
First	Stephen Brawner	Gavin Jordan
Second	Jonathan Rodriguez	Mike Borja



Revision Date: August 30<sup>th</sup>, 2023

**Work Area Representatives:**

The following individuals have been selected as the Mayfield College in the Esplanade Work Area Reps, and will carry out their duties as listed in this plan under "Work Area Reps duties" Each Work Area personnel are responsible for designating a backup person in the event their primary Work Area Representative is unavailable at the time of an emergency.

<b>Floor</b>	<b>Work Area Representatives</b>	<b>Alternatives</b>	<b>Department</b>
First	Angelica Maldonado-Torres	Alexandra Grajeda	Financial Aid
	Diana Moreno	Michelle Gonzalez	Medical Assisting Instructors
	Stephen Brawner	Gavin Jordan	HVAC Instructors

<b>Floor</b>	<b>Work Area Representatives</b>	<b>Alternatives</b>	<b>Department</b>
Second	Maria Segura	Jonathan Rodriguez	Medical Assisting Instructor & CS Admin Assistant
	Mike Borja	Christine Silva	Computer Support Technician Instructor & Medical Front Office Instructor
	Isela Franco	Veanna Ponce	Students Services



Revision Date: August 30<sup>th</sup>, 2023

**Evacuation Assembly Points:**

When the alarm sounds; all occupants within the building must evacuate and report to an assigned evacuation assembly point. The Evacuation Assembly Points are listed below:

<b>DEPARTMENT</b>	<b>EVACUATION ASSEMBLY POINTS</b>
Main Office	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
Student Services	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
Career Services	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
CST	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
MA / MFO	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
Computer Clinic	FRONT PARKING LOT - KEEPING FIRE LANE CLEAR
HVAC	HVAC FRONT PARKING LOT

See attached "Evacuation Assembly Points Map" showing location of all building assigned assembly points. [Attach a map to this plan]



Revision Date: August 30<sup>th</sup>, 2023

**Assigned Building Entrances:**

The Mayfield College in the Esplanade has 4 stairwells leading to the second floor. These entrances must be monitored during building evacuation to maximize building security, limit access to emergency personnel, and ensure unsuspecting employees and visitors do not enter the building, until the all-clear signal is given.

This task is delegated to the Floor Monitors. Floor Monitors who are assigned to monitor these entrances will ensure to delegate this responsibility to someone else in case of their absence during an emergency.

<b>Stairwell Entrance</b>	<b>Monitors</b>
First Entrance	Brian Palacio- Stairwell near Room 202
Second Entrance	Lisbeth Marron- Stairwell near Room 241
Third Entrance	Maria Segura - Stairwell near Elevator
Fourth Entrance	Gavin Jordan- Stairwell near Room 136



Revision Date: August 30<sup>th</sup>, 2023

## Emergency Evacuation Record

Drill	Date	Time
#1	09/14/2023	9:30am
#2	09/14/2023	10:30am
#3	09/14/2023	6:15pm

Signature of Witnesses:

### Drill #1

Christina Gorman  
Witness (Print)

[Signature]  
Witness Signature

9/14/23  
Date

Diana Moreno  
Witness (Print)

[Signature]  
Witness Signature

9-14-23  
Date

### Drill #2

RAFAEL GONZALEZ  
Witness (Print)

[Signature]  
Witness Signature

9-14-23  
Date

Stephen D. Browner  
Witness (Print)

[Signature]  
Witness Signature

09/14/23  
Date

### Drill #3

JACOB TERAN  
Witness (Print)

[Signature]  
Witness Signature

9/14/23  
Date

Mariafigura  
Witness (Print)

[Signature]  
Witness Signature

9-14-23  
Date



# **ANNUAL SECURITY REPORT (ASR) 2023 FOR MAYFIELD COLLEGE, TWENTYNINE PALMS, CA**

**CLERY CRIME STATISTICS CALENDAR YEARS  
2020-2022**

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES &  
CAMPUS CRIME STATISTICS ACT (20 U.S.C. § 1092(F))**

**Updated September 28, 2023**

# TABLE OF CONTENTS

Title	Page
PREPARATION OF THE ANNUAL SECURITY REPORT .....	4
REPORTING A CRIME .....	4
TIMELY WARNINGS .....	5
DAILY CRIME LOG .....	6
CAMPUS CRIME STATISTICS FOR MAYFIELD COLLEGE, TWENTYNINE PALMS, CA .....	7
CLERY GEOGRAPHY DEFINITIONS: TWENTYNINE PALMS CAMPUS .....	7
ACCESS TO MAYFIELD COLLEGE .....	11
PROMPT AND ACCURATE REPORTING .....	11
REGISTERED SEX OFFENDERS .....	11
VIOLENCE AGAINST WOMEN ACT (VAWA) .....	11
Federal VAWA Definitions.....	12
State Definitions .....	13
CONSENT.....	18
SEXUAL ASSAULT, RAPE, OR MISCONDUCT .....	19
CONFIDENTIALITY .....	19
Limited Exceptions to Confidentiality .....	20
Procedures to Follow When a Crime of Dating Violence, Domestic Violence, Sexual Assault, or Stalking has Occurred.....	20
Important Phone Numbers for Victims of Sexual Assault: .....	21
PRESERVING EVIDENCE AFTER A SEXUAL ASSAULT .....	21
If You Have Been Sexually Assaulted: .....	21
Orders for Protection/No-Contact Orders.....	22

BYSTANDER INTERVENTION.....	23
RISK REDUCTION AND ONGOING AWARENESS.....	23
INSTITUTIONAL DISCIPLINARY ACTION.....	24
Sexual Harassment and Equal Educational Opportunity.....	29
Acts of Intolerance, Racism, or Harassment .....	30
Reporting of Incidents of Abuse or Harassment .....	30
Equal Opportunity Grievances by Students Involving Mayfield College Employees.....	31
Investigation and Informal or Formal Resolution .....	31
FORMAL GRIEVANCE PROCESS .....	31
DRUGS AND ALCOHOL PREVENTION PROGRAM .....	31
MAYFIELD COLLEGE CAMPUS SAFETY AND SECURITY PROGRAMS FOR STUDENTS AND EMPLOYEES.....	31
EMERGENCY RESPONSE AND EVACUATION PROCEDURES .....	32

## **PREPARATION OF THE ANNUAL SECURITY REPORT**

Mayfield College prepares its annual disclosure of crime statistics, which is included in the Annual Security Report (ASR). The ASR will also address monitoring and recording of crime statistics through local police, of criminal activity on campus and at non-campus locations, along with policies and programs addressing security and crime prevention while attending Mayfield College.

Every year, Mayfield College will provide to students and employees the Annual Security Report, which includes separate crime statistics for 35-325 Date Palm Drive Suite 101, Cathedral City, California 92234 and 73680 Buena Vista, Twentynine Palms, California 92277 for calendar years 2020, 2021, and 2022. The students and employees at the Twentynine Palms campus will receive an Annual Security Report specific to their campus. Each campus has its own Annual Security Report and its own statistics. Students and employees will be notified by email in addition to receiving hard copies given to employees in their school mailboxes and students in their class. The ASR, along with the statistics for the two locations, are held in the administrative office at the Cathedral City Campus and at the Twentynine Palms Campus. The ASR is posted on the website and given to students at enrollment and during orientation. The information is compiled by Kevin Ha, President, who reaches out to the Cathedral City and the Twentynine Palms Police Department on an annual basis in July every year (a certified and trackable letter is mailed to each police department) to obtain the crime statistics reported to local police. Statistics for the shared parking lot in Cathedral City are gathered from the property management company that manages the Granite Esplanade strip mall. If the breakdown for the shared parking lot is available, statistics from the Cathedral City police department are gathered. In Twentynine Palms, Mayfield College occupies the entire building and does not share the parking lot with any other businesses.

## **REPORTING A CRIME**

Any student, faculty member, or employee of Mayfield College at the Cathedral City and Twentynine Palms campuses should directly report any criminal act or other emergency to Kevin Ha, President, at 760-328-5554 for any crimes committed during school hours. Kevin Ha, President, will immediately call the local police/sheriff's offices. In the absence of Kevin Ha, students should directly report to Monica Briceno, Director of Career Services, Alexandra Grajeda, Financial Aid Manager, or to Julie Ha, Director. If any criminal act or emergency occurs after school hours, reports should be made directly to the local police/sheriff's offices as well as to the off-hours Mayfield College message board at 760-328-5554.

Upon receipt of a call, officers are dispatched to the site, an investigation is conducted, and appropriate action taken. Please be as detailed as possible when providing a physical description of a suspect or perpetrator to the police and to Kevin Ha, President, Monica Briceno, Director of Career Services, Alexandra Grajeda, Financial Aid Manager, or to Julie Ha, Director. Along with describing a person's height, weight and build, try to include information pertaining to facial hair, skin complexion, jewelry and tattoos (where applicable). Vehicle descriptions should include: make, model, color and approximate year of manufacture. When possible, try to

record marker plate, state of origin, and any notable damage to the vehicle. It is also imperative that crime scenes not be disturbed to preserve any physical evidence that may exist.

Mayfield College does not have its own campus security or enforcement authority, nor does it possess the arrest authority needed to halt a perpetrator. The campus is under 24-hour camera surveillance. All crimes on campus should be reported to Kevin Ha, the President, Monica Briceno, Director of Career Services, Alexandra Grajeda, Financial Aid Manager, or to Julie Ha, Director, who will report the crime to the Cathedral City and/or Twentynine Palms Police Department for record keeping purposes. Mayfield College does not have any official agreements between the institution and the police departments, but it maintains a working relationship with the local police departments.

Mayfield College does not employ pastoral or professional counselors who counsel students, who are subject to the exemption as a campus security authority. When students or employees report crimes to campus security officials, the crimes will be noted for the Clery statistics and students or employees may indicate to have their names held confidential.

If you are the victim of a crime and do not want to pursue action with Mayfield College or the criminal justice system, you may still want to consider making a voluntary, confidential report. With your permission, Kevin Ha, President, 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. With such information, Mayfield College can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime regarding a location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for Mayfield College.

## **TIMELY WARNINGS**

A timely warning is made when a crime occurring on-campus or on public property is considered to represent a serious or continuing threat to students and employees. The crimes include crimes identified in the ASR. Anyone with information warranting a timely warning should report the circumstances to Kevin Ha, President, by phone 760-328-5554 or in person in Suite 101, 35-325 Date Palm Drive, Cathedral City, CA 92234 and/or Gavin Jordan, Head Instructor, at 73680 Buena Vista Dr, Twentynine Palms, CA 92277. Kevin Ha and Gavin Jordan will work with the local police in communicating information about crimes reported to them that require timely warning.

Mayfield College will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to Campus President, Kevin Ha, or Gavin Jordan, Head Instructor, has occurred in a Clery defined geographical area, and a case-by-case analysis of pertinent facts known is completed and a determination is made of a serious or continuing threat to the community exists. The Campus President, considering all information from law enforcement personnel on the scene, is responsible for the decision to issue a timely warning. The Campus President will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported

incident, and will determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued. If it is determined that all three factors are met, the Campus President will, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, determine the content of the timely warning bulletin, work with administration to disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the timely warning bulletin: posting a notice on the Mayfield College website at [www.mayfieldcollege.edu](http://www.mayfieldcollege.edu), emailing a copy of the bulletin to all students and staff to their contact information on record, and providing a copy of the bulletin to all instructors to notify their students during class.

For clarity to the community when a timely warning is issued, it will be titled “Timely Warning Crime Bulletin” and include the following:

- A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.
- The Clery Act reportable crime that occurred.
- The date, time, and location the crime occurred.
- The date the Timely Warning Bulletin is issued.
- A description of the suspect, and name if known, when the suspect is at-large and evading apprehension and/or law enforcement is seeking assistance from the public to locate.
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime. The Timely Warning Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime. serious situation arises, either on or near campus, which constitutes an ongoing or continuing threat to students and employees, a campus wide “timely warning” will be issued.

## **DAILY CRIME LOG**

While the college does not have an on-campus security or enforcement department, Mayfield College tracks all crime reports on the Twentynine Palms campus that are reported to Kevin Ha, President, and/or Gavin Jordan, Head Instructor, who is responsible for maintaining the Daily Crime Logs, preparing and publishing the Annual Security Report for each campus. Each of the campuses’ Daily Crime Logs contains records of criminal incidents by date reported and includes the nature of the crime, date and time the crime occurred, the general location of the crime and

the disposition of the complaint if known. Entries to the Daily Crime Log will be made within two business days of the report of the information to Mayfield College. Mayfield College makes the most recent 60-day period open for public inspection during normal business hours. Any portion older than 60 days can be made available within two business days of the request. Each of the Daily Crime Logs is available upon request in the administration office in Twentynine Palms.

## **CAMPUS CRIME STATISTICS FOR MAYFIELD COLLEGE, TWENTYNINE PALMS, CA**

Mayfield College believes a community that is well informed about the nature of its crimes is a safety conscious public. Not only is it your right to know the information included in this document--it is to your advantage to act on it by developing personal routines that enhance your own safety and becoming actively involved in the reporting of crimes and suspicious/unusual activities. The crime statistics in this document are compiled by Kevin Ha, President. The statistics are based on crimes reported to the President of Mayfield College and/or the Cathedral City and Twentynine Palms Police Department. On an annual basis, President Ha seeks information on the crime statistics from the two police departments in July so that the statistics reported to the local police departments can be included in the most recent calendar year's statistics.

There are no non-campus locations for student organizations that are officially recognized by the institution. Therefore, Mayfield College is not monitoring or recording through local police agencies any criminal activity at non-campus locations.

See the following page for statistics reported for the prior three calendar years.

## **CLERY GEOGRAPHY DEFINITIONS: TWENTYNINE PALMS CAMPUS**

Mayfield College is a non-residential career school located at 73680 Buena Vista Dr, Twentynine Palms, CA 92277. The following definitions describe the areas that cumulatively account for Mayfield's "Clery Geography."

"On-Campus"

Clery Geography "On-Campus" is defined as the building in which Mayfield College is the sole tenant at 73680 Buena Vista Dr, Twentynine Palms, CA 92277. It includes any leased space used by Mayfield in direct support of, or in a manner related to, the Mayfield's educational purposes. Mayfield College does not have residence halls nor do we own or control any buildings contiguous to the space we rent nor do our students utilize space controlled by another person or entity.

“Non-Campus”

Clery Geography “Non-Campus” is defined as any building or property owned or controlled by a student organization that is officially recognized by Mayfield College. Mayfield College does not have any non-campus locations as we do not have student organizations that are officially recognized by the institution. In addition, “Non-Campus” includes any building or property controlled by an institution that is utilized in direct support of, or in relation to, its educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area. We do not have any non-campus buildings nor properties that are frequently used by students, nor do we have “mobile” campuses.

“Public Property”

Clery Geography “Public Property” encompasses all public property including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to or accessible from the campus. Included in our “Public Property” are the following streets that are adjacent to 73680 Buena Vista Dr, Twentynine Palms, CA 92277 and its associated sidewalks: Buena Vista Drive, Adobe Road, Mesquite Springs Road and Cholla Avenue. Our parking lot adjacent to the Mayfield College building that we use for educational purposes is included in our Clery Geography “Public Property.” The parking lot for the Mayfield building is an outdoor lot adjacent to the ground floor and is only for the use of Mayfield College. Thus, crimes that occur in the parking lot are included in our “Public Property” statistics. We obtain the information on crimes that occur in the parking lot from what is reported to us by students and employees, from the property management company and from the information we are able to cull from the data provided by the Twentynine Palms police department. The property management company obtains the crime statistics from what is reported to them by the tenants.

	ON-CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
Criminal Offenses	2020	2021	2022	2020	2021	2022	2020	2021	2022
Criminal homicide: Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Criminal homicide: Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses: Rape	0	0	0	0	0	0	0	0	0
Sex offenses: Fondling	0	0	0	0	0	0	0	0	0
Sex offenses: Incest	0	0	0	0	0	0	0	0	0
Sex offenses: Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0

	ON-CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>Hate Crimes<sup>1</sup></b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Criminal offenses: Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Criminal offenses: Negligent manslaughter	0	0	0	0	0	0	0	0	0
Sex offenses: Rape	0	0	0	0	0	0	0	0	0
Sex offenses: Fondling	0	0	0	0	0	0	0	0	0
Sex offenses: Incest	0	0	0	0	0	0	0	0	0
Sex offenses: Statutory rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor vehicle theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple assault	0	0	0	0	0	0	0	0	0
Larceny-theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0

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<sup>1</sup> Hate Crimes category of bias: Race, Religion, Sexual orientation, Gender, Gender Identity, Disability, Ethnicity, National origin. As there were no Hate Crimes reported in this three-year cycle, the categories are not broken out on this year's report.

	ON-CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Domestic violence	0	0	0	0	0	0	0	0	0
Dating violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Illegal weapons possession...	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
<b>Disciplinary Actions</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Illegal weapons possession..	0	0	0	0	0	0	0	0	0
Drug law violations	0	0	0	0	0	0	0	0	0
Liquor law violations	0	0	0	0	0	0	0	0	0
Unfounded Crimes	0	0	0	0	0	0	0	0	0

Mayfield College does not have dormitories nor other residential facilities for students on campus nor any officially recognized student organizations with non-campus locations. Mayfield College’s Twentynine Palms campus is located at 73680 Buena Vista Dr, Twentynine Palms, CA 92277. We have the entire building to ourselves. Our Clery statistics are generated from the space we rent, all public property including thoroughfares, streets, sidewalks, and the outdoor parking lot adjacent to the ground floor that is within the campus, or immediately adjacent to or accessible from the campus. Included in our statistics are the following streets that are adjacent to the Mayfield campus and its associated sidewalks including: Buena Vista Drive, Adobe Road, Mesquite Springs Road and Cholla Avenue. Our statistics include the parking lot on the ground floor adjacent to the building that we use for educational purposes. The Mayfield college building does not have any parking lot structures attached to the building.

## **ACCESS TO MAYFIELD COLLEGE**

Students, faculty and employees of Mayfield College have access to the academic and administrative facilities on campus Monday through Thursday, 8am - 10pm and Friday from 8am - 5pm. The general public is able to walk into the reception area during business hours to inquire about the school. Any suspicious persons should be reported immediately to Kevin Ha, President, or Gavin Jordan, Head Instructor.

## **PROMPT AND ACCURATE REPORTING**

Mayfield College encourages accurate and prompt reporting of all crimes to the Campus President, Kevin Ha, Head Instructor, Gavin Jordan, and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. Mayfield College follows all applicable policies and laws regarding confidentiality of records and reserves the right to provide police any information obtained as a result of a criminal investigation. See section titled "Reporting a Crime," which describes treatment of confidential reporting.

## **REGISTERED SEX OFFENDERS**

Students, faculty and staff of Mayfield College may contact the California Office of the Attorney General at their website <http://www.meganslaw.ca.gov/Search.aspx?lang=ENGLISH> for information concerning registered sex offenders.

## **VIOLENCE AGAINST WOMEN ACT (VAWA)**

On March 17, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) which amended the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), effective July 1, 2015.

Each year, Mayfield College reports statistics for domestic violence, dating violence, sexual assault and stalking in accordance with the definitions used in section 4002 (a) of the Violence Against Women Act of 1994. Beginning in 2014, the campus has added VAWA to our Daily Crime Log and began reporting the information in the ASR. All prospective and continuing students and employees will be offered a crime prevention program at the time of hire and/or as part of student orientation as well as on an annual basis. In addition, crime prevention is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 4 modules thereby students will be receiving crime prevention education on a monthly basis.

Mayfield College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking.

## FEDERAL VAWA DEFINITIONS

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking under the Clery Act as amended by VAWA.

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

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

For the purposes of this definition -

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.<sup>2</sup>

Domestic Violence - A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.<sup>3</sup>

Sexual Assault - An offense that meets the definition of rape, fondling, incest, or statutory rape.

- Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.<sup>4</sup>
- 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 his/her age or because of his/her temporary or permanent mental incapacity.<sup>5</sup>

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<sup>2</sup> 34 C.F.R. § 668.46(a)

<sup>3</sup> Id

<sup>4</sup> Definition from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program

<sup>5</sup> Definition from the NIBRS User Manual

- Incest - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.<sup>6</sup>
- Statutory Rape - Sexual intercourse with a person who is under the statutory age of consent.<sup>7</sup>
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - a. Fear for the person's safety or the safety of others; or
  - b. Suffer substantial emotional distress

For the purposes of this definition -

- “Course of conduct” means two or more acts, including, but not limited to, acts in 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.
- “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim.
- “Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.<sup>8</sup>

## STATE DEFINITIONS

The following definitions reflect California state law and may be different from the federal definitions above. The federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence - Included within the definition of domestic violence as set forth in California Penal Code §13700.

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

- A. sexual relations between the parties while sharing the same living quarters,
- B. sharing of income or expenses,

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<sup>6</sup> Id

<sup>7</sup> Id

<sup>8</sup> §668 46(a)

- C. joint use or ownership of property,
- D. whether the parties hold themselves out as spouses,
- E. the continuity of the relationship, and
- F. the length of the relationship.

“Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.<sup>9</sup>

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or statutory rape):

- Rape - Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
  1. Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
  2. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
  3. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
  4. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
    - a. Was unconscious or asleep.
    - b. Was not aware, knowing, perceiving, or cognizant that the act occurred.
    - c. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

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<sup>9</sup> Cal Penal Code § 13700 (a), (b)

- d. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- 5. Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
- 6. Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- 7. Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
  - a. As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
  - b. As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.<sup>9</sup>
- Sexual Battery (Fondling) -
  - 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.
  - 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.
  - 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.

- 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.
- E. Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.
1. 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.
  2. 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.
  3. As used in this section, the following terms have the following meanings:
    - “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
    - “Sexual battery” does not include the crimes defined in Section 261 or 289.
    - “Seriously disabled” means a person with severe physical or sensory disabilities.
    - “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
    - “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
    - “Minor” means a person under 18 years of age.<sup>10</sup>

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<sup>10</sup> 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

Incest - 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.<sup>11</sup>

- Statutory Rape -

- Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
- 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.<sup>12</sup>

- Stalking-

- 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.
- For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.
- For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”
- For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat

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<sup>11</sup> § 243.4

<sup>12</sup> § 285

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

- For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.
- This section shall not apply to conduct that occurs during labor picketing.
- For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.<sup>13</sup>

## CONSENT

Consent in reference to sexual activity is defined under California law as the following: In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 288a, or 289.

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.<sup>14</sup> In prosecutions under Section 261, 262, 286, 288a, or 289, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

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<sup>13</sup> § 261.5

<sup>14</sup> § 646.9

## **SEXUAL ASSAULT, RAPE, OR MISCONDUCT**

Any behavior that constitutes a sexual offense under this policy will subject the offender to disciplinary action and sanctions by Mayfield College, up to and including dismissal, whether or not criminal charges are filed and without regard to whether the conduct occurred on or off campus. Prohibited conduct includes sexual assault, rape, attempted sexual assault or rape, indecent exposure, voyeurism, or possession or distribution of illegal pornography. In addition, sexual assault, rape and other sexual offenses are illegal under California criminal statutes and may be prosecuted in a court of law.

Sexual assault occurs when a person performs or compels another person to perform any sexual act or to have any form of sexual contact without consent. Rape is a specific kind of sexual assault that involves any vaginal, oral, sodomy, anal, or urethral penetration with any body part or object without consent. Consent requires mutually understandable and communicated words and/or actions demonstrating agreement to participate in the proposed sexual act. Lack of consent may result from inability because of mental impairment of the victim (due to, for example, intoxication), or physical helplessness of the victim (due to, for example, being asleep). Lack of consent may also result from intimidation (due to, for example, the aggressor's language, size, or threatened or actual use of force) that silences the victim. Attempted sexual assault or rape occurs when a person intends to commit the offense and engages in conduct that would lead to it.

Students will also be disciplined for other sexual offenses including which are criminal in nature or which violate other community standards. Investigation and the disciplinary hearing are conducted by Kevin Ha, Julie Ha, Monica Briceno and Alexandra Grajeda. These individuals undergo training annually. Each of these individuals receive annual training from an external training provider, Kantola, where documentation of annual training is provided. Kantola is an innovative company focused on diversity, equity, & inclusion and harassment/violence prevention.

Victims and witnesses of sexual offenses should be assured that care, confidentiality and consideration of the victim's wishes will be considered throughout the investigation. The administration is obligated to consider requests for changes in programs and/or class schedules if they are reasonably available. Individuals who feel that they are victims of any sexual offense are urged to file a complaint with the Twentynine Palms Police Department and the Office of the President. Victims should seek immediate medical assistance from Hi-Desert Medical Center (17 minutes away from campus).

Hi-Desert Medical Center, 6601 White Feather Rd, Joshua Tree, CA 92252, Ph: 760-366-3711

## **CONFIDENTIALITY**

A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering an institutional investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

Mayfield College will be unable to investigate a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a complaint with the Institution and a separate complaint with local police. If a victim insists on confidentiality, Mayfield College will likely not be able to fully assist the victim with academic support or accommodations or adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with Mayfield College or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested.

## **LIMITED EXCEPTIONS TO CONFIDENTIALITY**

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct, Domestic Violence, and Dating Violence).

This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable. Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

## **PROCEDURES TO FOLLOW WHEN A CRIME OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING HAS OCCURRED**

Victims of sexual assault should:

- Seek immediate medical assistance. A victim may have internal or external injuries and may need treatment for disease or infection. See section titled Preserving Evidence After a Sexual Assault.
- Report such acts to Kevin Ha, President, and Gavin Jordan, Head Instructor, and the Twentynine Palms Police Department. At the victim's request, officers or administrators will assist in the notification of local law enforcement. Mayfield College's disciplinary system may proceed against

any alleged violator of institutional policy, whether state or federal criminal proceedings exist or are pending.

- Preserve any evidence of the assault for proof of a criminal offence.
- If necessary, seek counseling and/or emotional assistance and support. Speaking with a trained counselor can be critical to the emotional or mental well-being of the victim. See contacts below.

## **IMPORTANT PHONE NUMBERS FOR VICTIMS OF SEXUAL ASSAULT:**

Coachella Valley Sexual Assault Services	760-568-9071
Cathedral City Police Department	760-770-0300
Eisenhower Medical Center	760-340-3911
Desert Regional Medical Center	760-323-6511
Twentynine Palms Police Department	760-367-9546

## **PRESERVING EVIDENCE AFTER A SEXUAL ASSAULT**

Evidence of a sexual assault should be preserved as soon as possible after the incident, even if the reporting student is unsure about reporting or filing criminal charges. A Sexual Assault Forensic Examination (SAFE) will preserve evidence and may be done up to 84 hours after an assault. A SAFE may be done regardless of whether the student receiving the examination wants to pursue criminal charges or may be helpful in obtaining a protection order. The student does not need to provide his/her name to police to have the exam and for the evidence to be preserved. Preserving evidence, including from a SAFE, does not obligate the student to pursue criminal charges or appear in court. Steps to preserve evidence:

- Do not shower or douche.
- Try not to urinate. Urinating may reduce the ability to detect “date rape” drugs.
- If there was oral contact, do not smoke, eat, or brush teeth.
- Do not change clothes. If you have already changed your clothes, place them in a paper bag (plastic may destroy evidence) If you haven't changed, keep the original clothes on and bring an extra set to wear home from the hospital.
- Go to a hospital with the capability of providing a SAFE exam and request the exam. The cost of a SAFE examination is paid for from a state fund.

## **IF YOU HAVE BEEN SEXUALLY ASSAULTED:**

There are many resources for victims who are unsure what to do when dealing with domestic violence, relationship abuse and stalking. One option is the criminal justice system. Do not be afraid to call the police if you have been abused. The goal of the police and legal system is to provide some measure of safety for

victims of violence and to provide information about additional resources, such as temporary living accommodations if necessary. One immediate alternative is to obtain a Temporary Restraining Order. If you have been recently threatened, hurt, or abused, or are being stalked by your current or former intimate partner, call 9-1-1 or 9-911. Tell the dispatcher that you are in danger and that you need help immediately.

The police are required to write an incident report for all domestic violence calls, even if the batterer has already left the scene. Although it is best to make the report as soon as possible, you may call the police anytime, even days or months, after you have been abused. Alternatively, you can contact a domestic violence and dating violence hotline at any time at 800-799-SAFE.

Mayfield College encourages individuals to report a sexual assault to the police having jurisdiction where the assault occurred. Additionally, victims are encouraged to seek guidance and support from professional resources.

### ***MAYFIELD COLLEGE WILL ISSUE THE FOLLOWING STATEMENTS TO ANYONE REPORTING A SEXUAL ASSAULT***

Mayfield College will provide a written notification about existing counseling health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and the community. These written notifications will be provided to every student during orientation and will be posted in every classroom. The notifications are available in offices of Student Services, Career Services, Financial Aid, Admissions and in the student lounge. The notices are given to the student at enrollment and at New Student Orientation.

1. Mayfield College will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures if the victim requests them, and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
2. Mayfield College will provide the student or employee a written explanation of the student's or employee's rights and options. The options include notifying law enforcement, being assisted by the President to notify law enforcement, or declining to notify such authorities.

These written notifications will be provided to every student during their monthly orientation and will be posted in every classroom). Each program is made up of 4 modules so students receive crime prevention education on a monthly basis – 4 times during their 4-month program.

### **ORDERS FOR PROTECTION/NO-CONTACT ORDERS**

Victims have a right to obtain an order of protection, a “no contact” order, a restraining order or a similar lawful order issued by a criminal court. Mayfield College does not issue orders of Protection nor can we comply or enforce those orders. If a student has already obtained an order of protection, a “no contact” order, or a restraining order, the student should contact Campus President, Kevin Ha. If the order involves another student, Mayfield College can discuss available options for attendance while the other party to the order is not on campus. If a student with or under such an order breaches the order, any Mayfield College administrator or the

student should call the local authorities using the non-emergency numbers listed in Appendix A. In an emergency call 9-1-1 or 9-911.

To obtain an order of protection, a “no contact” order, or a restraining order, please contact the clerk of the court in your city or county to obtain the necessary forms for the protective order. Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Contact information for courts in an around campus can be found in Appendix A.

## **BYSTANDER INTERVENTION**

If you are the bystander to domestic violence, dating violence, sexual assault or stalking, below are some options for the bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone.
- Practice with friends and family about what you would say and how you would say it.
- When intervening, be respectful, direct and honest.
- Contact your local sexual assault center to see if they offer resources or training on bystander intervention ([www.nsvrc.org/organizations/state-and-territory-coalitions](http://www.nsvrc.org/organizations/state-and-territory-coalitions)).
- If you see or hear something and you do not feel safe, contact the police.

## **RISK REDUCTION AND ONGOING AWARENESS**

Mayfield College provides risk reduction and ongoing awareness through orientation of new staff and perspective and continuing students. In our orientation program, staff and students are provided information on general crime prevention, how to interrupt situations of harm and the appropriate notification system when an act occurs. Training will offer 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. Training occurs at New Student Orientation and also at each orientation for a new module which occurs monthly. In addition, risk reduction and ongoing awareness is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 4 modules so students receive risk reduction and ongoing awareness education on a monthly basis – 4 times during their 4-month program.

## INSTITUTIONAL DISCIPLINARY ACTION

### *Disciplinary action in cases of alleged interpersonal violence*

Mayfield College strictly prohibits all acts of sexual harassment, sexual assault, domestic violence, dating violence, and stalking (interpersonal violence). Individuals may also face criminal investigation and prosecution in addition to any actions under Mayfield policies and procedures. Mayfield may receive reports of interpersonal violence from a variety of sources including:

- Victims and witnesses
- Campus security authorities
- Responsible employees
- Other law enforcement agencies
- Members of the community who learn of an incident and choose to report

A report of sexual harassment, sexual assault, domestic violence, dating violence, and stalking (interpersonal violence) can be made via email at [titleix@mayfieldcollege.edu](mailto:titleix@mayfieldcollege.edu), by phone at 760-328-5554, and in person at 73680 Buena Vista Dr, Twentynine Palms, CA 92277.

For complaints against an employee for sexual harassment, sexual assault, domestic violence, dating violence, or stalking, complaints can be made via email at [titleix@mayfieldcollege.edu](mailto:titleix@mayfieldcollege.edu), by phone at 760-328-5554, and in person at 73680 Buena Vista Dr, Twentynine Palms, CA 92277.

In all cases, whether involving a disciplinary process for students or employees, Mayfield will provide a prompt, equitable, fair and impartial process from the initial investigation to the final result.

### *Information About Disciplinary Proceedings for Students Under the Title IX Policy*

In the case of a report of sexual assault, domestic violence, dating violence, or stalking that occurs on campus or as part of Mayfield's education programs and activities, the proceedings and the main steps in the disciplinary process for students when handled by the Title IX officers (Kevin Ha, Julie Ha, Monica Briceno, and Alexandra Grajeda) and anticipated timelines for each include:

- The Title IX officers are responsible for receiving and reviewing reports of interpersonal violence.
- The Title IX officers are the responsible decision makers and determine if the reported behaviors may constitute a policy violation. The approximate timeline for this step is 30 days.
- Investigation and issuance of investigation report is the responsibility of the Title IX officers. This step may take approximately 90 days.
- All parties (complainant and respondent) are given 10 business days of time to review and respond to investigation report.

- Formal hearing or issuance of findings is the responsibility of the Title IX officers. This process may take up to 45 days.
- The complainant and respondent are provided 10 business days to file
- If an appeal is filed, an appeal panel has 21 days to consider the appeal and decide.

An informal resolution process is voluntary. It is designed to resolve complaints without a hearing while meeting the needs and interests of the parties. It is available only after a formal complaint has been filed and at any time during the investigation. All parties and the Title IX officers must agree in writing to participate for an informal resolution procedure to be used, and all parties must agree in writing to the proposed resolution. If the parties are unable to agree, or if any party chooses not to engage in or to withdraw from the informal resolution procedure before it concludes, then the informal resolution procedure will terminate, and formal grievance procedures will be followed.

Pursuing an informal resolution does not preclude later use of a formal investigation if new information becomes available or if the informal resolution does not achieve its intended purpose. The Title IX officers may initiate an investigation at any time it deems appropriate, solely at its own discretion.

Extensions of time are granted in circumstances where there is good cause. Every situation is different and many factors can affect the timeline.

Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking include the following:

- A signed written, formal complaint submitted by impacted party outlining allegations requesting a formal investigation into the allegations.
- Complaint is reviewed by the Title IX officers who issues a determination to open investigation or dismiss complaint.
- The need for accommodations or protective measures is assessed and these measures are issued if needed.
- A notice of investigation is issued simultaneously to both impacted party and responding party.
- Both impacted party (the complainant or victim) and responding party (the accused) are entitled to updates throughout the investigation.
- Both parties are afforded the same rights during the investigation, adjudication and appeal stages of the proceedings.
- If disciplinary proceedings are appropriate, written notice will be provided to both parties and a hearing will be scheduled.

The Title IX officers will conduct a live hearing. The parties will have the opportunity to cross examine each other and witnesses. At no time may parties conduct cross examination. All cross examination will be conducted by the party's advisor.

Determinations are made by the Title IX officers using the preponderance of the evidence standard, which means that a responding party is found responsible for violating the policy if it is more likely than not that the alleged misconduct occurred. This standard of evidence is used for all interpersonal violence allegations.

In all proceedings, including any related meetings or hearings, both the impacted party and responding party are entitled to the same opportunities to have others present at the hearing. This includes the right to be accompanied by a support person of their choice as well as an advisor. A support person is any individual who provides the party support, guidance or advice and may, but need not be, an attorney. An advisor is someone who during a live hearing will conduct cross-examination of the other parties and witnesses; the party cannot personally conduct cross-examination of the other party. If during the hearing a party does not have an advisor present, Mayfield will appoint one to conduct cross examination on their behalf.

Both parties are informed simultaneously in writing of the outcome of the proceeding and the procedure and timeframe in which to file an appeal of the outcome, of any change to the results that occurs because of the appeal, and when such results become final.

Responding parties found responsible for interpersonal violence face disciplinary action. Remedies will be issued to the impacted party.

All investigations and proceedings are conducted by officials who receive annual training on interpersonal violence investigation and adjudication, how to investigate fairly and impartially, and how to conduct a proceeding in a manner that protects the safety of the parties and promotes accountability.

#### *Information About Disciplinary Proceedings for Students*

The student conduct process begins when the Title IX officers receive a written report of an incident. These reports include but are not limited to police reports, or incident reports from faculty, staff, or students. The Title IX Officers will review the information available to decide next steps. If the Title IX officers review a report and determines that alleged behaviors are not in violation, no action will be taken. If, however, it appears the student may have engaged in prohibited conduct, the Title IX officers may assign charges and schedule a hearing or pursue an alternative resolution process.

If a hearing is necessary, it is facilitated by the Title IX officers. The purpose of the student conduct hearing is to discuss alleged violations. As part of this process, students will be asked to share their perspective related to the alleged violations and discuss personal responsibility as well as community impact. Those charged with engaging in prohibited conduct will have the opportunity to receive a fair hearing. The formal rules of process, procedure and evidence used by the criminal justice system do not apply to the student conduct process.

The standard of proof for violations is a preponderance of the evidence standard. The evidence must demonstrate that it is more likely than not that the violation occurred.

Parties involved in the hearing may bring a support person/advisor to the hearing, at their own expense. The support person/advisor may be an attorney. The support person/advisor may not speak on directly on the student's behalf. The support person/advisor may not serve in a dual role as a witness in the hearing. In cases involving alleged violence (including domestic violence and dating violence), sexual misconduct, or stalking a support person/advisor may not

be another student except for extraordinary circumstances and approved by the Title IX officers. The parties may bring or request relevant witnesses. A request for witnesses must be made at least one (1) business day prior to a scheduled hearing. Witnesses may be present only when they are giving information. Witnesses may not serve in the dual role as a support person. The Title IX officers have the discretion to ensure questions are relevant to the case.

The Title IX officers are committed to providing necessary accommodations to ensure a fair and safe process for participants. Accommodations will take into consideration disabilities, personal safety and language differences.

The Title IX officers make decisions and determine the finding of responsibility for each charge based on the preponderance of information standard. If found responsible for engaging in prohibited conduct, the Title IX officers will determine appropriate sanctions based on the incident's severity, impact on others, and the Responding Party's student conduct record. The Title IX officers have ten (10) business days from the date of the hearing to provide a decision to a Responding Party. The number of days may be extended at the discretion of the Title IX officers, who will notify all parties of any delay. The hearing outcome will include the findings of responsibility, rationale for the findings, sanctions (if applicable), and information on the appeal process.

An appeal must be submitted via email at [titleix@mayfieldcollege.edu](mailto:titleix@mayfieldcollege.edu) or in person at 73680 Buena Vista Dr, Twentynine Palms, CA 92277 within ten (10) business days after the decision of the Title IX officers is sent to the involved parties. The decision by the Title IX officers is considered final if an appeal is not submitted within the specified time. Appeals submitted by another party on a student's behalf will only be accepted when a student acknowledges and affirms that the appeal represents their position. Once an appeal is submitted it is reviewed by the owner of Mayfield College, Julie Ha. While an appeal is pending, the Responding Party must comply with all sanctions and restrictions from the decision of the Title IX officers, unless otherwise specified. An appeal is limited to a review of the record of the hearing and supporting information that was evaluated in the decision making process. New information will only be considered if the Chair determines that the information was not available at the time of the hearing.

#### *Information About Disciplinary Proceedings Involving Employees*

Investigation of interpersonal violence incidents are coordinated between the Title IX office and the Office of Equal Opportunity (OEO).

All proceedings involving employees will:

- Include a prompt, fair, and impartial process from the initial investigation to the final decision.
- Be conducted by Title IX officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to investigate and hearing process that protects the safety of victims and promotes accountability.
- Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.

- Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- Provide for simultaneous notification, in writing, to both the accuser and the accused, of:
- The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking.

The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding:

#### *Options for appeal*

Discipline of employees is governed by the State of California Rules. Prior to imposing discipline, the owner of the school, Julie Ha, must meet with the employee to present information about the reason for potential discipline, disclose the source of that information unless prohibited by law, and give the employee an opportunity to respond. The purpose of the meeting is to exchange information before making a final decision. The appointing authority and employee are each allowed one representative of their choice. Statements during the meeting are not privileged. The employee will be allowed up to 5 business days after the meeting to provide the appointing authority any additional information relating to issues discussed at the meeting. The appointing authority must provide written notice of the meeting at least 3 business days prior to the meeting. The written notice must contain the date, time, and location of the meeting; the purpose of the meeting; general information about the underlying reasons for scheduling the meeting; the employee's right to present information at the meeting; and the right to have a representative of choice accompany the employee to the meeting. If reasonable attempts to hold the meeting fail, the appointing authority may send written notice advising the employee of the possibility of discipline and stating the alleged reasons. The employee has 10 days from receipt of the notice to respond in writing. After the meeting and/or review of any information submitted by the employee, discipline may be imposed.

#### *Disciplinary Sanctions for Students*

For a student found responsible, disciplinary sanctions may be imposed pursuant to the Student Handbook, up to and including expulsion from Mayfield College.

Disciplinary sanctions include:

- Disciplinary standings
- Disciplinary probation
- Loss of good standing
- Disciplinary suspension
- Deferred disciplinary suspension
- Disciplinary expulsion
- Discretionary sanctions

- Alcohol and drug education, intervention, or treatment
- A continuum of conflict resolution processes
- Withholding or revocation of a degree
- Educational sanctions
- Restorative sanctions
- Parent/guardian notification (student under the age of 21)
- Compliance with court-ordered sanctions

#### *Disciplinary Sanctions for Employees*

For an employee found in violation, disciplinary sanctions may be imposed pursuant to applicable policies and procedures, up to and including termination from Mayfield College.

Disciplinary sanctions include:

- Coaching
- Verbal reprimand, documented conversation
- Pay reduction
- Suspension without pay
- Demotion
- Facilitation or mediation
- Change in job responsibilities
- Letter of expectation
- Termination

## **SEXUAL HARASSMENT AND EQUAL EDUCATIONAL OPPORTUNITY**

Mayfield College provides an equal educational opportunity to all students and does not discriminate based on race, color, sex, sexual orientation, marital status, veteran's status, religion, national or ethnic origin, age, or disability in the administration of educational programs, admission and employment policies, scholarship and loan programs, and other school-administered programs. Mayfield College is dedicated to the mission that all human beings possess an inherent dignity. Mayfield College strongly condemns any unlawful or wrongful discrimination against the rights of others. Throughout the year, Mayfield College requires students to attend awareness programs for the prevention of rape, acquaintance rape, and other forcible and non-forcible sexual offences.

Mayfield College does not condone or tolerate any behavior (verbal, electronic, or physical) by an employee, student, or visitor that would constitute sexual harassment. Such behavior will subject the harasser to appropriate sanctions, including, but not limited to, counseling, suspension, expulsion, or civil or criminal action. Sexual harassment is a form of illegal discrimination referring to a wide range of inappropriate behaviors and/or unwanted conduct of a sexual

nature that effectively denies the victim of the harassment the opportunity to work and/or study in a non-threatening, stress-free environment.

Mayfield College defines sexual harassment in the following ways: Sexual harassment shall include, but not be limited to, unwelcome sexual advances, direct or indirect sexual demands, requests for sexual favors, sexual comments, gestures, or other physical actions of a sexual nature when:

- Submission of such conduct is made either explicitly or implicitly a term or condition of an individual's educational success.
- Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive educational environment.

Furthermore, Mayfield College considers it a violation of an individual's rights to retaliate against a person who has initiated an inquiry or complaint having to do with abuse or harassment, and/or to instigate any other person to participate in such activity.

## **ACTS OF INTOLERANCE, RACISM, OR HARASSMENT**

Mayfield College is committed to maintaining a multicultural academic community in which the dignity and worth of each of its members is respected. It is the policy of the college that acts of intolerance, abuse, or harassment by students, faculty, staff and visitors, will not be tolerated. Any individual who violates this policy will be subject to appropriate action, including, but not limited to, counseling, suspension, expulsion, termination from the campus, or civil or criminal action.

Acts of intolerance and abuse are defined as any offensive verbal, written, or physical conduct directed at a person or group based upon race, color, national and/or ethnic origin, gender, sexual orientation, disability, religion, veteran's status, age, or association with persons different from oneself where such behavior is intimidating, hostile, demeaning, or could or does result in emotional or physical harm, embarrassment, or fear of one's personal safety.

Abuse and harassment include offensive behavior that interferes with a person or group's educational status or participation in campus activities, or which creates a hostile academic or social environment. Prohibited behaviors include threatening or offensive letters, use of threatening or demeaning language, vandalism, or graffiti to campus property, and stalking or aggression relating to dating relationships.

## **REPORTING OF INCIDENTS OF ABUSE OR HARASSMENT**

Any incident of criminal misconduct, such as physical assault or destruction of property, should be promptly reported to Kevin Ha, President and may be reported to the Cathedral City and/or Twentynine Palms Police Department. Any incident of abuse or harassment by a student or an unidentified perpetrator should be promptly reported to Kevin Ha, President. If appropriate, the student disciplinary process will be initiated.

## **EQUAL OPPORTUNITY GRIEVANCES BY STUDENTS INVOLVING MAYFIELD COLLEGE EMPLOYEES**

Students who feel that they have been discriminated against or subjected to harassment by a Mayfield College employee in violation of the above policies are urged to promptly report the matter to Kevin Ha, President.

### **INVESTIGATION AND INFORMAL OR FORMAL RESOLUTION**

If the reported incident is not of a serious nature or in situations where miscommunication is occurring, Kevin Ha may attempt to resolve the matter through discussion and mediation with the alleged harasser's supervisor. In situations where serious misconduct is reported, Kevin Ha will investigate and determine the appropriate action. The complainant and the alleged perpetrator will be notified of the disposition within 45 days.

### **FORMAL GRIEVANCE PROCESS**

If the student is not satisfied with the above resolution, the student may submit a written grievance within 30 days to Kevin Ha, President, stating the nature of the complaint, a description of the incident(s) and any possible witnesses, and the remedy sought. Kevin Ha will seek a resolution of the grievance. If it cannot be resolved, Kevin Ha will convene a resolution committee consisting of representatives of the executive management team. The committee will consider the evidence presented, determine the facts, and recommend a decision to Kevin Ha.

### **DRUGS AND ALCOHOL PREVENTION PROGRAM**

All Mayfield students and Employees read and sign the Drug Free and Alcohol Abuse Prevention Policy, which outlines the policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws, the policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws, and include a description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989.

### **MAYFIELD COLLEGE CAMPUS SAFETY AND SECURITY PROGRAMS FOR STUDENTS AND EMPLOYEES**

Annually, Mayfield College will offer for students and for employees, the following three safety and security programs. Employees will receive training on an annual basis. Campus Safety and Security is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program

is made up of 4 modules so students receive Campus Safety and Security education on a monthly basis – 4 times during their 4-month program.

- A. *Informational Program for Students and Employees about Campus Security Procedures and Practices.* This program will inform students and employees about campus security procedures and practices. This program will also inform students and employees about Drug Free and Alcohol Abuse prevention education programs available at Mayfield College. Employees will receive training on an annual basis. Campus Safety and Security is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 4 modules so students receive Campus Safety and Security education on a monthly basis – 4 times during their 4-month program.
- B. *Campus Safety and Security Program.* The student and employee will learn safety tips while on or off campus. This program focuses on using one's instinct, common sense, and action to reduce a criminal's opportunity. This program encourages students and employees to be responsible for their own security and the security of others. This program covers general personal safety while on campus, protecting individual and school property and equipment, personal safety while on campus, and safety while driving.
- C. *Rape Awareness, Education, and Sexual Assault Prevention Program.* Students and employees will learn about what constitutes rape, unlawful sexual contact, sexual assault and what males and females should know about these crimes and the definition of consent where “No means No.” This program also focuses on date rape and will include role playing. Students and employees will learn about procedures to follow if sexually assaulted, including procedures as to whom to contact, the importance of preserving evidence, and to whom the offense should be reported. Mayfield College’s Rape Awareness, Education, and Sexual Assault Prevention Program promotes the awareness of dating violence, domestic violence, sexual assault, and stalking by disseminating pamphlets throughout the year in addition to posters being put on the classroom walls throughout the year. It is integrated into our curriculum throughout the program and taught at the orientation of every module (monthly). Each program is made up of 4 modules so student will be made aware of dating violence, domestic violence, sexual assault and stalking prevention techniques on a monthly basis – 4 times during their 4-month program.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

Anyone with information warranting an emergency response should report the circumstances to Kevin Ha, President, by phone 760-328-5554 or in person in 73680 Buena Vista Dr, Twentynine Palms, CA 92277.

*Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An “immediate” threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in one of your buildings.*

In cases where evacuation is required, the notification will be via an alarm. The building evacuation procedures include responsible campus personnel, safe zones, and routes of egress are outlined on the next page. As

Mayfield is one campus with no outbuildings or housing, the notification process will involve only those currently on campus. The President, or his designee, will also initiate a call to the appropriate authorities to report the emergency and request a response.

The President will, without delay, in consultation with local police, and considering the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. As soon as the President has confirmed that a significant emergency or dangerous situation exists, he will consider the safety of the campus community, determine what information to release about the situation, and begin the notification process.

The only reason the President would not immediately issue a notification for a confirmed emergency or dangerous situation would be if doing so would compromise efforts to assist a victim, contain the emergency, respond to the emergency, or otherwise mitigate the emergency. For example, an alarm may not sound if there is an armed intruder and sounding an alarm would compromise the safety of students, employees, or bystanders.

An announced evacuation will take place once a year. Documentation of the evacuation will be maintained in the President's Office

**I have received Mayfield College's 2023 Annual Security  
and Fire Safety Report.**

Student/Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

School Official's Signature \_\_\_\_\_ Date \_\_\_\_\_