

CHAFFEY JOINT UNION • CHINO VALLEY • CLAREMONT • UPLAND

ANNUAL SECURITY REPORT

**Including Clery Act Disclosures of
Campus Security Policy
& Crime Statistics
& TITLE IX**

October 1, 2021

BALDY VIEW
ROP

www.baldyviewrop.com

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The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act

The Jeanne Clery Act Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") is a Federal Law that requires colleges and universities to:

- Publish and distribute an Annual Security Report ("Report") by October 1st that contains the three prior calendar years' crime statistics and certain Baldy View ROP (BVROP) security policy statements;
- Inform all active students and employees, as well as prospective students and employees, about the existence of the Annual Security Report and how to access it on the internet or request a paper copy;
- Disclose crime statistics for the BVROP campus, public property areas immediately adjacent to or accessible from the school, and any non-campus facilities or remote classrooms. The statistics must be gathered from a number of resources, including local law enforcement, school security officers, and other school officials who have "significant responsibility for student and school activities" including designated Campus Security Authorities;
- Provide "timely warning" notices and/or "emergency notifications" of crimes that have occurred which pose an ongoing threat to the Campus Community.

On March 7, 2013, the Violence Against Women Reauthorization Act of 2013 (VAWA) (Public Law 113-14) was signed into law. VAWA includes amendments to the Clery Act. These changes require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes. Specifically, these changes added or modified requirements related to:

- Disclosure of statistics of the number of dating violence, domestic violence, sexual assault and stalking incidents;
- Disclosure of statistics of new categories of Hate Crimes;
- Implementation by institutions and disclosure of programs to prevent dating violence, domestic violence, sexual assault and stalking, including primary prevention and awareness programs for incoming students and employees; and ongoing prevention and awareness campaigns for students and employees;
- Disclosure of procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Implementation by institutions and disclosure of procedures for institutional disciplinary action in cases of dating violence, domestic violence, sexual assault and stalking, including descriptions of each disciplinary proceeding used by the institution; the standard of evidence used during each disciplinary proceeding; possible sanctions imposed following the results of disciplinary proceedings; the range of protective measures that the institution may offer a victim; provisions to ensure that proceedings will be prompt, fair and impartial; provisions that state that proceedings will be conducted by officials who receive annual training; and ensuring equal opportunities for the accuser and accused to have others present during proceedings, including an advisor of their choice.

Preparation and Distribution of the Annual Security Report

No later than October 1st of each year, all enrolled students and current employees are provided the Annual Information Notification literature announcing that the updated Annual Security Report is available on the BVROP internet website at the following location:

[BVROP Annual Security Report](#)

Additionally, upon request, the Annual Security Report is available in paper copy by visiting the front office on the main campus.

All are encouraged to use this Report as a guide for safe practices on campus and off campus.

The institution distributes a notification of the availability and the internet location of this Report to all enrolled students and current employees via electronic mail and handout notifications, stating that the current version of the Report has been posted to the Institution's website.

Clery Geography:

For the purposes of collecting statistics for submission to the Department and inclusion in an institution's annual security report, Clery geography includes:

- Buildings and property that are part of the institution's campus and
- Public property within or immediately adjacent to and accessible from the campus.

On-Campus:

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

Public property:

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

Off-Campus Organizations and Residential Housing:

- BVROP does not have any off-campus student organizations recognized by the institution or any residential housing.

BALDY VIEW REGIONAL OCCUPATIONAL PROGRAM - ONTARIO**2021 Annual Security Report**

	<i>ON-CAMPUS OFFENSES</i>				<i>PUBLIC PROPERTY OFFENSES</i>		
	2018	2019	2020		2018	2019	2020
CRIMINAL OFFENCE							
Murder/non-negligent manslaughter	0	0	0		0	0	0
Manslaughter by Negligence	0	0	0		0	0	0
Rape	0	0	0		0	0	0
Fondling	0	0	0		0	0	0
Incest	0	0	0		0	0	0
Statutory rape	0	0	0		0	0	0
Robbery	0	0	0		0	0	0
Aggravated Assault	0	0	0		0	0	0
Burglary	0	0	0		0	0	0
Motor Vehicle Thefts	0	0	0		0	0	0
Arson	0	0	0		0	0	0

HATE CRIMES - ON-CAMPUS OFFENSES	2020 Totals	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Thefts	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
Destruction/Damage/Vandalism of Prop	0	0	0	0	0	0	0	0	0
HATE CRIMES - NON-CAMPUS OFFENSES	2020 Totals	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Thefts	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
Destruction/Damage/Vandalism of Prop	0	0	0	0	0	0	0	0	0
HATE CRIMES - PUBLIC PROPERTY OFFENSES	2020 Totals	Race	Religion	Sexual Orientation	Gender	Gender Identity	Disability	Ethnicity	National Origin
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Thefts	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
Destruction/Damage/Vandalism of Prop	0	0	0	0	0	0	0	0	0

	<i>ON-CAMPUS OFFENSES</i>				<i>PUBLIC PROPERTY OFFENSES</i>		
VICTIMS AGAINST WOMEN ACT	2018	2019	2020		2018	2019	2020
Domestic Violence	0	0	0		0	0	0
Dating Violence	0	0	0		0	0	0
Stalking	0	0	0		0	0	0
	<i>ON-CAMPUS OFFENSES</i>				<i>PUBLIC PROPERTY OFFENSES</i>		
ARREST	2018	2019	2020		2018	2019	2020
Weapons: Carrying, Possessing, etc	0	0	0		0	0	0
Drug Abuse Violations	0	0	0		0	0	0
Liquor Law Violations	0	0	0		0	0	0
	<i>ON-CAMPUS OFFENSES</i>				<i>PUBLIC PROPERTY OFFENSES</i>		
DISCIPLINARY ACTIONS	2018	2019	2020		2018	2019	2020
Weapons: Carrying, Possessing, etc	0	0	0		0	0	0
Drug Abuse Violations	0	0	0		0	0	0
Liquor Law Violations	0	0	0		0	0	0
	<i>ON-CAMPUS OFFENSES</i>				<i>PUBLIC PROPERTY OFFENSES</i>		
UNFOUNDED CRIMES	2018	2019	2020		2018	2019	2020
Total Unfounded Crimes	0	0	0		0	0	0

I. Campus Access and Security

Campus

Baldy View ROP campus is a secured campus. The security personnel open the gates prior to the beginning of scheduled classes and close the gates after scheduled class time ends. The parking area is equipped with adequate uniform lighting at night, in addition to building entrances and other outdoor areas. The school recommends that while on campus, staff and students should exercise personal awareness of surroundings during daylight and evening hours.

During non-business hours, all gates are closed, and the complex is not accessible to individuals and vehicles.

Campus activity is monitored, recorded, and electronically stored with cameras which are strategically placed throughout the campus to ensure the safety of students, staff, and visitors.

Visitors/Guests

All visitors/guests are required to check in with the administrative office on the school campus. Upon checking in, proper identification must be shown in order to receive a temporary ID badge which must be worn while on campus.

Due to COVID-19 pandemic BVROP's COVID-19 (Coronavirus) Action Plan 2020 was implemented.

[BVROP's COVID-19 \(Coronavirus\) Action Plan 2020](#)

Contractors and vendors on campus must display proper ID also. Employees who observe an unauthorized individual on the school campus should immediately direct him or her to the administrative office or contact security personnel.

Security personnel hired by Baldy View ROP have the authority to ask all persons on the premises of BVROP for identification and to determine whether those persons have lawful business at BVROP. Criminal incidents are referred to the local police who have jurisdiction on the campus. BVROP maintains records for on-campus incidents.

Campus Residences

Baldy View ROP does not have campus residences.

Off-Site Security during Clinical Education Experiences

When participating in a clinical education experience, the student will follow the facility-specific emergency action plan. This includes the safety measures that are in place, whether in the form of a security guard or service or via a phone call to 911. Each student is oriented by a facility designee on the policies and procedures related to security at that facility.

II. Timely Warning and Emergency Notification

Campus Notification Methods

The reporting of a crime or a situation that arises either on or off campus, that in the judgment of the school's administration constitutes an ongoing or continuing threat, requires the launching of a campus wide "timely warning" notice. The determination of the method of communication utilized to notify the campus community of a significant emergency or dangerous situation is dependent on the incident. Such warning(s) may include, but are not limited to the type of crime, date, time occurred, location and any suspect information. Examples of notification methods include:

- School's email
- Intercom system announcements
- Text messages
- Phone calls/call trees
- Web site at <http://baldyviewrop.org>
- BVROP social media and press release
- Notification placed at entry points to affected campus facilities
- Hard copy literature distribution.

Anyone with information warranting a timely warning should report the circumstances to the school's administration office by phone (909-947-3400) or in person.

III. Emergency Response and Evacuation Procedures

BVROP has its Health and safety Plans Handbook which includes the [CTC Classroom Student Safety Plan- Emergency Procedures](#) with [Emergency Exit Map](#) in printed format in each classroom and administrative offices on the campus. details the procedures all employees, students and visitors are to take in the event of significant emergencies or dangerous situations including natural disasters, catastrophic accidents and man-made threats to the environment. The CTC Classroom Student Safety Plan also contains information on primary and secondary interventions in the event of disruptive or violent behavior at the school. The CTC Classroom Student Safety Plan contains further information on procedures calling 911, contacting the administration of BVROP, and being alert for the Public Address System and notification methods for announcements in the event of an emergent situation.

Please note that the CTC Classroom Student Safety Plan does not replace the foregoing Timely Warning Notice. These notices differ in that the Timely Warning Notice applies only to reportable crimes under the Clery Act while the CTC Classroom Student Safety Plan addresses a much wider range of threats. Since the school follows its CTC Classroom Student Safety Plan, it is not required to issue a timely warning based on the same circumstances, but it must provide adequate follow up information to the campus community as needed.

Designated Evacuation Area

When there is a need to evacuate the buildings located on campus, the common areas which have been designated as assembly areas are the front and back parking lots. The designated common area reduces the possibility of injury to members of the school community through an organized evacuation procedure. The meeting area is free from overhead power lines and other dangers. Each classroom and administrative offices have an [Emergency Exit Map](#) visibly displayed.

Incorporating the review of the school's CTC Classroom Student Safety Plan during New Student Orientation and at the beginning of each new term, reinforces the importance of campus safety information and procedures.

The school conducts Emergency Response and Evacuation Procedures at least twice per calendar year. Annually the school participates in the “The Great Shake Out” in October.

IV. Drug, Alcohol and Weapons Policy

BVROP is committed to providing students and employees with a drug free environment for both work and study. All members of the BVROP community are encouraged to be actively involved in the prevention of alcohol and other drug abuse. Information on health risks, counseling and treatment programs is available at phoenixhouseca.org/

Standards of Conduct

Students and staff are prohibited from possessing, using, or distributing drugs including marijuana or alcohol on the premises. If a student is found in possession of illicit drugs or alcohol, they may face suspension or dismissal. Similarly, staff found in possession of illicit drugs or alcohol may be subject to BVROP’s disciplinary sanctions up to and including termination. Also see [BP 5131.6 Alcohol and Other Drugs Policy](#).

Federal Drug Laws

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

A. Denial of Federal Benefits

21 U.S.C. 862

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions. Additional information is available at: [Financial Aid Penalties For Drug Violations](#)

B. Forfeiture of Personal Property and Real Estate

21 U.S.C. 853

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued, and property is seized at the time an individual is arrested on charges that may result in forfeiture.

C. Federal Drug Trafficking Penalties

21 U.S.C. 841

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list in Section D below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

D. Federal Drug Possession Penalties

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

SUBSTANCE	AMOUNT	PENALTY-FIRST CONVICTION
Heroin	1 kg. or more	Prison: not less than 10 years, not more than life. Fine: up to \$4 million.
Cocaine	5 kg. or more	
Crack Cocaine	50 gm. or more	
Methamphetamine	100 gm. or more	
PCP	100 gm. or more	
LSD	10 gm. or more	
Marijuana	1,000 kg. or more	
N-Phenyl-N-propanamide	400 gm. or more	
Heroin	100–999 gm.	Prison: not less than 5 years, not more than 40 years. Fine: up to \$2 million.
Cocaine	500–4,999 gm.	
Crack Cocaine	5–49 gm.	
Methamphetamine	10–99 gm.	
PCP	10–99 gm.	
LSD	1–10 gm.	
Marijuana	100–1,000 kg.	
N-Phenyl-N-propanamide	40–399 gm.	
Amphetamines	any amount	Prison: up to 3 years.
Barbiturates	any amount	Fine: up to \$250,000.
Marijuana	50–100 kg.	Prison: up to 20 years. Fine: up to \$1 million.
Hashish	10–100 kg.	
Hash Oil	1–100 kg.	
Flunitrazepan	1 gm.	
(Rohypnol, “roofies,” or “roaches”)		
Marijuana	less than 50 kg.	Prison: up to 5 years. Fine: up to \$250,000.
Hashish	less than 10 kg.	
Hash Oil	less than 1 kg.	
Flunitrazepan		
(Rohypnol, “roofies,” or “roaches”)		

Alcohol and other drugs interfere with messages to your brain and alter your perceptions, emotions, vision, hearing and coordination. Alcohol and drugs affect your judgement and can lead to dangerous behavior that puts you at risk for:

- *Accidental injuries.* More than half of drownings and fatal falls are alcohol-or-drug related. 45% of emergency room visits are alcohol related. 80% of patients in special units like burn centers have injuries related to alcohol use.
- Half of physical injuries sustained on college campuses stem from alcohol use.
- *Car Crashes.* Even small amounts of alcohol make driving unsafe. Drunk driving is not only unsafe, it's illegal. Even a blood alcohol level of .05% (below the legal limit for driving in most states) makes you twice as likely to have a car crash. Almost half of all fatal auto crashes are alcohol- or drug- related. Drinking and boating can be a dangerous combination as well. One third of boating fatalities are alcohol related, and drunk boating is just as illegal as drunk driving.
- *Sexually Transmitted Diseases (STDs) including AIDS.* You are more likely to ignore safety precautions such as condoms if you are under the influence of alcohol or other drugs.
- *Unwanted pregnancy.* For the same reasons that alcohol and other drugs put people at greater risk for STDs, it also makes pregnancy a risk of substance abuse.
- *Fights.* Barroom brawls don't just happen in movies. Not only can you get hurt, you can get arrested. Two thirds of violent behavior on college campuses involves alcohol.
- *Trouble with the law.* Illegal drugs, underage drinking, drunk driving, public consumption—even giving guests alcohol—can get you into trouble.

California Law

1) Alcohol

- a. It is a crime to sell, furnish or give alcoholic beverages to a person under age 21 or to any obviously intoxicated person.
- b. It is a crime for a person under age 21 to purchase or possess alcoholic beverages.
- c. It is a crime to sell alcohol without a valid liquor license or permit.
- d. It is a crime for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol.
- e. It is a crime to be intoxicated in a public place.
- f. Intoxication is presumed at blood levels of .08% or higher, and may be found with blood alcohol levels from .05% to .08%.

2) Penalties for Drunk Driving Offenses:

- a. First offense: required attendance at an alcohol/drug program, fines of up to \$1000, up to six months in jail and driver's license suspension up to six months.
- b. Second offense: fines up to \$1000, imprisonment up to one year, driver's license suspension up to 18 months and/or a required drug/alcohol program of up to 30 months.
- c. Third offense: similar sanctions to one and two plus revocation of driver's license.
- d. Fourth offense: revocation of driver's license; one year in a state prison or county jail.
- e. A refusal to submit to a blood alcohol content test: driving privileges are suspended for one year, for two years if there is a prior offense within seven years, and for three years with three or more offenses within seven years.
- f. Drivers under the age of 21 found with any measurable amount of blood alcohol will have their driver's license suspended for one year. If the driver does not have a license, there will be a one year delay in obtaining one.

3) Illicit Drugs

- a. First offenses involving the sale or possession for sale of amphetamines, barbiturates, codeine, cocaine, Demerol, heroin, LSD, mescaline, methadone, morphine, PCP, peyote, Quaalude, psilocybin and marijuana are felonies carrying prison terms of seven years or more.
- b. Penalties are more severe for offenses involving the manufacture or distribution of illegal drugs by convicted felons or for distribution within 1,000 feet of a school or university, within 100 feet of a recreational facility, to anyone under 18 by anyone over 18, or to a pregnant woman.
- c. Personal property may be seized if it contains drugs or was used in a drug transaction.
- d. The illegal possession of most of the above mentioned drugs is also a felony. Some may be felonies or misdemeanors depending upon amounts involved. Penalties for possession carry prison sentences of up to 7 years.

Information concerning Drug and Alcohol Use and Abuse

Like many prescription drugs, “recreational” drugs come with potentially harmful side effects that can have serious and long-term effects on health. High doses of many of the drugs, or impure or more dangerous substitutes for these drugs, can cause immediate life-threatening health problems such as heart attack, respiratory failure, and coma. Combining drugs with each other or with alcohol is especially dangerous. Common complaints and effects are listed by drug type below:

- *Alcohol* - Excessive alcohol use can lead to dehydration, hangover, overdose, obesity, respiratory failure, impotence, psychosis, ulcers, malnutrition, liver and brain damage, death.
- *Barbiturates and tranquilizers* are commonly abused prescription drugs. They can cause hangover like symptoms, nausea, seizures, and coma. Overdose or mixing these drugs with alcohol can be fatal.
- *Cocaine* can cause such long-term problems as tremors, seizures, psychosis, and heart or respiratory failure.
- *LSD* can cause nausea, rapid heart rate, depression, and disorientation. Long term effects include paranoia and psychosis.
- *Inhalants/Nitrates* can cause headaches, dizziness, accelerated heart rate, nausea, nasal irritation, cough, hallucination, liver and kidney damage, brain damage, death.
- *Marijuana and hashish* can cause rapid heart rate and memory impairment soon after use. Long-term effects include cognitive problems, infertility, weakened immune system, and possible lung damage.
- *Narcotics* such as heroin can bring on respiratory and circulatory depression, dizziness, impotence, constipation, and withdrawal sickness. Overdoses can lead to seizures and death.
- *Nicotine* can cause high blood pressure, emphysema, bronchitis, heart and lung disease, cancer, death.
- *PCP* in addition to triggering unpredictable and violent behavior, can cause dizziness, numbness, high heart rate and blood pressure, convulsions, and in high amounts fatal heart and lung failure or ruptured blood vessels.
- *Stimulants* such as amphetamines have health effects that include high heart rate and blood pressure, headache, blurred vision, dizziness, impotence, skin disorders, tremors, seizures, and psychosis.

For more information, visit the National Institute for Chemical Dependency:

www.nicd.us

For more details on health risks of specific agents:

www.nicd.us/healthrisk

For more information concerning the effects of alcohol, visit the website for the National Institution Alcohol Abuse and Alcoholism (NIAAA): www.niaaa.nih.gov

Health Advocate provides professional counselors who are available for employees.

v. Weapons Policy and Enforcement

Possession of guns or weapons, including concealed weapons, are not permitted on the school premises and or at school events, except where state law mandates exceptions to this prohibition and only to the extent of that mandated exception. Guns or weapons are not permitted in any vehicle while the vehicle is parked on school property, whether said property is owned or leased by the school or provided to the school for its use, except where otherwise required by law. Any knife with a blade longer than two inches is considered a weapon and is not permitted on campus. Violations of this policy is considered a serious offense that endangers the safety of anyone on the school premises. Violation of this policy will lead to disciplinary action, up to and including suspension or termination from the school.

[See BP 5131.7 Weapons and Dangerous Instruments](#)

TITLE IX

SEXUAL MISCONDUCT POLICY

I. Introduction:

Members of Baldy View Regional Occupational Program (Baldy View ROP) community, guests and visitors have the right to be free from all forms of gender and sex-based discrimination, examples of which can include acts of sexual violence, sexual harassment, domestic violence, dating violence, and stalking. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. Baldy View ROP believes in a zero-tolerance policy for gender-based misconduct. When an allegation of misconduct is brought to an appropriate administration's attention, and a responding party is found to have violated this policy, serious sanctions will be used to reasonably ensure that such actions are never repeated. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

II. Scope:

This policy governs sexual misconduct involving students and employees, and applies to such students and employees regardless of sex, race, national origin, disability, part-time/fulltime status, sexual orientation, gender identity, or other protected status. Complaints of discrimination or harassment on the basis of sex that do not involve sexual misconduct are governed by the school's Non-Discrimination and Anti-Harassment policy referred in Section IV of this policy.

The Title IX Sexual Misconduct policy applies to any allegation of sexual misconduct that takes place on school property or any other property on which a school program or activity takes place. This policy addresses Baldy View ROP's responsibilities and procedures related to prohibited conduct in order to ensure an equitable and inclusive education and employment environment free of sexual violence and sexual harassment. The policy defines conduct prohibited by Baldy View ROP and explains the administrative procedures Baldy View ROP uses to resolve reports of prohibited conduct.

III. Title IX Coordinator:

The Title IX Coordinator oversees the school's centralized review, investigation, and resolution procedures for reports of sexual misconduct and coordinates the school's compliance with Title IX. The Title IX Coordinator and their designee are knowledgeable and trained in state and federal laws that apply to matters of sexual misconduct, as well as this policy and the complaint resolution procedures.

The Title IX Coordinator and their designee can be contacted by telephone, e-mail, or in person during regular office hours. They can provide information related to campus and community resources and describe the options available to address concerns related to sexual misconduct. The duties and responsibilities of the Title IX Coordinator or their designee also include training, education, climate assessments, and the oversight of procedures that are designed to promptly and equitably end sexual misconduct, prevent its recurrence, and address its effect on persons and the school's community as a whole. The Title IX Coordinator, with the assistance of their designee as appropriate, will:

- Oversee the investigation and resolution of all reports of sexual misconduct;
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the school's complaint procedures;
- Conduct climate checks to track and monitor sexual misconduct allegations on campus; and,

- Coordinate all training, education, and prevention efforts.

The Title IX Coordinator or their designee will meet with any person, including a complainant, alleged perpetrator, or third party, to discuss interim measures, resources, and procedural options for on-campus and off-campus reporting. Any student, faculty, or staff member who has concerns about sexual misconduct, including sexual assault, discrimination, or harassment, is encouraged to seek the assistance of the school's Title IX Coordinator or their designee.

IV. Title IX Notice of Non-Discrimination and Anti-Harassment Statement:

Baldy View ROP is dedicated to maintaining safe learning and working environments for students, employees, and third parties. Baldy View ROP prohibits discrimination and harassment on the basis of actual or perceived race, color, ancestry, national origin, age, religious creed, marital status, pregnancy, physical or mental disability, medical condition, genetic information, military and veteran status, sex, sexual orientation, gender, gender identity, gender expression, or association with a person or group with one or more of these actual or perceived characteristics and any other legally protected status in the provision of its courses, programs, services or activities.

Baldy View ROP takes prompt, effective action to address sex discrimination, including sexual harassment and sexual violence, of which it has notice. This includes taking appropriate steps to determine what occurred, ending a hostile environment if one was created, prevent the recurrence of a hostile environment, and provide any necessary remedies. Baldy View ROP utilizes fair, impartial processes to address allegations of sex discrimination, including sexual assault. If Baldy View ROP finds that a violation of this policy has occurred, it immediately imposes discipline and provides remedies to affected parties, as appropriate. Baldy View ROP strongly prohibits retaliation against individuals who complain of sex discrimination, participate in Title IX investigations, or otherwise assert rights protected by Title IX. [Title IX: Prohibiting Sex-Based Discrimination](#)

Baldy View ROP has designated the Director of Personnel Services to coordinate its compliance with Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex. Questions or comments about discrimination or harassment can be directed to:

Baldy View Regional Occupational Program
ATTN: Lisa Porter / Title IX Coordinator
1501 S. Bon View Ave. Ontario, CA 91761
(909) 947-3400
Lisa_Porter@bvrop.org

Inquiries concerning Title IX also may be made to the Office for Civil Rights act::

**U.S. Department of Education
Office for Civil Rights**

V. Definitions

A. Consent

Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence, do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

The alleged perpetrator's belief that the complainant consented shall not provide a valid excuse where:

1. The alleged perpetrator's belief arose from the alleged perpetrator's own intoxication or recklessness;
2. The alleged perpetrator did not take reasonable steps, in the circumstances known to the alleged perpetrator at the time, to ascertain whether the complainant affirmatively consented; or
3. The alleged perpetrator knew or a reasonable person should have known that the complainant was unable to consent because the complainant was incapacitated, in that the complainant was:
 - a. asleep or unconscious;
 - b. due to the influence of drugs, alcohol, or medication, unable to understand the fact, nature, or extent of the sexual activity; or
 - c. unable to communicate due to a mental or physical condition.

B. Prohibited Conduct

1. Sexual Violence:

- a. Sexual Assault - Penetration: Without the consent of the complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis; or the vagina or anus by any body part or object.
- b. Sexual Assault - Contact: Without the consent of the complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) (i) unclothed or (ii) clothed.

Note: As this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. The Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment.

Note: Sexual Assault--Penetration and Sexual Assault - Contact are aggravated when it includes the following:

- Overcoming the will of complainant by:
 - force (the use of physical force or inducing reasonable fear of immediate or future bodily injury);

- violence (the use of physical force to cause harm or injury);
 - menace (a threat, statement, or act showing intent to injure);
 - duress (a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit to something that they would not otherwise do).
 - deliberately causing a person to be incapacitated (through drugs or alcohol);
 - Intentionally taking advantage of the other person's incapacitation (including voluntary intoxication).
 - Recording, photographing, transmitting, or distributing intimate or sexual images without the prior knowledge and consent of the parties involved.
- c. Relationship Violence:
- i. Dating Violence is any act of 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 victim's statement and with consideration of the type and length of the relationship and the frequency of interaction between the persons involved in the relationship. Two people may be in a romantic or intimate relationship, regardless of whether the relationship is sexual in nature; however, neither a casual acquaintance nor ordinary fraternization between two individuals in a business or social context shall constitute a romantic or intimate relationship. This definition does not include acts covered under domestic violence.
 - ii. Domestic Violence is any violent felony or misdemeanor crime committed by a current or former spouse or intimate partner of the victim, a person sharing a child with the victim, or a person cohabitating with the victim as a spouse or intimate partner.
- d. Stalking:
- The term stalking means intentionally engaging in a course of conduct, directed at a specific person, which is likely to cause a reasonable person to fear for his or her safety or the safety of others or cause that person to suffer substantial emotional damage. Examples include, but are not limited to, repeatedly following such person(s), repeatedly committing acts that alarm, cause fear, or seriously annoy such other person(s) and that serve no legitimate purpose, and repeatedly communicating by any means, including electronic means, with such person(s) in a manner likely to intimidate, annoy, or alarm him or her. Stalking of a non-sexual nature is addressed by BVROP policies including but not limited to the policy on Student Conduct and Discipline Section BP5131.

2. Sexual Harassment:

- a. Sexual Harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:
 - i. Quid Pro Quo: a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a BVROP program; or
 - ii. Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefits from the education, employment or

other programs and services of BVRP and creates an environment that a reasonable person would find to be intimidating or offensive.

- b. Consideration is given to the totality of the circumstances in which the conduct occurred. Sexual harassment may include incidents:
 - i. between any members of the campus community, including faculty and other academic appointees, staff, student employees, students, interns, and non-student or nonemployee participants in campus programs (e.g., vendors, contractors, visitors, and patients);
 - ii. in hierarchical relationships and between peers; and
 - iii. between individuals of any gender or gender identity.
- c. This policy shall be implemented in a manner that recognizes the importance of the rights to freedom of speech and expression and shall not be interpreted to prohibit expressive conduct that is protected by the free speech and academic freedom principles discussed in Section III.F.

3. Other Prohibited Behavior

- a. Invasions of Sexual Privacy
 - i. Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
 - ii. Without a person's consent, making photographs (including videos) or audio recordings, or posting, transmitting or distributing such recorded material depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
 - iii. Using depictions of nudity or sexual activity to extort something of value from a person.
- b. Sexual intercourse with a person under the age of 18.
- c. Exposing one's genitals in a public place for the purpose of sexual gratification.
- d. Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of exclusion issued under this policy.

C. Retaliation

Retaliation is an adverse action or attempt to seek retribution against the complainant, or any person or group of persons involved in the investigation and/or resolution of a sexual misconduct complaint. Retaliation includes threats, intimidation, reprisals, slander, libel and/or adverse employment or educational actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial, or disciplinary processes provided for in this policy. Retaliation in any form (including acts of intimidation or harassment) against any person who makes a Title IX report, witnesses or experiences harassment, or asserts rights under Title IX will also not be tolerated. Reports of retaliatory conduct should be made to the Title IX Coordinator.

It is a violation of California and federal law and a violation of this policy to retaliate against a person for filing a complaint of sexual misconduct or for cooperating in a sexual misconduct investigation.

VI. Prevention and Intervention

To educate staff and faculty on the importance of non-discrimination and the prevention of sexual harassment and sexual assault in the work environment and classroom, all current and new employees are required to complete on an annual basis:

- On-line discrimination and harassment prevention training; and
- On-line Title IX & Clery Act training.

New employees must complete the training within 45 days of employment. Temporary employees and student employees are required to complete the training program only at the discretion of the Human Resources.

The school also requires primary prevention, risk reduction and awareness on-line training programs for all incoming students concerning sexual misconduct, dating violence, domestic violence, and stalking. And, the school shall maintain ongoing prevention, risk reduction, and awareness campaigns concerning sexual misconduct, domestic violence, and stalking for students and employees.

Relationships: This policy covers sexual misconduct occurring between individuals. Sexual misconduct may be acts committed by an individual or collective actions committed by members of a group. These acts may be committed against an individual or against a group. These acts may be committed by a stranger, an acquaintance, or someone with whom the victim has a social, romantic, or intimate relationship. These acts may be committed by or against any individual, regardless of sexual orientation or gender identity.

Confidentiality: The school is committed to maintaining the privacy of all individuals involved in a report of sexual misconduct. If a complainant of a crime does not wish to pursue action within the BVROP system or the criminal justice system, that person has the right to decline notifying BVROP and/or law enforcement authorities. The purpose of a report within BVROP is only to comply with the desire of the complainant to keep the matter private, while also taking steps to ensure the future safety of that person and others. In addition, the information enables BVROP to maintain accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community of potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the school campus regardless if the victim is pursuing action with BVROP or the criminal justice system. In limited circumstances, BVROP must pursue further action and will inform those involved in such instances where the identity of individuals will be disclosed to each other.

All documentation related to a student's complaint, investigation, and resolution are protected by FERPA and not available to the public. Non-identifying information may be shared in order to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. A complainant's name will never be published nor does the school house identifiable information regarding victims in the Daily Crime Log.

BVROP does not employ practicing licensed counselors or pastoral counselors and, therefore, does not have procedures for said individuals to report crimes on a voluntary, confidential basis. Please refer to Section XIII of this document for a list of off-site resources and support that will provide immediate advice and assistance to victims of sexual assault or rape.

Bystander Intervention

BVROP is an advocate for Bystander Intervention. Bystander Intervention involves an individual developing the awareness, skills, and courage needed to avoid and reduce potentially harmful situations when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than themselves. Many opportunities exist in daily life where society can prevent behaviors that promote sexual violence. Bystander intervention allows individuals to send powerful messages about what is acceptable and expected behavior in our community.

Engaged Bystander

It is common for people to witness situations where someone makes an inappropriate sexual comment or innuendo, tells a rape joke, or touches someone in a sexual manner. A bystander might also witness other forms of sexual violence. A bystander who witnesses the behavior or hears the comment can intervene in a way that will help create a safer environment. Research has shown that bystander programs can produce positive results by increasing participants'

knowledge of sexual violence, decreasing participants' acceptance of rape myths, and increasing the likelihood that they will intervene. Engaged bystanders help create healthy communities and help others build safe and respectful environments by discouraging victim blaming, changing social norms that accept sexual violence, and shifting the responsibility to prevent sexual violence to all community members.

When and How to Intervene

Every situation is different and there is no universal response when intervening to prevent sexual violence. Safety is key in deciding when and how to respond to sexual violence. Every person must decide for themselves the safest and most meaningful way to become an engaged bystander. The following are ideas regarding how one can maintain safety while being an engaged bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone.
- Practice what you would say and how you would say it with friends and family.
- When intervening, be respectful, direct, and honest.
- Please refer to Section XIII, Resources and Support of this policy for a list of local resources that will provide immediate advice and assistance to victims of sexual assault or rape.
- If you see or hear something and you do not feel safe, contact the local law enforcement agency.

When Alcohol is Involved

Unfortunately, bystanders are less likely to intervene when alcohol is involved, particularly when both the victim and offender have been drinking. People tend to place the responsibility on the female for her behavior. However, alcohol is never a cause of rape or an excuse for committing a crime; consent cannot be obtained or given when someone is incapacitated due to alcohol or other substances.

Role of Social Media

During and after acts of sexual violence, social media, and online anonymous websites are potential venues for harmful comments and abusive behavior toward others. Responsible bystanders play a powerful role in showing support for victims by challenging disrespectful comments to change the culture and to end violence.

Risk Reduction

While learning about risk reduction strategies can be a helpful first step in understanding the context of violence, it is never meant to attribute blame to victims for not having recognized signs of abuse. The perpetrator of the abuse and the violence associated with abuse; should never be excused due to a victim's behavior, decisions, or judgments. Offering risk reduction information is meant to provide an educational foundation for recognizing signs of abuse, not just for those who may be at risk for experiencing it, but to help our community understand, recognize, and acknowledge the behaviors as harmful.

Abuse Resource: *The Gift of Fear and Other Survival Signals that Protect Us from Violence* – Gavin De Becker

Although there are no proven strategies for “preventing” sexual assault or rape, several risk-reduction strategies are recommended. The following information is provided by RAINN, the nation's largest anti-sexual violence organization (click to follow link):

- [Steps You Can Take to Prevent Sexual Assault](#)
- [Help Someone You Care About](#)
- [How to Respond to a Survivor](#)
- [Take steps to protect someone](#)

VII. Reporting Allegations of Sexual Misconduct

- (1) Locating any necessary medical treatment is the recommended initial course of action. If possible, simultaneously dial 911 to make a report to local law enforcement. Injuries should be treated and an examination completed to document and collect physical evidence of the assault. Medical treatment and tests may be obtained at the following suggested locations:

HOSPITAL	LOCATION	TELEPHONE NUMBER
San Antonio Regional Hospital	999 San Bernardino Road Upland, CA 91786	(909) 985-2811
Pomona Valley Hospital	1798 N. Garey Ave Pomona, CA 91767	(909) 865-9500

NOTE: In California, evidence may be collected even if you chose not to make a report to law enforcement.

Providing the opportunity for collection of evidence is helpful in prosecution or in obtaining a protection order (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam). Victims of sexual assault, domestic violence, stalking, and dating violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to BVRDP adjudicators/investigators or police. Preserving evidence is very important, as it may be necessary to prove sexual assault, domestic violence, dating violence, or stalking, or in obtaining a protection order. In California, protective orders include:

- [Domestic Violence Restraining Order](#)
- [Elder or Dependent Adult Abuse Restraining Order](#)
- [Civil Harassment Restraining Order](#)
- [Workplace Violence Restraining Order](#)

- (2) If any individual (student or employee) is a victim of sexual assault, domestic violence, dating violence, or stalking, locating a place of safety is recommended.
- (3) BVRDP strongly advocates that subsequent to securing a place of safety and obtaining medical treatment, any victim of sexual assault, domestic violence, dating violence, or stalking should report the incident immediately to the Title IX Coordinator or their designee. Filing a report with the Title IX Coordinator will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from school officials. The school will assist the student in notifying local law enforcement, if the student requests such assistance. Although a victim is under no obligation to report an incident of sexual assault to local law enforcement, services are available to the victim regardless of whether a police report is filed. The reporting of certain sexual misconduct made to campus security authorities will be disclosed to local law enforcement.

Ontario Police Department
2500 S Archibald Ave.
Ontario, CA 91761
(909) 395-2001

- (4) Consider professional counseling. This can help in the recovery from the psychological effects of the assault. Please refer to Section XIV, Resources and Support of this policy for a list of national, state, and local resources that will provide immediate advice and assistance to victims of sexual assault or rape. Victims of a sexual assault or rape may request a change in their academic arrangements by contacting the Adult Education Coordinator. Changes will be made if feasible and reasonable to do so.
- (5) Immunity: BVROP encourages the reporting of all concerns regarding sexual misconduct. In some instances, students may be hesitant to report sexual misconduct because they fear they may be charged with other policy violations, such as underage alcohol consumption or violation of BVROP's drug policy. Because BVROP's primary interest is in protecting the well-being of its community and remedying sexual misconduct, a person who reports sexual misconduct, either as a complainant or a third party witness, will not be subject to disciplinary action by the School for his/her own personal consumption of alcohol or drugs at or near the time of the incident, provided that any such violations did not and do not place the health or safety of any other person at risk. However, the use of alcohol or drugs does not excuse sexual misconduct and a person who has been incapacitated through the use of alcohol and drugs (or by any other means) cannot give effective consent to sexual activity. The School may initiate an educational discussion or pursue other educational remedies regarding alcohol or other drugs.

When to file: While there is no time limit for reporting incidents to the school site, reports of Prohibited Conduct should be brought forward as soon as possible to maximize the school's ability to respond promptly and effectively. Delayed reporting often results in the loss of relevant evidence, and/or in faded and unreliable memories; it also impairs the school's ability to summon witnesses, assess evidence, and, if appropriate, adjudicate claims and impose sanctions and other remedies.

Furthermore, if the alleged perpetrator is no longer affiliated with the school at the time of the complaint, it is likely that the school will be unable to summon the alleged perpetrator or take disciplinary action against him or her, although the school will take reasonable steps to understand the facts, assess whether the alleged perpetrator poses a present or ongoing risk of safety to the school community, and take any measures necessary to mitigate safety risk.

VIII. Procedure Once a Report is Received

Standard of review: BVROP uses the preponderance of the evidence or "more likely than not" standard of review during the investigation and resolution of complaints.

Evaluation: The Title IX Coordinator or designee will review all reports of sex discrimination within 7 calendar days of receipt and will determine the appropriate response. If there are jurisdictional considerations that preclude Title IX consideration, the complainant will be notified of such limitations. If the complaint is dismissed at this stage, the complainant will receive written notice of the outcome and has the opportunity to appeal the determination using the appeal. See Section X Appeal Procedures

Investigation: Within 10 calendar days of receiving the report, the Title IX Coordinator or designee will commence an investigation of the allegation(s), if appropriate. The investigation may include contacting the complainant, alleged perpetrator, and witnesses to obtain additional information about the allegation(s). BVROP has developed trauma-informed protocols for interviewing complainants that include follow-up and support, as appropriate. Similarly, BVROP ensures that alleged perpetrators receive a fundamentally fair process that is sensitive to the possibility that an alleged perpetrator may be facing simultaneous criminal charges.

The complainant and alleged perpetrator will have an equal opportunity to provide witnesses and evidence throughout the process. The investigation will implement procedures for considering allegations if drugs or alcohol were used during the alleged incident.

The Title IX Coordinator generally will conclude the investigation within 30 calendar days. This timeframe may be extended in extenuating circumstances (e.g., school breaks). The Title IX Coordinator will notify the parties of any delays and the reasons for the delays.

Investigatory report: At the conclusion of the investigation, the Title IX Coordinator or designee will prepare an investigatory report that makes factual findings and determines whether sex discrimination, including sexual harassment, has occurred. The Title IX Coordinator or designee may find the alleged perpetrator responsible or not responsible for the alleged violation, or may find that there is insufficient evidence to make such a finding. If the Title IX Coordinator or designee finds the alleged perpetrator responsible, the Title IX Coordinator or designee will impose an appropriate sanction and determine whether any remedies should be provided to the complainant and/or campus community.

Notice of the outcome: Within 15 calendar days of the conclusion of the investigation, the complainant and alleged perpetrator will receive concurrent written notice of the outcome, including any sanction imposed, consistent with applicable state and federal privacy laws.

Advisor of choice: In cases of sexual misconduct, including sexual assault, dating violence, domestic violence, and stalking, the complainant and alleged perpetrator may choose to have an advisor of their choice present during meetings or disciplinary proceedings. Advisors may include advocates and support persons. If a party selects an advisor who is an attorney, the party must notify the Title IX Coordinator at least *24 hours* prior to the first meeting or disciplinary proceeding in which the advisor will participate.

Timeframes: The investigation and resolution of the complaint generally will be completed within 60 calendar days, absent extenuating circumstances. The Title IX Coordinator or designee will provide regular status updates to the parties.

Mediation: BVR0P does not use mediation in cases where sexual violence has been alleged, even on a voluntary basis.

Training: The Title IX Coordinator and others with responsibilities under this policy receive training, including trauma-informed training, on an annual basis.

Recordkeeping: BVR0P maintains records related to complaints of sex discrimination consistent with its record retention policy and federal and state laws.

IX. Sanctions and Remedies

Sanctions for students may include, but are not limited to, sexual assault training, removal from the course, suspension, or termination from school. The sanctions that may be imposed on faculty and staff include, but are not limited to, the following: verbal warning, written warning, performance improvement plan, suspension and termination. As to third parties, BVR0P will implement available sanctions, such as bans from campus, as appropriate. BVR0P will also abide by and support any sanctions imposed by law enforcement. BVR0P will also provide remedies to the complainant and campus community, as appropriate, such as educational programs, policy review and revision, and counseling.

X. Appeal Procedure

The complainant and alleged perpetrator have an equal right to appeal outcome decisions made by the Title IX Coordinator or designee. Appeals may be made on the following bases:

- (1) A party obtains new relevant evidence that was unavailable at the time of the investigation and could change the outcome of the investigation;
- (2) There is evidence of procedural error; or
- (3) The sanction was substantially disproportionate to the findings. Appeals must be made to: Assistant Superintendent of Educational Services. Appeals must be filed within 7 calendar days of the date that written notice of the outcome was provided. The Assistant Superintendent of Educational Services will decide the appeal promptly but generally within 30 calendar days and provide the alleged perpetrator and complainant written notice of the final determination.
- (4) Then all decisions made are final.

XI. False Reporting

Allegations of discrimination and harassment are extremely serious and must be made honestly and in good faith. Knowingly providing false information to a school official may result in disciplinary action up to and including termination for employees, and suspension or termination for students.

XII. Prevention and Awareness Programs

BVROP offers on-line awareness and prevention training. These training programs are offered to all incoming students and new employees during their respective orientation processes. These training programs include a review of applicable policies and, as appropriate, a review of the school's Employee Handbook, and the school's Annual Safety and Security Report & Title IX. Informational prevention and awareness materials are also available on an on-going basis.

XIII. Resources and Support

Individuals who wish to speak with someone in confidence about an experience of sexual misconduct may contact one of the following off-campus resources:

National Resources

Rape, Abuse & Incest National Network
1-800-656-HOPE (4673)
www.rainn.org/national-sexual-assault-hotline

National Child Abuse Hotline
1-800-422-4453
www.childhelp.org

National Domestic Violence Hotline
1-800-799-7233
1-800-787-3224 (TTY)
www.thehotline.org

National Suicide Prevention Lifeline
1-800-273-8255
suicidepreventionlifeline.org

National Teen Dating Abuse Lifeline
1-800-273-8255
www.suicidepreventionlifeline.org

Resources for the LGBTQ Community

Trevor Project Lifeline
1-866-488-7386
www.thetrevorproject.org

The LGBT Community Center of The Desert
611 S. Palm Canyon Dr., Suite 201
Palm Springs, CA 92264
(760) 416-7790

Tribal Coalition Resources

Strong Hearted Native Women's Coalition
1-760-644-4781
www.strongheartednativewomen.org

State Domestic Violence Coalition Resources

California Partnership to End Domestic Violence
1-916-444-7163
www.cpedv.org

State Sexual Assault Coalition Resources

California Coalition Against Sexual Assault
1-916-446-2520
Text/SMS: 916-905-2272
www.calcasa.org

Visa and Immigration Assistance

Inland Legal Services
715 N. Arrowhead Ave Suite #113
San Bernardino, CA 92401
909-884-8615
www.inlandlegal.org

Local Areas

Cucamonga Counseling
1-909-962-7323

House of Ruth
1-877-988-5559

Pacific Lifeline
1-909-931-2624

Project Sister Rape Crisis Service

1-909-626-4357

San Bernardino Sexual Assault Services
1-909-885-8884

YWCA San Gabriel Valley
1-626-960-2995

ON-LINE RESOURCES FOR VICTIMS OF SEXUAL ASSAULT

www.victimsofcrime.org

XIV. Responsible Employees

BVROP considers all its employees as responsible employees. Each employee has the authority and duty to report sexual violence and must report to the Title IX Coordinator all information about incidents of sexual violence of which they are aware. This may include the names of the parties, the date, time, and location of the incident, and available facts about what occurred.

Employees should not undertake any investigation of the incident unless specifically directed to do by the Title IX Coordinator or designee.

XV. Campus Sex Crimes Prevention Act

The Campus Sex Crimes Prevention Act is a federal law that provides the tracking of convicted, registered sex offenders that are enrolled, employed, or who volunteer at higher education institutions. The Act amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. These amendments require that sex offenders, who are already required to register in a state, provide notice of any enrollment, employment, and volunteerism at any and all higher education institutions within that state. Changes in enrollment or employment status also must be made known to the state. Individuals covered by the act include:

- An individual enrolled at an institution of higher education in the state on a full-time or part-time basis; or
- An individual that has any sort of full-time or part-time employment at an institution of higher education in the state, with or without compensation, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year.

The act amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act may construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

The law requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained.

The following is the link to check registered sex offenders in the state:

STATE SEXUAL OFFENDER REGISTRY LIST

California

Website: www.meganslaw.ca.gov

Phone Number: 916-227-4974

XVI. Other Important Concepts And Definitions

A. Effect of drugs and alcohol on consent:

- I. Individuals should be aware of, and carefully consider, the potential consequences of the use of alcohol or drugs. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. If there is a question about whether someone consented to sexual activity after consuming drugs or alcohol, the school will examine the issue from the perspective of a reasonable person. Specifically, the school will consider whether the alleged perpetrator reasonably should have known about the impact of alcohol and other drugs on the complainant's ability to give consent.
- II. Incapacitation is the inability, temporarily or permanently, to give consent, because the person is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the person is unconscious, asleep, or otherwise unaware that the sexual activity is occurring. Some signs of incapacitation may include, but are not limited to, lack of control over physical movements (e.g., stumbling, falling down), lack of awareness of circumstances or surroundings, the inability to speak or communicate orally, or the inability to communicate for any reason. It is a violation of this policy and California law to engage in sexual activity with a person who is incapacitated, regardless of whether the person appeared to be a willing participant. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication.
- III. The use of force to cause someone to engage in sexual activity is, by definition, non-consensual contact, and is prohibited. Force may include but is not limited to words, conduct, or appearance. Force includes causing another's intoxication or impairment through the use of drugs or alcohol. Under this policy, force includes but is not limited to the use of any of the following:
 1. Physical Force, Violence, or a Weapon

Example: Steve and Melissa return to his room after a party. They consensually begin kissing and touching each other. Steve wants to have sex, but Melissa tells him that she does not want to go that far. When Melissa tries to get off the bed and leave the room, Steve holds her down and they have sex. Steve's use of force renders the sexual intercourse non-consensual and violates this policy.
 2. Threats

Example: Josh and Lucas meet at a party. Josh confides in Lucas that he has recently "came out" to a few close friends, but most people do not know he is gay. Josh worries how people will react if they knew. As the evening progresses, Lucas and Josh start kissing. Lucas wants to have sex, but Josh tells him he is not ready for that. Lucas threatens to "out" Josh on Instagram and Twitter if he does not have sex with him. Out of fear for his reputation, Josh submits to Lucas even though he really does not want to. Any sexual activity that then occurs is forced sexual contact and violates this policy.
 3. Intimidation and Implied Threats

Example: Dylan is a popular senior and the captain of a sports team on campus. He has brought Grace, who is a first year female athlete at school, to a fraternity party. Grace would not have been able to get into the party if it was not for Dylan's influence. Later in the evening, Grace wants to leave, but Dylan blocks her way with his body. He is significantly bigger than she is and she cannot get around him. Dylan starts to kiss and touch Grace, but she tells him to stop. Dylan tells Grace he can make sure she gets into all the big parties on campus this year which would help her relationship with her new teammates (implying he could turn the team against her). Grace does not want to be with Dylan, but she is worried about the impact he could have on her social and

athletic life if she refuses. If Grace submits to Dylan out of his implied threats and abuse of his status, it does constitute forced sexual contact in violation of this policy.

4. Coercion

Coercion is to force one to act based on fear of harm to self or others. Means of coercion may include, but are not limited to, pressure, threats, or emotional intimidation.

Example: Hannah's parents both died recently and she has been having a hard time focusing this semester. Owen, a friend of Hannah's, comes to her room to watch a movie with her. When Hannah starts crying and becomes upset, Owen hugs and comforts her. Eventually Hannah and Owen start kissing and touching one another. Hannah wants to stop, but Owen tells her "you've made me so hot, how can you stop now?" When Hannah tells Owen she wants to be alone, Owen tells Hannah that it isn't cool to leave him like this, especially when he came over to help her. Hannah is confused and emotionally vulnerable. Owen implies that Hannah "owes him sex" after all he has done to support her. Owen continues to pressure Hannah until she eventually submits to his advances. Owen's conduct constitutes coercion in that he pressured Hannah into additional sexual contact that was not freely chosen, in violation of this policy.

- B. Interim measures: Interim measures are available to individuals who report alleged sex discrimination, as appropriate. Interim measures may include no contact orders, changes to academic situations for students, leave for employees, or other actions. Interim measures will be administered in a manner that reduces the burden on the complainant while preserving the fundamental fairness of the process. Requests for interim measures should be made to the Title IX Coordinator, or designee, using the contact information provided above.
- C. Complainant: Any person who files a report of sexual violence or sexual harassment or other prohibited behavior or retaliation or any person who has been the alleged subject of such Prohibited Conduct or retaliation.
- D. Preponderance of Evidence: A standard of proof based on the more convincing evidence and it's probable truth or accuracy and not the amount of evidence, is more likely than not.
- E. Alleged perpetrator: A person alleged to have engaged in Prohibited Conduct and about whom a report of sexual violence, sexual harassment, other prohibited behavior, or retaliation is made.
- F. Prohibited Conduct: This Title IX-Sexual Misconduct policy prohibits sexual violence, sexual harassment, retaliation and other prohibited conduct as defined in Section V.
- G. Consensual Relationship: While romantic and sexual relationships between members of BVROP community may begin as consensual, instances of Prohibited Conduct may occur within such relationships. Accordingly, a report of Prohibited Conduct that occurs within the context of a consensual relationship will be treated as any other report.
- H. Non-Fraternization: BVROP has a Non-Fraternization policy set forth in its student and employee handbook. BVROP employees may not engage in conduct of a sexual nature with any students or with employees where there is supervisory or evaluative relationship, regardless of whether such conduct is consensual. Conduct in violation of the Non-Fraternization policy also may be addressed under the Title IX policy if the conduct meets one of the definitions above (e.g., sexual harassment, dating or domestic violence, stalking).

I. Protection of Complainants, Alleged perpetrators, and Witnesses

1. Immunity: To encourage reporting, neither a complainant nor witness in an investigation of sexual violence will be subject to disciplinary sanctions for a violation of the relevant BVROP conduct policy at or near the time of the incident, unless the violation placed the health or safety of another at risk; involved plagiarism, cheating, or academic dishonesty; or was otherwise egregious. (See Definitions: Section VII (5) in this policy.)
2. Retaliation: Retaliation against someone for reporting or participating in an investigation and related processes is prohibited. (See Definitions: Section V.C in this policy.)
3. Privacy: BVROP will protect the privacy of individuals involved in a report of Prohibited Conduct to the extent permitted by law and by BVROP policy and procedures. However, it should be recognized that an investigation may involve interviews with a number of persons to inquire if they have relevant evidence, and extremely sensitive information may be gathered. While such information is considered confidential, BVROP policy may also require the disclosure of certain information during or following an investigation.

J. Free Speech and Academic Freedom

The faculty and other academic appointees, staff, and students of the BVROP enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution and Article I, Section I of the California Constitution. This Policy is intended to protect members of the BVROP community from discrimination, not to regulate protected speech. This Policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression.

The school also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums

However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws.

K. Immigration Relief

Immigrant victims of domestic violence, sexual assault, stalking, and other crimes may be eligible for special immigration relief (including legal residence in the United States), a right granted by the Violence Against Women Act of 2000 (and the Violence Against Women Reauthorization Act of 2013). Local law firms that provides assistance to immigrant victims are:

[San Bernardino Community Service Center, Inc](#)
[Legal Aid Foundation of Los Angeles](#)

Appendix A

Baldy View ROP is making these definitions and terms available pursuant to the Violence Against Women Act Amendments to the Clery Act:

1. Advisor: Any individual who provides the accuser or accused support, guidance, or advice.
2. Awareness programs: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.
3. Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes:
 - Recognizing situations of potential harm
 - Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.
 - Notification of law enforcement
4. Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
5. Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
6. Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.
7. Programs to prevent dating violence, domestic violence, sexual assault, and stalking: Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that:
 - Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and

- Consider environmental risk and protective factors as they occur on the individual, relationship, school, community, and societal levels.
- Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at current students and employees.
8. Prompt, fair, and impartial proceeding: A proceeding that is completed within reasonably prompt timeframes designated by a school's policy, including a process that allows for the extension of time frames for good cause and with written notice to the accuser and the accused of the delay and the reason for the delay; conducted in a manner that:
 - Is consistent with the school's policies and transparent to the accuser and accused;
 - Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
 - Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and
 - Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
 9. Result: Any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the school. The result includes any sanctions imposed by BVROP.
 10. Risk reduction: 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 remediate conditions that facilitate violence.
 11. Sex Offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
 - Fondling – The touching of the private 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.
 - Incest – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.
 12. Unfounded crime report: An institution may withhold, or subsequently remove, a reported incident from its crime statistics if, after a diligent inquiry, a sworn or commissioned law enforcement officer makes a formal determination that the available evidence shows that a particular crime report was in fact false or baseless. Crime reports can be "unfounded" only when the evidence establishes that the reported crime was not completed or attempted in any manner. A case cannot be "unfounded" because
 - Victim or witness refuses to cooperate
 - No investigation was conducted or the investigation was not completed
 - The investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation
 - Prosecutor declined to pursue criminal charges against the alleged perpetrator(s)

State Law Definitions

If a person would like to press criminal charges for an alleged violation of any of the below criminal laws, or would like to seek an order of protection, the definitions contained in the California Penal Code would apply; not the internal definitions used in this policy.

CALIFORNIA PENAL CODE

243.4 Sexual Battery is defined as: touching 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.

- 261. (a) Rape** is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under one 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.
 - 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.

- (b) 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.
- (c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

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

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

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

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

Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

- 261.7** 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.
- 262. (a)** Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:
- (1) 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.
 - (2) 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.
 - (3) 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 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.
 - (4) 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.
 - (5) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
- (b)** 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.
- (c)** As used in this section, "menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.
- 263.** The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.
- 269. (a)** Any person who commits any of the following acts upon a child who is under 14 years of age and seven or more years younger than the person is guilty of aggravated sexual assault of a child:

1. Rape, in violation of paragraph (2) or (6) of subdivision (a) of Section 261.
 2. Rape or sexual penetration, in concert, in violation of Section 264.1.
 3. Sodomy, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 286.
 4. Oral copulation, in violation of paragraph (2) or (3) of subdivision (c), or subdivision (d), of Section 288a.
 5. Sexual penetration, in violation of subdivision (a) of Section 289.
- (b) Any person who violates this section is guilty of a felony and shall be punished by imprisonment in the state prison for 15 years to life.
- (c) The court shall impose a consecutive sentence for each offense that results conviction under this section if the crimes involve separate victims or involve the same victim on The court shall impose a consecutive sentence for each offense that results in a conviction under this section if the crimes involve separate victims or involve the same victim on separate occasions as defined in subdivision (d) of Section 667.6.

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