



**TOURO UNIVERSITY**  
CALIFORNIA



# 2021 ANNUAL SECURITY REPORT

Published in compliance with the Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics Act.

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A Message from Sarah Sweitzer, Ph.D.  
Provost and Chief Academic Officer  
Touro University California

I want to welcome our new and returning students, faculty and staff to Touro University California!

For all of us the previous 18 months have challenged us in so many ways but as a Touro Community we have risen to the challenge, growing together as a community and living our mission to serve, to lead, and to teach. I have continued to be inspired week after week working side-by-side with our staff, faculty, students, and community partners as we have continued our COVID-19 immunization efforts. Our faculty have reimagined education to provide high quality remote and hybrid learning experiences. Our students have been leaders in redefining virtual study sessions, social gatherings, and community outreach. Our staff have remained committed to providing student-centered on-demand remote and hybrid services.

In the months and weeks leading up to the Fall term we have continued to watch the state of COVID-19 in our community and across California. With the health and safety of our students, staff, and faculty and our Solano County communities as our top priority, we felt maintaining our hybrid curriculum was the safest option.

Please be assured that our new plans for fall semester, with didactic teaching and learning conducted remotely, and essential learning labs and exams being on campus will continue to provide our students with the same high quality Touro education that has resulted in some of the highest board and licensing exam pass rates in California. Your passionate, dedicated, and caring faculty and staff have been working through the summer developing additional innovative and engaging remote and in person teaching and learning activities and re-designing courses for flexibility that might be needed if health conditions change.

**Looking Toward the Future**

While COVID-19 has caused disruption for all of us and we all wish for a return to “normal”, we are confident that during the fall semester our Touro students will receive high quality experiences both inside the virtual classroom, in on campus learning labs, and outside the classroom.

With California leading the nation in COVID-related public health leadership, we believe our County will be well positioned for a re-opening and a new normal for the spring semester with increased on-campus learning opportunities.

As always if you have any concerns or questions please feel free to reach out to your program leadership or to the Provost Office.

Stay healthy and safe!

Sincerely,



Sarah Sweitzer, Provost and Chief Academic Officer



## **ANNUAL SECURITY REPORT**

### **ABOUT TOURO UNIVERSITY CALIFORNIA**

Established in 1997, Touro University California offers graduate degrees in osteopathic medicine, pharmacy, physician assistant studies, public health, nursing, and education. The mission of Touro University California is to provide graduate and professional educational excellence in the fields of Health Sciences, Public Health and Education. The TUC learning experience is student-centered, enriched by focused research and scholarship, and prepares professionals for rewarding lives in service to others both locally and around the globe. Touro University California (TUC) is part of the Touro College and University System (TCUS), a network of non-profit institutions of higher and professional education, and was founded in 1970 as Touro College in New York by Dr. Bernard Lander. Touro College was chartered in 1970 primarily to enrich the Jewish heritage, and to serve the larger American and global community. TCUS has grown to serve a widely diverse population of over 19,000 students across 35 schools in four countries and is uniquely attuned to the importance of an education that accommodates students from all backgrounds and circumstances, and is one of the largest advanced health care educators in the United States. Touro College has branch campuses, locations, and instructional sites in the New York area, as well as branch campuses and programs in Berlin, Jerusalem, and Moscow. Touro University California and its branch campus Touro University Nevada, as well as Touro University Worldwide and its Touro College Los Angeles division are separately accredited institutions within the Touro College and University System.

The Touro University California (TUC) campus is located 40 minutes from San Francisco on the site of a former naval station with a prestigious history in shipbuilding and military medicine dating back to 1854. The campus has retained the historic character of the area as it has renovated and preserved many of the original buildings. In spite of its picturesque setting, administrators at TUC realize that safety and security must always be a high priority and have taken significant efforts to ensure the security of the campus and the TUC community. This report outlines many of these initiatives and we encourage campus community members to take personal responsibility for their and others security.



## **Non-Discrimination Policy**

Touro University California does not discriminate on the basis of race, color, national origin, religion, sex (including pregnancy or childbirth), gender identity or expression, marital status, disability, medical condition, genetic information, age, sexual orientation, ethnicity, veteran status, or any other status characteristic protected by applicable laws in employment, or in admission, treatment or access to educational programs or activities. For questions or concerns regarding discrimination on the basis of gender, please contact

Title IX Officer  
Kathy Lowe, Employee Relations Director  
690 Walnut Ave.  
Suite 210,  
(707) 638-5806

## **PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal statute codified at 20 U.S.C. § 1092(f), with implementing regulations in the U.S. Code of Federal Regulations (34 C.F.R. 668.46). It requires all colleges and universities that participate in federal student aid programs to keep and disclose information about crime statistics, security policies, and other information related to campus safety and security.

This Annual Security Report (ASR) contains three years of crime statistics and information about certain policies including sexual assault, campus security policies, and where students, staff, faculty, and visitors should report crimes. The complete text of the Clery Act and the U.S. Department of Education regulations are available on the Clery Center for Security on Campus, Inc. at [www.clerycenter.org](http://www.clerycenter.org).

At Touro University California (TUC), the Clery Act Compliance Committee, led by the Provost/Chief Academic Officer, Dr. Sarah Sweitzer, is responsible for preparing the ASR and ensuring university compliance with all aspects of the Clery Act. TUC's Clery Act compliance program is a continual, coordinated effort by the Clery Act Compliance Committee and other members of the TUC administration. These activities include collecting crime statistics from campus security authorities, the Vallejo Police Department, other local police departments, and developing and revising Clery Act-required policies related to campus safety and security.

The ASR is published by October 1st of each year and can be found on the Campus Safety webpage at

### [2021 Annual Security Report](#)

([http://studentservices.tu.edu/\\_resources/docs/otherservices/2021AnnualSecurityReport.pdf](http://studentservices.tu.edu/_resources/docs/otherservices/2021AnnualSecurityReport.pdf))

Current and prospective students and employees can request a paper copy of this report by contacting Patrick Donaghue, Director of Facilities or, Dr. James Binker, Associate Dean of Student Affairs.

## **REPORTING CRIMES AND OTHER EMERGENCIES**

TUC encourages victims and witnesses of crime to report crimes and other serious incidents as soon as possible to Campus Security at Campus Security (707) 638-5804. Campus Security Officers can be reached 24 hours/day, 7 days per week. In order for the university to respond in the most effective, safe and thorough manner possible, it is important for the TUC community to provide reports of possible crimes as promptly and accurately as possible. Our safety and security team wish to take this opportunity to emphasize this critical need for accurate and prompt reporting so that rapid response and investigation can occur.

### **Voluntary, Confidential Reporting**

Due to the sensitive nature of sexual assault, relationship violence, and stalking, survivors may choose to report these crimes confidentially or anonymously. Any victim, witness or third party may report confidentially to the Dean of Student Affairs, to the Associate Dean of Student Affairs, to the Director of Human Relations or by filling out the Anonymous Crime Report form, available online on the [Campus Safety](http://facilities.tu.edu/safety/) (<http://facilities.tu.edu/safety/>) page or at this direct [link](http://facilities.tu.edu/safety/Anonymous%20Crime%20Report.html) (<http://facilities.tu.edu/safety/Anonymous%20Crime%20Report.html>). The Provost will ensure that the statistics from these reports, without any personally identifying information, are included in the annual disclosure of crime statistics.

### **Daily Crime Log**

Campus Security maintains a daily crime log of all crimes reported to the department. The log is available for public inspection during normal business hours of 8:00 a.m. to 5:00 p.m., Monday

through Thursday; Friday 8:00 a.m. to 3:00 p.m. in the Facilities Department, G-59 in the basement of Wilderman Hall, 310 Moore St.

### **Campus Security Authority (CSA) Policy**

While we prefer that TUC community members promptly report all crimes and other emergencies directly to the Campus Security (707) 638-5804 or to the Dean or Associate Dean of Student Affairs (707-638-5935), we recognize that some may prefer to report to other individuals or university offices. The Clery Act recognizes certain university officials and offices as “Campus Security Authorities (CSA).” The Act defines these individuals as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student activities and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.”

TUC has designated the following university officials as CSAs. As a CSA these individuals will receive annual training as appropriate. Additional training is also offered throughout the academic year for those unable to attend the annual training. Though attendance at these trainings is not mandatory, it is expected that ALL CSAs will be aware of their position as a CSA and the attendant responsibilities. Attendance at all educational opportunities will be taken and tracked. Those not attending the annual training will be notified of this deficiency and alternative educational options will be provided.

If any Touro community member becomes aware of a crime involving Touro University California or a member of our community they must report it immediately to Campus Security or to any of the following CSAs:

- Provost/Chief Academic Officer
- Director of Facilities
- The Environmental Health and Safety Officer
- All members of Campus Security
- All Deans, Associate Deans, Assistant Deans and Directors
- All advisors to student organizations
- All Building Safety Coordinators

- Title IX Officer (Kathy Lowe, Employee Relations Director, 690 Walnut Ave., Suite 210, (707) 638-5806)
- Study Hall Monitors and student library workers

Certain individuals who have significant responsibility for student and campus activities are exempted from reporting. On the TUC campus, those staff who are NOT Campus Security Authorities and do not report crimes include:

- Pastoral counselor. A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition at the university as a pastoral counselor. At TUC, this would be the Rabbi (rabbi@tu.edu).
- Professional counselor. A person whose official responsibilities include providing mental health counseling to members of the university community and who is functioning within the scope of their license or certification. This definition applies even to professional counselors who are not university employees but are under contract to provide counseling at TUC. Professional counselors at TUC would include the Director of Counseling, the Counselor, the Director of the Student Health Center and the Medical Supervisor of Student Health.

Although exempt from reporting under the Clery Act, the campus Rabbi, our mental health counselors and our Student Health Center staff are encouraged, when they deem it is clinically appropriate, to inform those staff or students whom they are counseling, to report crimes on a voluntary and confidential basis, for inclusion in our annual disclosure of crime statistics. Such reports can be made using the anonymous crime reporting forms as described in section "Reporting Crimes and other Emergencies" on page 4 of this Annual Security Report or, by contacting the Dean of Student Affairs, Associate Dean of Student Affairs, the Environmental Health and Safety Officer or, the Director of Facilities.

The function of a CSA is to report to the Dean of Student Affairs, Associate Dean of Student Affairs, the Environmental Health and Safety Officer or, the Director of Facilities those allegations of Clery Act crimes that are reported to them. A CSA is not responsible for determining authoritatively whether a crime took place - that is the function of the Campus Security and/or local law enforcement personnel.



## **Emergency Phones**

There are 12 exterior emergency call telephones available for emergency use. These phones are Blue Light Emergency Telephones with direct contact to Campus Security by simply pushing the red button on the face of the unit. These telephones can be used to report a criminal incident, a fire, or any other type of emergency. A map indicating the location of the emergency telephone may be found on [page 53](#) of this report.

## **ABOUT CAMPUS SECURITY**

### **Role, Authority, and Training**

Campus Security at Touro University California is provided through a contract with a third-party security guard service provided by Allied Universal. Campus Security provides safety, security and emergency response services for the university 24 hours/day seven days a week, by two full-time, unarmed, uniformed officers. . Security officers are on-duty patrolling the campus and are able to respond quickly to those needing assistance. Typical patrols are carried out on foot and in a marked Campus Security patrol vehicle.

All full-time security officers are registered with the California Department of Justice, Division of Consumer Affairs as security officers and have the same powers to arrest as those of any other private citizen. All security officers have first aid/responder, CPR and AED training. Ongoing training is mandatory for all campus safety officers.

### **Working Relationship with Local, State, and Federal Law Enforcement Agencies**

TUC maintains a close working relationship with the Vallejo Police Department and the California Highway Patrol and calls upon them for support when the need arises. Though we work closely with the VPD, at the time of this publishing we do not have a written agreement with any law enforcement agency for the investigation of alleged criminal offenses.

### **Crimes Involving Student Organizations at Off-Campus Locations**

TUC does not have recognized student organizations with off-campus locations.

## **TIMELY WARNING REPORTS**

The university will issue a Timely Warning to notify the campus of any Clery Act crime that represents a serious or continuing threat to the campus community, is reported to local law enforcement or a CSA, and occurs within the Clery defined geographical areas. The purpose of these warnings is to both notify the community about the incident and enable them to take measures to protect themselves

In the event it is necessary to issue a Timely Warning, the Environmental Health and Safety Officer and the Director of Facilities, in consultation with senior campus administrators will collaborate in developing the content and delivery method of the Timely Warning. Any of the above individuals has the authority to compose and send a campus wide notification adhering to the above qualifying criteria. Generally, the university will issue Timely Warning Reports via email. In extreme cases, the university may elect to use RAVE, the emergency notification system used on the TUC campus to issue alerts. Timely Warning reports are considered on a case-by-case basis, depending on the facts of the case and information known at the time of the initial report. When a Timely Warning is issued by the university all names and any identifying information of victims will be withheld as confidential.

If, in the professional judgment of the local law enforcement authorities, issuing a Timely Warning would compromise efforts to address the crime, the notification may be delayed. Once the potentially compromising situation has been addressed, the Timely Warning will be issued immediately.

Informational Message - The university may issue an Informational Message to advise of situations that may affect or be of interest to the campus community. Such information is not considered an immediate threat to health, safety or property. (Example: street closures due to a major utility disruption, a series of larcenies, etc.)

## **SEXUAL MISCONDUCT PREVENTION AND RESPONSE**

Touro University California prohibits all forms of sexual misconduct, including sexual and gender-based harassment, sexual violence, intimate partner violence and stalking. Such acts and all attempts to commit such acts are regarded as serious violations of TUC's community expectations and norms and are likely to result in a severe disciplinary penalty. Students are advised to review

the university policies on Sex Discrimination Harassment and Complaint Procedure; Gender Based and Sexual Misconduct Policy; Student Code of Rights and Responsibilities; Resolution Process for Disputes and Grievances and Misconduct all located in the online University Catalog. Possible disciplinary sanctions may be found below in the section “Conduct Proceedings” page 39. California criminal law encompasses certain sexual offenses, and criminal prosecution may take place independently of TUC’s disciplinary processes.

Sexual misconduct may include, but is not limited to these behaviors:

- Sexual Harassment
- Sexual Assault
- Non-Consensual Sexual Contact
- Sexual Exploitation
- Domestic Violence
- Dating Violence
- Harm to Others
- Stalking
- Retaliation

### **What to Do if You or a Friend is Assaulted**

In the case of a sexual assault, we recommend survivors consider the following steps:

- Get to a safe place as soon as possible!
- Contact SafeQuest Solano by calling the 24/7 hotline number 1-866-4UR-SAFE (866-487-7233). SafeQuest Solano is a county agency that provides confidential advising, advocacy and support for survivors of sexual assault and domestic violence. SafeQuest Solano responders would be able to advise survivors on their rights and offer resources for healing.
- Try to preserve all physical evidence. The victim/survivor should not bathe, shower, brush teeth, douche, use the toilet, or change clothing until s(he) has a medical exam.
- Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam and/or police. SafeQuest Solano can provide someone to be with survivor during the medical exam and/or when talking with the police and can advise a survivor

of sexual misconduct on what will happen when reporting to law enforcement and medical personnel.

- Contact the TUC Counseling department for confidential counseling support. Students can make an appointment by contacting the Student Health Center at 707-638-5292 or by emailing directly to [ryan.guetersloh@tu.edu](mailto:ryan.guetersloh@tu.edu) or [marcia.greene@tu.edu](mailto:marcia.greene@tu.edu) . Speaking with a counselor or an advocate may be important to help the survivor understand her/his feelings and begin the process of recovery.
- Students may also contact a counselor at any time using our 24/7 counseling hotline by calling 707-638-5292 and selecting option 3.
- Employees of TUC may also take advantage of counseling through our EAP, at no charge. This program may be reached by calling **866.799.2728**.
- Get medical attention as soon as possible. An exam may reveal the presence of a physical injury that is unknown to the victim. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraceptive pills are offered to all victims at the time of the exam (if the victim presents within 120 hours) to help prevent pregnancy from occurring as a result of a rape. If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used “date rape” drugs, however, are only detectable in the urine for six to eight hours after ingestion. The following local hospitals have trained Sexual Assault Nurse Examiners(S.A.N.E.) and Sexual Assault Response Teams (S.A.R.T.) who provide these examinations free of charge (reimbursed by the county; a SafeQuest Advocate can help with this process):

Kaiser Permanente  
975 Sereno Drive  
Vallejo, CA 94589  
(707) 651-1000

NorthBay Medical Center  
1200 B Gale Wilson Blvd.  
Fairfield CA 94533  
(707) 646-5500

SafeQuest Solano  
Phone: **707-422-7345**

Crisis Hotline: **1-866-487-7233**  
1261 Travis Blvd., Suite 260  
Fairfield, California 94533  
<http://www.safequest.org>

- Contact the police. Sexual assault is a crime, it is vital to report it. We encourage survivors of sexual assault to report the incident to the Vallejo Police Department (911; or 9911 from any campus telephone; or 707-552-3285) or other appropriate law enforcement agency. In addition we also encourage contacting the Associate Dean of Student Affairs or the Dean of Student Affairs or the Director of Employee Relations. These university administrators will keep information private, but are obligated to conduct a Title IX investigation. There are other non-reporting university employees who are not obligated to investigate an incident (see page 6 of the ASR for a listing of the university personnel who are exempted from reporting). It is important to remember that reporting an incident for the university discipline process(es) is not the same as reporting a crime to law enforcement officers. Likewise, reporting a crime to law enforcement is not the same as prosecuting the crime. The decision to prosecute may be made at another time. Students may report to both the police and to the university or to one and not the other.

### **How to be an Active Bystander**

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.”

Bystander intervention involves safe and positive options that may be carried out by an individual to prevent harm or to 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 action to intervene. The university promotes a culture of community accountability in which bystanders are actively engaged in the prevention of violence without causing further harm. However, individuals may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. Further information regarding bystander intervention may be found at the Student

Counseling and the Title IX Officer. If you or someone else is in immediate danger, dial 911 on campus phones or (707)638-5804 (Campus Security) on your cell if you're on campus or, by utilizing the Blue Light emergency call system locate on the [Campus Geography Map](#) on pg 53. This is always an option if you feel it is not safe for you to intervene.

- 1) Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- 2) Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- 3) Speak up when someone discusses plans to take sexual advantage of another person.
- 4) Contact the facility manager or party host if you think someone may be in trouble.
- 5) Distract the possible abuser by spilling a drink or telling them their car is being towed or that the police have been called.

### **Risk Reduction**

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

- 1) Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- 2) Try to avoid isolated areas. It is more difficult to get help if no one is around.
- 3) Walk with purpose. Act like you know where you are, even when you do not.
- 4) Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- 5) Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- 6) Make sure your cell phone is with you and charged and that you have money for transportation if needed.
- 7) Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- 8) Avoid putting music earbuds in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- 9) When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together.
- 10) Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911). When on campus dial 9911 on campus phones and (707) 638-5804 on your cell phone or, by utilizing the Blue Light emergency call system locate on the [Campus Geography Map](#) on pg 53.
- 11) Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.



- 12) Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from punch bowls or other large, common open containers.
- 13) Watch out for your friends and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get them to a safe place immediately.
- 14) If you suspect you have, or a friend has, been drugged, contact law enforcement immediately (local authorities can be reached by calling 911). When on campus dial 9911 on campus phones and (707) 638-5804 on your cell phone or, by utilizing the Blue Light emergency call system locate on the [Campus Geography Map](#) on pg 53.
- 15) If you need to get out of an uncomfortable or scary situation, here are some things that you can try:
  - a. Remember that being in this situation is not your fault. You did not do anything wrong; the other person who is making you uncomfortable is to blame.
  - b. Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - c. Have a code word with your friends or family so that if you don't feel comfortable, you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - d. Lie. If you don't want to hurt the person's feelings, it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- 16) Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- 17) If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

## **Reporting Sexual Misconduct and Gender Based Violence**

Any incident of sexual misconduct or gender based violence occurring on or near campus should be reported as soon as possible to the Dean of Student Affairs, or the Associate Dean of Student Affairs, or the Director of Employee Relations or to a Campus Security officer. In response to a report, the Dean of Student Affairs or the Director of Employee Relations is responsible for informing the reporting individual of resource options for care and support on- and off-campus. The Provost/Chief Academic Officer is responsible for ensuring the incident is investigated immediately or otherwise addressed to stop the harassment, prevent its recurrence, and address its effects. The administration of Touro University California will make every effort to change a victim's academic

and/or living situation after an alleged sexual offense and provide information on options for those changes if those changes are requested by the victim and are reasonably available.

Reporting an incident of sexual misconduct or gender based violence may help to prevent another incident of sexual misconduct. If an individual reports the incident, it does not mean that the reporting individual must proceed with a criminal complaint. Immediately following an incident, the individual should try to write down everything she or he remembers about the incident, including the physical description of the suspect(s) and any further information about the identity or location of the suspect(s).

Due to the sensitive nature of sexual assault, relationship violence, and stalking, survivors may choose to report these crimes confidentially or anonymously. Any victim, witness or third party may report confidentially to the Dean of Student Affairs, to the Associate Dean of Student Affairs, to the Director of Employee Relations or by filling out the Anonymous Crime Report form, available [online \(http://facilities.tu.edu/safety/Anonymous%20Crime%20Report.html\)](http://facilities.tu.edu/safety/Anonymous%20Crime%20Report.html). The university is required by law to respond to and investigate all allegations of sexual misconduct, including sexual assault, dating or domestic violence, and stalking.

### **Advising, Resources & Education**

No matter when the incident of sexual misconduct or gender based violence occurred or what the victim decides to do, the victim should consider counseling. Sometimes talking can be the most important step to healing. TUC students may also receive 24/7 confidential counseling by calling the counseling hotline at (707) 638-5292. Touro employees may utilize the Employee Assistance Program calling the EAP number, **866.799.2728** or by going to [www.HealthAdvocate.com/touro](http://www.HealthAdvocate.com/touro) to arrange an appointment. Touro University students or employees who are friends of victims may seek counseling and support as well. Survivor Advocates are also available in the local community. TUC administrators will assist community members in accessing these services.

- Those with questions about preventing sexual assault should obtain a copy of the handout entitled *Preventing Sexual Assault*, produced by the Crime and Violence Prevention Center California Attorney General's Office, located at the Student Health Center registration desk located in Building H89. Additionally, SafeQuest Solano periodically provides TUC students with on campus educational workshops as well as opportunities for training to be a victim

rights advocate in the community. SafeQuest (<http://safequest.org>) provides prevention materials on all manner of sexual assault and domestic violence topics.

- The university offers information and resources relating to preventing sexual violence and sexual harassment. These can be found on the Student Health Center/Counseling Services, and Campus Safety websites. For more information, visit the webpage (<http://facilities.tu.edu/safety/>).

Students should be aware that they have the option of notifying appropriate local law enforcement authorities. TUC administrators will assist Touro University community members in notifying police if desired; and students have the option of requesting confidential support from SafeQuest Solano 866-4UR-SAFE (866-487-7233).

### **University Disciplinary Procedures**

Procedures for filing formal complaints with Touro University California concerning sexual misconduct are included in the [University Catalog](http://studentservices.tu.edu/catalog/) (<http://studentservices.tu.edu/catalog/>) in Appendices H and I. In the university disciplinary process, both the accuser and the accused may choose to be accompanied by another person during the disciplinary proceedings. In addition, both the accuser and the accused are informed of the final determination of the disciplinary body and, when appropriate, any disciplinary action. Details of Touro University California procedures for responding to complaints of sexual misconduct can also be read in the University Catalog (link above) obtained from the offices of: the Title IX Officer/Employee Relations Director, the Dean of Student Affairs, or the Associate Dean of Student Affairs.

## **CLERY ACT ANNUAL SECURITY REPORT SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING POLICY STATEMENT**

### **Introduction**

Touro University California (TUC) is committed to providing a safe learning and working environment. In compliance with federal laws policies and procedures have been adopted to prevent and respond to incidents of sexual assault, domestic violence, dating violence, and stalking involving members of our campus community. These guidelines apply to all students, faculty, staff, contractors and visitors.

## **Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

### **Sexual Assault Defined**

A sexual assault is any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly but against the person's will where the victim is incapable of giving consent, as well as incest or statutory rape, or where active consent has not been given.

### **Domestic Violence Defined**

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim.

### **Dating Violence Defined**

Dating violence means violence committed by a person who is or has been in a romantic or intimate relationship with the victim.

### **Stalking Defined**

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

## **VAWA Offences as Defined by the State of California**

### ***Consent* ([California Penal Code 261.6](#))**

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

Consent is positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

*Domestic Violence* ([California Penal Code 243](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 8. OF CRIMES AGAINST THE PERSON [187 - 248] (Title 8 enacted 1872.)

CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)

243.

(a) A battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

(b) When a battery is committed against the person of a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a peace officer, custodial officer, firefighter, emergency medical technician, lifeguard, security officer, custody assistant, process server, traffic officer, code enforcement officer, animal control officer, or search and rescue member engaged in the performance of his or her duties, nonsworn employee of a probation department, or a physician or nurse engaged in rendering emergency medical care, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment.

(c) (1) When a battery is committed against a custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, whether on or off duty, or a nonsworn employee of a probation department engaged in the performance of his or her duties, whether on or off duty, or a physician or nurse engaged in rendering emergency medical care outside a hospital, clinic, or other health care facility, and the person committing the offense knows or reasonably should know that the victim is a nonsworn employee of a probation department, custodial officer, firefighter, emergency medical technician, lifeguard, process server, traffic officer, or animal control officer engaged in the performance of his or her duties, or a physician or nurse engaged in rendering emergency medical care, and an injury is inflicted on that victim, the battery is punishable by a fine of not more than two thousand dollars (\$2,000), by imprisonment in a county jail not exceeding one year, or by both that fine and imprisonment, or by imprisonment pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years.

(2) When the battery specified in paragraph (1) is committed against a peace officer engaged in the performance of his or her duties, whether on or off duty, including when the peace officer is in a police uniform and is concurrently performing the duties required of him or her as a peace officer while also employed in a private capacity as a part-time or casual private security guard or patrolman and the person committing the offense knows or reasonably should know that the

victim is a peace officer engaged in the performance of his or her duties, the battery is punishable by a fine of not more than ten thousand dollars (\$10,000), or by imprisonment in a county jail not exceeding one year or pursuant to subdivision (h) of Section 1170 for 16 months, or two or three years, or by both that fine and imprisonment.

(d) When a battery is committed against any person and serious bodily injury is inflicted on the person, the battery is punishable by imprisonment in a county jail not exceeding one year or imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete, a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

(2) Upon conviction of a violation of this subdivision, if probation is granted, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(A) That the defendant make payments to a battered women's shelter, up to a maximum of five thousand dollars (\$5,000).

(B) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense.

For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or courtordered child support. If the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property shall not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate property of the offending spouse is exhausted.

(3) Upon conviction of a violation of this subdivision, if probation is granted or the execution or imposition of the sentence is suspended and the person has been previously convicted of a violation of this subdivision or Section 273.5, the person shall be imprisoned for not less than 48 hours in addition to the conditions in paragraph (1). However, the court, upon a showing of good cause, may elect not to impose the mandatory minimum imprisonment as required by this subdivision and may, under these circumstances, grant probation or order the suspension of the execution or imposition of the sentence.



(4) The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence so as to display society's condemnation for these crimes of violence upon victims with whom a close relationship has been formed.

(5) If a peace officer makes an arrest for a violation of paragraph (1) of subdivision (e) of this section, the peace officer is not required to inform the victim of his or her right to make a citizen's arrest pursuant to subdivision (b) of Section 836.

(f) As used in this section:

(1) "Peace officer" means any person defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) "Emergency medical technician" means a person who is either an EMT-I, EMT-II, or EMT-P (paramedic), and possesses a valid certificate or license in accordance with the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(3) "Nurse" means a person who meets the standards of Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(4) "Serious bodily injury" means a serious impairment of physical condition, including, but not limited to, the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement.

(5) "Injury" means any physical injury which requires professional medical treatment.

(6) "Custodial officer" means any person who has the responsibilities and duties described in Section 831 and who is employed by a law enforcement agency of any city or county or who performs those duties as a volunteer.

(7) "Lifeguard" means a person defined in paragraph (5) of subdivision (d) of Section 241.

(8) "Traffic officer" means any person employed by a city, county, or city and county to monitor and enforce state laws and local ordinances relating to parking and the operation of vehicles.

(9) "Animal control officer" means any person employed by a city, county, or city and county for purposes of enforcing animal control laws or regulations.

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

(11) (A) "Code enforcement officer" means any person who is not described in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 and who is employed by any governmental subdivision, public or quasi-public corporation, public agency, public service corporation, any town, city, county, or municipal corporation, whether incorporated or chartered, who has enforcement authority for health, safety, and welfare requirements, and whose duties include enforcement of any statute, rules, regulations, or standards, and who is authorized to issue citations, or file formal complaints.

(B) "Code enforcement officer" also includes any person who is employed by the Department of Housing and Community Development who has enforcement authority for health, safety, and welfare requirements pursuant to the Employee Housing Act (Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code); the State Housing Law (Part 1.5 (commencing with Section 17910) of Division 13 of the Health and Safety Code); the Manufactured Housing Act

of 1980 (Part 2 (commencing with Section 18000) of Division 13 of the Health and Safety Code); the Mobilehome Parks Act (Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code); and the Special Occupancy Parks Act (Part 2.3 (commencing with Section 18860) of Division 13 of the Health and Safety Code).

(12) "Custody assistant" means any person who has the responsibilities and duties described in Section 831.7 and who is employed by a law enforcement agency of any city, county, or city and county.

(13) "Search and rescue member" means any person who is part of an organized search and rescue team managed by a government agency.

(14) "Security officer" means any person who has the responsibilities and duties described in Section 831.4 and who is employed by a law enforcement agency of any city, county, or city and county.

(g) It is the intent of the Legislature by amendments to this section at the 1981-82 and 1983-84 Regular Sessions to abrogate the holdings in cases such as *People v. Corey*, 21 Cal. 3d 738, and *Cervantez v. J.C. Penney Co.*, 24 Cal. 3d 579, and to reinstate prior judicial interpretations of this section as they relate to criminal sanctions for battery on peace officers who are employed, on a part-time or casual basis, while wearing a police uniform as private security guards or patrolmen and to allow the exercise of peace officer powers concurrently with that employment.

### ***Stalking*** ([California Penal Code 646.9](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 15. MISCELLANEOUS CRIMES [626 - 653.75] (Title 15 enacted 1872.)

CHAPTER 2. Of Other and Miscellaneous Offenses [639 - 653.2] (Chapter 2 enacted 1872.)

646.9.

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

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006.

(e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

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

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "Electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

(Amended by Stats. 2007, Ch. 582, Sec. 2.5. Effective January 1, 2008.)

**Rape ([California Penal Code 261](#))**

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] (Chapter 1 enacted 1872.)

261.

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

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

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

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

(A) Was unconscious or asleep.

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

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

(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 is 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.

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

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

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

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

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

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall

be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

261.6.

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, 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, 287, or 289, or former Section 288a. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

(Amended by Stats. 2018, Ch. 423, Sec. 44. (SB 1494) Effective January 1, 2019.)

261.7.

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

(Amended by Stats. 2018, Ch. 423, Sec. 45. (SB 1494) Effective January 1, 2019.)

261.9.

(a) Any person convicted of seeking to procure or procuring the sexual services of a prostitute in violation of subdivision (b) of Section 647, if the prostitute is under 18 years of age, shall be ordered by the court, in addition to any other penalty or fine imposed, to pay an additional fine in an amount not to exceed twenty-five thousand dollars (\$25,000).

(b) Every fine imposed and collected pursuant to this section shall, upon appropriation by the Legislature, be available to fund programs and services for commercially sexually exploited minors in the counties where the underlying offenses are committed. (Added by Stats. 2011, Ch. 75, Sec. 3. (AB 12) Effective January 1, 2012.)

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.

(d) If probation is granted upon conviction of a violation of this section, the conditions of probation may include, in lieu of a fine, one or both of the following requirements:

(1) That the defendant make payments to a battered women's shelter, up to a maximum of one thousand dollars (\$1,000).

(2) That the defendant reimburse the victim for reasonable costs of counseling and other reasonable expenses that the court finds are the direct result of the defendant's offense. For any order to pay a fine, make payments to a battered women's shelter, or pay restitution as a condition of probation under this subdivision, the court shall make a determination of the defendant's ability to pay. In no event shall any order to make payments to a battered women's shelter be made if it would impair the ability of the defendant to pay direct restitution to the victim or courtordered child support. Where the injury to a married person is caused in whole or in part by the criminal acts of his or her spouse in violation of this section, the community property may not be used to discharge the liability of the offending spouse for restitution to the injured spouse, required by Section 1203.04, as operative on or before August 2, 1995, or Section 1202.4, or to a shelter for costs with regard to the injured spouse and dependents, required by this section, until all separate

property of the offending spouse is exhausted. (Amended by Stats. 2006, Ch. 45, Sec. 1. Effective January 1, 2007.)

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.

(Amended by Stats. 1979, Ch. 994.)

263.1.

(a) The Legislature finds and declares that all forms of nonconsensual sexual assault may be considered rape for purposes of the gravity of the offense and the support of survivors.

(b) This section is declarative of existing law.

(Added by Stats. 2016, Ch. 848, Sec. 1. (AB 701) Effective January 1, 2017.)

264.

(a) Except as provided in subdivision (c), rape, as defined in Section 261 or 262, is punishable by imprisonment in the state prison for three, six, or eight years.

(b) In addition to any punishment imposed under this section the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates Section 261 or 262 with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(c) (1) Any person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a child who is under 14 years of age shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(2) Any person who commits rape in violation of paragraph (2) of subdivision (a) of Section 261 upon a minor who is 14 years of age or older shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

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

(Amended by Stats. 2010, Ch. 219, Sec. 4. (AB 1844) Effective September 9, 2010.)

264.1.

(a) The provisions of Section 264 notwithstanding, in any case in which the defendant, voluntarily acting in concert with another person, by force or violence and against the will of the victim, committed an act described in Section 261, 262, or 289, either personally or by aiding and abetting the other person, that fact shall be charged in the indictment or information and if found to be true by the jury, upon a jury trial, or if found to be true by the court, upon a court trial, or if admitted by the defendant, the defendant shall suffer confinement in the state prison for five, seven, or nine years.

(b) (1) If the victim of an offense described in subdivision (a) is a child who is under 14 years of age, the defendant shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(2) If the victim of an offense described in subdivision (a) is a minor who is 14 years of age or older, the defendant shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

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

(Amended by Stats. 2010, Ch. 219, Sec. 5. (AB 1844) Effective September 9, 2010.)

264.2.

(a) Whenever there is an alleged violation or violations of subdivision (e) of Section 243, or Section 261, 261.5, 262, 273.5, 286, 287, or 289, the law enforcement officer assigned to the case shall immediately provide the victim of the crime with the "Victims of Domestic Violence" card, as specified in subparagraph (H) of paragraph (9) of subdivision (c) of Section 13701, or with the card described in subdivision (a) of Section 680.2, whichever is more applicable.

(b) (1) The law enforcement officer, or his or her agency, shall immediately notify the local rape victim counseling center, whenever a victim of an alleged violation of Section 261, 261.5, 262, 286, 287, or 289 is transported to a hospital for any medical evidentiary or physical examination. The hospital may notify the local rape victim counseling center, when the victim of the alleged violation of Section 261, 261.5, 262, 286, 287, or 289 is presented to the hospital for the medical or evidentiary physical examination, upon approval of the victim. The victim has the right to have a sexual assault counselor, as defined in Section 1035.2 of the Evidence Code, and a support person of the victim's choosing present at any medical evidentiary or physical examination.

(2) Prior to the commencement of any initial medical evidentiary or physical examination arising out of a sexual assault, the medical provider shall give the victim the card described in subdivision (a) of Section 680.2.

This requirement shall apply only if the law enforcement agency has provided the card to the medical provider in a language understood by the victim.

(3) The hospital may verify with the law enforcement officer, or his or her agency, whether the local rape victim counseling center has been notified, upon the approval of the victim.

(4) A support person may be excluded from a medical evidentiary or physical examination if the law enforcement officer or medical provider determines that the presence of that individual would be detrimental to the purpose of the examination.

(5) After conducting the medical evidentiary or physical examination, the medical provider shall give the victim the opportunity to shower or bathe at no cost to the victim, unless a showering or bathing facility is not available.

(6) A medical provider shall, within 24 hours of obtaining sexual assault forensic evidence from the victim, notify the law enforcement agency having jurisdiction over the alleged violation if the medical provider knows the appropriate jurisdiction. If the medical provider does not know the appropriate jurisdiction, the medical provider shall notify the local law enforcement agency.

(Amended by Stats. 2018, Ch. 423, Sec. 46. (SB 1494) Effective January 1, 2019.)

265.

Every person who takes any woman unlawfully, against her will, and by force, menace or duress, compels her to marry him, or to marry any other person, or to be defiled, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(Amended by Stats. 2011, Ch. 15, Sec. 303. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266.

A person who inveigles or entices a person under 18 years of age into a house of ill fame, or of assignation, or elsewhere, for the purpose of prostitution, or to have illicit carnal connection with another person, and a person who aids or assists in that inveiglement or enticement, and a person who, by any false pretenses, false representation, or other fraudulent means, procures a person to have illicit carnal connection with another person, is punishable by imprisonment in the state prison, or by imprisonment in a county jail not exceeding one year, or by a fine not exceeding two thousand dollars (\$2,000), or by both that fine and imprisonment.

(Amended by Stats. 2019, Ch. 615, Sec. 1. (AB 662) Effective January 1, 2020.)

266a.

Each person who, within this state, takes any person against his or her will and without his or her consent, or with his or her consent procured by fraudulent inducement or misrepresentation, for the purpose of prostitution, as defined in subdivision (b) of Section 647, is punishable by imprisonment in the state prison, and a fine not exceeding ten thousand dollars (\$10,000).

(Amended by Stats. 2014, Ch. 109, Sec. 1. (AB 2424) Effective January 1, 2015.)

266b.

Every person who takes any other person unlawfully, and against his or her will, and by force, menace, or duress, compels him or her to live with such person in an illicit relation, against his or her consent, or to so live with any other person, is punishable by imprisonment pursuant to subdivision (h) of Section 1170.

(Amended by Stats. 2011, Ch. 15, Sec. 304. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266c.

Every person who induces any other person to engage in sexual intercourse, sexual penetration, oral copulation, or sodomy when his or her consent is procured by false or fraudulent representation or pretense that is made with the intent to create fear, and which does induce fear, and that would cause a reasonable person in like circumstances to act contrary to the person's free will, and does cause the victim to so act, is punishable by imprisonment in a county jail for not more than one year or in the state prison for two, three, or four years. As used in this section, "fear" means the fear of physical injury or death to the person or to any relative of the person or member of the person's family.

(Amended by Stats. 2000, Ch. 287, Sec. 4. Effective January 1, 2001.)

266d. Any person who receives any money or other valuable thing for or on account of placing in custody any other person for the purpose of causing the other person to cohabit with any person to whom the other person is not married, is guilty of a felony.

(Amended by Stats. 1975, Ch. 996.)

266e. Every person who purchases, or pays any money or other valuable thing for, any person for the purpose of prostitution as defined in subdivision (b) of Section 647, or for the purpose of

placing such person, for immoral purposes, in any house or place against his or her will, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

(Amended by Stats. 2011, Ch. 15, Sec. 304.5. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266f. Every person who sells any person or receives any money or other valuable thing for or on account of his or her placing in custody, for immoral purposes, any person, whether with or without his or her consent, is guilty of a felony punishable by imprisonment in the state prison for 16 months, or two or three years.

(Amended by Stats. 2011, Ch. 15, Sec. 304.7. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266g. Every man who, by force, intimidation, threats, persuasion, promises, or any other means, places or leaves, or procures any other person or persons to place or leave, his wife in a house of prostitution, or connives at or consents to, or permits, the placing or leaving of his wife in a house of prostitution, or allows or permits her to remain therein, is guilty of a felony and punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three or four years; and in all prosecutions under this section a wife is a competent witness against her husband.

(Amended by Stats. 2011, Ch. 15, Sec. 305. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

266h.

(a) Except as provided in subdivision (b) Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, is guilty of pimping, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years.

(b) Any person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper or manager or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person, when the prostitute is a minor, is guilty of pimping a minor, a felony, and shall be punishable as follows: (1) If the person engaged in prostitution is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the person engaged in prostitution is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 8. (SB 1062) Effective January 1, 2011.)

266i.

(a) Except as provided in subdivision (b), any person who does any of the following is guilty of pandering, a felony, and shall be punishable by imprisonment in the state prison for three, four, or six years: (1) Procures another person for the purpose of prostitution. (2) By promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute. (3) Procures for another person a place as an inmate in a house of prostitution or as an inmate of any place in which prostitution is encouraged or allowed within this state. (4) By

promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages an inmate of a house of prostitution, or any other place in which prostitution is encouraged or allowed, to remain therein as an inmate. (5) By fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procures another person for the purpose of prostitution, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution. (6) Receives or gives, or agrees to receive or give, any money or thing of value for procuring, or attempting to procure, another person for the purpose of prostitution, or to come into this state or leave this state for the purpose of prostitution.

(b) Any person who does any of the acts described in subdivision (a) with another person who is a minor is guilty of pandering, a felony, and shall be punishable as follows: (1) If the other person is a minor 16 years of age or older, the offense is punishable by imprisonment in the state prison for three, four, or six years. (2) If the other person is under 16 years of age, the offense is punishable by imprisonment in the state prison for three, six, or eight years.

(Amended by Stats. 2010, Ch. 709, Sec. 9. (SB 1062) Effective January 1, 2011.)

266j. Any person who intentionally gives, transports, provides, or makes available, or who offers to give, transport, provide, or make available to another person, a child under the age of 16 for the purpose of any lewd or lascivious act as defined in Section 288, or who causes, induces, or persuades a child under the age of 16 to engage in such an act with another person, is guilty of a felony and shall be imprisoned in the state prison for a term of three, six, or eight years, and by a fine not to exceed fifteen thousand dollars (\$15,000).

(Amended by Stats. 1987, Ch. 1068, Sec. 1.)

266k.

(a) Upon the conviction of any person for a violation of Section 266h or 266i, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed five thousand dollars (\$5,000). In setting the amount of the fine, the court shall consider any relevant factors including, but not limited to, the seriousness and gravity of the offense and the circumstances of its commission, whether the defendant derived any economic gain as the result of the crime, and the extent to which the victim suffered losses as a result of the crime. Every fine imposed and collected under this section shall be deposited in the Victim-Witness Assistance Fund to be available for appropriation to fund child sexual exploitation and child sexual abuse victim counseling centers and prevention programs under Section 13837.

(b) Upon the conviction of any person for a violation of Section 266j or 267, the court may, in addition to any other penalty or fine imposed, order the defendant to pay an additional fine not to exceed twenty-five thousand dollars (\$25,000).

(c) Fifty percent of the fines collected pursuant to subdivision (b) and deposited in the Victim-Witness Assistance Fund pursuant to subdivision (a) shall be granted to community-based organizations that serve minor victims of human trafficking.

(d) If the court orders a fine to be imposed pursuant to this section, the actual administrative cost of collecting that fine, not to exceed 2 percent of the total amount paid, may be paid into the general fund of the county treasury for the use and benefit of the county.

(Amended by Stats. 2014, Ch. 714, Sec. 1. (SB 1388) Effective January 1, 2015.)



267.

Every person who takes away any other person under the age of 18 years from the father, mother, guardian, or other person having the legal charge of the other person, without their consent, for the purpose of prostitution, is punishable by imprisonment in the state prison, and a fine not exceeding two thousand dollars (\$2,000).

(Amended by Stats. 1983, Ch. 1092, Sec. 258. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

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 287 or former 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 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.

(Amended by Stats. 2018, Ch. 423, Sec. 47. (SB 1494) Effective January 1, 2019. Note: This section was amended November 7, 2006, by initiative Proposition 83.)

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 is 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.

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

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

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

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

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

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

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against any person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)

**Statutory Rape ([California Penal Code Section 261.5](#))**

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] ( Part 1 enacted 1872. )

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] ( Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2. )

CHAPTER 1. Rape, Abduction, Carnal Abuse of Children, and Seduction [261 - 269] ( Chapter 1 enacted 1872. )

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 is 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.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the If It is important It is important to preserve evidence to aid in the possibility of a successful criminal prosecution or obtaining a protection order. If possible, a victim of a sexual assault should not wash, douche, use and no defendant shall be denied probation because of his or her inability to pay the fine permitted under this subdivision.

(Amended by Stats. 2011, Ch. 15, Sec. 302. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)”

***Fondling (Sexual Battery)*** ([California Penal Code 243.4](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 8. OF CRIMES AGAINST THE PERSON [187 - 248] (Title 8 enacted 1872.)

CHAPTER 9. Assault and Battery [240 - 248] (Chapter 9 enacted 1872.)

243.4.

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

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

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(Amended by Stats. 2002, Ch. 302, Sec. 1. Effective January 1, 2003.)

### ***Incest*** ([California Penal Code 285](#))

PENAL CODE - PEN

PART 1. OF CRIMES AND PUNISHMENTS [25 - 680.4] (Part 1 enacted 1872.)

TITLE 9. OF CRIMES AGAINST THE PERSON INVOLVING SEXUAL ASSAULT, AND CRIMES AGAINST PUBLIC DECENCY AND GOOD MORALS [261 - 368.7] (Heading of Title 9 amended by Stats. 1982, Ch. 1111, Sec. 2.)

CHAPTER 5. Bigamy, Incest, and the Crime Against Nature [281 - 289.6] (Chapter 5 enacted 1872.)  
285.

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

(Amended by Stats. 2005, Ch. 477, Sec. 1. Effective January 1, 2006.)

### **Reporting An Incident**

If a student, employee or visitor has been the victim of an incident of sexual assault, domestic violence, dating violence, or stalking they should immediately report to

- TUC Campus Security at 707-638-5804 or,
- Anonymous Reporting Form located [HERE](#) or, <http://facilities.tu.edu/safety/Anonymous%20Crime%20Report.html>

In the case of an emergency or ongoing threat please get to a safe location and call 911 (9911 from any campus phone). Vallejo police may also be contacted at 707-552-3285.

Students may also report to

- Dean of Student Affairs, Dr. Steven Jacobson located at 690 Walnut Ave., Suite 200, 707-638-5935
- Associate Dean of Student Affairs, Dr. James Binkerd located at 690 Walnut Ave. Suite 200, 707-638-5935

Employees may also report to

- Ms. Kathy Lowe, Employee Relations Director and Title IX Officer, located at 690 Walnut Ave., Suite 210, 707-638-5806,

These staff will assist any victim of sexual assault, domestic violence, dating violence, and stalking in notifying law enforcement, including local police, if the victim elects to do so. Victims are not required to report to law enforcement in order to receive assistance from or pursue any options with Touro University California.

### **Written Notification of Rights and Options**

Any student or employee who reports an incident of sexual assault, domestic violence, dating violence, or stalking, whether the incident occurred on or off campus, shall be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims .

### **Victim Reporting Procedures**

If an incident of sexual assault, domestic violence, dating violence, or stalking occurs it is important to preserve evidence so that a successful criminal prosecution remains an option.

The victim of a sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical exam – which is important both to address any health issues that may arise and evidence collection. Any clothing removed should be placed in a paper, not plastic, bag (see [pages 9 through 11, “What to Do if Your or a Friend is Assaulted,”](#) for more information).

Evidence of violence, such as bruising or other visible injuries, following an incident of domestic or dating violence should be documented by taking a photograph. Evidence of stalking including any communication, such as written notes, voice mail or other electronic communications should be saved and not altered in any way.

## On and Off Campus Victim Support Resources

Both TUC and the County of Solano offer important resources to the victims of sexual violence including medical treatment, counseling and advocacy that may be utilized. SafeQuest (Sexual Assault and Domestic Violence advocacy and support) is available at (866) 4UR-SAFE (487-7233) to assist any student or employee free of charge and will help them consider their options and navigate through any resources or recourse they elect to pursue. A victim need not make a formal report to law enforcement or TUC to access these resources that include the following.

- TUC Student Counseling and Human Development .....(707) 638-5292  
Student Health Center, Building H89
- TUC Student Counseling 24/7.....(707) 638-5292, Option 3
- Employee Assistance Program (EAP)(available 24/7).....(866) 799-2728  
[www.HealthAdvocate.com/touro](http://www.HealthAdvocate.com/touro)
- TUC Student Health Center .....(707) 638-5220  
Building H89
- Kaiser Permanente .....(707) 651-1000  
800 Sereno Drive, Vallejo CA 94589  
Sexual Assault Response Team available
- NorthBay Medical Center .....(707) 646-5000  
1200 B. Gale Wilson Blvd., Fairfield, CA 94533  
Sexual Assault Response Team available
- SafeQuest Solano.....(707) 422-7345  
Crisis Hotline..... (866) 487-7233  
1261 Travis Blvd., Suite 260  
Fairfield, CA 94533  
<https://www.safequest.us/>
- Community Violence Solutions Rape Crisis Hotline .....1(866) 487-7233
- National Sexual Assault Hot Line .....1(800) 656-4673
- National Domestic Violence Hotline.....1(800) 799-SAFE (7233)

## Accommodations

Whether or not a student or employee reports to law enforcement and or pursues any formal action, if they report an incident of sexual assault, domestic violence, dating violence, or stalking Touro University is committed to providing them as safe a learning or working environment as possible. Upon request, TUC will make any reasonably available change to a victim's academic, living, transportation, and or working situation or provide for protective measures such as no



contact orders, restitution, written statements, or similar actions. Students may contact the Dean of Student Affairs or Associate Dean of Student Affairs (707-638-5935) for assistance, and employees may contact the Employee Relations Director (707-638-5806) for assistance.

If a victim reports to law enforcement, they will assist victims in obtaining a restraining order or order of no contact from a criminal court. Touro University is committed to ensuring that any such order is fully upheld on all institutionally owned and controlled property. Touro University California is also committed to protecting victims from any further harm, and the Employee Relations Director or the Dean or Associate Dean of Student Affairs may issue an institutional no-contact order.

### **Victim Confidentiality**

Touro University recognizes the often-sensitive nature of gender violence, sexual assault, domestic violence, dating violence, and stalking incidents. We are committed to protecting the privacy of any individual who makes a report. Different officials and personnel are, however, able to offer varying levels of privacy protection to victims. Please refer to the section on “Campus Security Authority ([CSA](#)) Policy,” page 5 above for a listing of confidential and non-confidential reporting options. Reports made to law enforcement, including if criminal prosecution is pursued, may be made public and shared with the accused.

TUC will not include victim names in “Timely Warnings,” “Emergency Notifications,” or in the “Daily Crime Log,” each of which are required by the Clery Act. TUC will maintain the confidentiality of any accommodation or protective measure provided by TUC or the local courts to the degree that such confidentiality does not interfere with implementing the measure.

Reports made to Touro University officials will be kept confidential and on a need-to-know basis, and identifying information about the victim or the accused shall not be made public. Information about reports will only be shared with institutional personnel as needed to investigate and effectively respond to the report. Every effort will be made to limit the scope of information shared to keep it to a minimum of detail, and only when absolutely necessary. Reports made to medical professionals, licensed mental health counselors, pastoral counselors, SafeQuest, and Solano County rape crisis counselors will not be shared with any third parties except in cases of imminent danger to the victim or a third party.

## **Education Programs**

Touro University is committed to increasing the awareness of and preventing sexual violence. All incoming students and new employees are provided with programming and strategies intended to prevent rape, acquaintance rape, sexual assault, domestic violence, dating violence, and stalking before it occurs through the changing of social norms and other approaches; that includes a clear statement that Touro University California prohibits such acts, their definitions, the definition of consent, options for bystander intervention, information about risk reduction, and our policies and procedures for responding to these incidents. TUC has partnered with Vector Solutions and they will be providing a mandatory educational program to all new Touro University students. Ongoing prevention and awareness campaigns are also offered throughout the year. These programs include refresher educational videos on health relationships, dating and domestic violence, and bystander intervention.

## **Conduct Proceedings**

Touro University California strictly prohibits all acts of sexual assault, domestic violence, dating violence, and stalking. In addition to facing criminal investigation and prosecution, students, employees and other affiliates may also face disciplinary action by Touro University. Individuals found responsible for having committed such a violation face sanctions that include: permanent expulsion, termination of employment, suspension (with or without pay), removal from class or rotations, probation, or protective measures such as alteration in living situation, no contact orders, limited access to facilities and activities, restitution, third party professional development training, written statements, notation on transcripts or permanent employment record. Incidents involving accused students will be handled by the Associate Dean of Student Affairs, 690 Walnut Ave., Suite 200, 707-638-5935, and incidents involving accused employees/affiliates will be handled by the Director of Employee Relations and Title IX Officer, 690 Walnut Ave., Suite 210, 707-638-5806

All conduct proceedings, whether the conduct is reported to have occurred on or off campus, shall provide a prompt, fair and impartial investigation and resolution. All investigations and proceedings shall be conducted by officials who have received annual training on the nature of the types of cases they are handling, on how to conduct an investigation, and conduct a proceeding in a manner that protects the safety of victims and promotes accountability.

Investigations shall be conducted within a reasonable time period unless there are mitigating circumstances in which case the accuser and accused shall be notified, providing an explanation, and the amount of additional time required. Determinations shall be made within 45 days unless there are mitigating circumstances in which case the accuser and accused shall be notified, providing an explanation, and the amount of additional time required.

Determinations shall be made by an independent third party finder of fact in student and employee cases within 45 days using the preponderance of the evidence standard (which means that it is more likely than not that the alleged misconduct occurred).

In all proceedings, including any related meetings or hearings, both the accused and accuser are entitled to the same opportunities to have others present. This includes the right to be accompanied by an advisor of their choice. Both the accused and accuser shall simultaneously be informed in writing of the outcome of the proceeding, of procedures and timeframe, within 7 business days, for appealing the results of the outcome, of any change to the results that occurs prior to the time that they become final, and when such results become final. Disclosure of the outcome shall be made to both parties unconditionally, and each shall be free to share or not share the details with any third parties.

Upon written request, Touro University California will disclose to the victim(s) of a crime of violence (as that term is defined in section 16 of title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the university against a student or employee who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

For additional information about student conduct proceedings please consult Appendix H in the University Student Catalog available at:

[University Catalog \(http://studentservices.tu.edu/catalog/\)](http://studentservices.tu.edu/catalog/).

For additional information about employee conduct proceedings please consult the Faculty Handbook and the Employee Handbook available at the office of Human Relations

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

### **Emergency Management at Touro University California**

Touro University California has an Emergency Action Plan that provides administrators and employees with procedures and guidance for responding to a wide range of emergency situations, including occupational injuries, medical emergencies, fires, chemical spills, natural disasters, and other crisis events that require emergency response.

A crisis is defined as a significant event that prompts significant, often sustained, news coverage and public scrutiny and has the potential to damage the institution's reputation, image or financial stability. A crisis could be precipitated by an emergency or a controversy. An emergency is a fire, earthquake, crime that presents an ongoing threat or other event that involves a response from police, fire or emergency medical personnel. A controversy does not necessarily constitute an emergency, nor may it require an immediate response, but if sustained could precipitate a crisis.

The Plan is intended to be the master resource of procedures for all anticipated emergencies that might occur. The Plan includes Evacuation Procedures with identified evacuation assembly areas and instructions for evacuating buildings and the campus in various situations. A summary of the university Emergency Action Plan can be found by logging in to the TouroOne Portal and clicking on the Canvas® icon, click the Dashboard link in the left column and then click the TUC Campus Organization tile., On this page click the Modules link in the left column and then "TUC EH&S Docs. Click the link on that page labeled "Emergency Action Plan." Alternatively, a hard copy may be requested by contacting the Environmental Health and Safety Officer at [essam.eissa@tu.edu](mailto:essam.eissa@tu.edu).

TUC has also established a Building Coordinator program to provide a local contact for each building to assist with emergency protocols for evacuation, lock down or other required emergency response. The building coordinators assist in making the program relevant to all areas of the university and provide Campus Security and Facilities with feedback and upgrades to improve the university's ability to respond to any situation.

The Building Coordinators and their alternates are considered CSAs and are trained on all emergency procedures and protocols for the safety of university personnel and property. They assist

in informing building occupants of proper procedures for building emergency and evacuation drills in preparation for an actual emergency.

### **Drills, Exercises and Training**

To ensure the university's emergency actions plans remain current and actionable, TUC conducts an emergency management exercise in each occupied building at a minimum once yearly. These exercises may include tabletop drills, emergency operations center exercises, or full-scale emergency response exercises. The university conducts after-action reviews of all emergency management exercises. Each year the university participates in the Great Shake Out Earthquake Drills to further test our ability to respond during a major earthquake affecting the region. Following each emergency management exercise, key administrators meet to discuss the university's performance and identify areas that require additional attention.

In conjunction with at least one emergency management exercise each year, the university will notify the campus community of the exercise and remind the community of the information included in the university's publicly available emergency action policies, procedures, and plans.

### **Emergency Notification**

Touro University California's objective in a critical incident is to communicate facts as quickly as possible, updating information regularly as circumstances change, to ensure the safety of the Touro University California community and the continued operation of essential services.

#### *Procedures Used to Notify the Campus Community*

The university will use multiple mediums to reach as many people as possible with accurate and timely information. This is especially important in the first hours and days of an emergency or a crisis. The university uses the RAVE emergency notification system, in addition to emails and the TUC webpage, to immediately notify the campus community of a significant emergency or dangerous situation affecting the university community.

#### *Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System*

Campus Security and /or other campus first responders, such as the Environmental Health and Safety Officer or the Director of Facilities may become aware of a critical incident or other emergency

situation that potentially affects the health and/or safety of the campus community. Generally, campus first responders become aware of these situations when they are reported to Campus Security or upon discovery during patrol or other assignments.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the campus community, first responders will notify the Provost/Chief Academic Officer, the Director of Facilities or the Environmental Health and Safety Officer. The EH&S Officer or the Director of Facilities in consultation with senior campus administrators, and/or their designees, will activate the TUC Rave Alert system to alert the entire campus community or the appropriate portion of the affected TUC community.

The university's authorized representatives will immediately initiate the university's emergency notification system. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the university may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the university will issue the emergency notification to the campus community.

#### *Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification*

University and/or local first responders on the scene of a critical incident or dangerous situation will assist those preparing the emergency notification with determining what segment or segments of the university community should receive the notification. Given the size of our campus community, we will generally alert the entire campus. In addition to the emergency notification that may be issued via the university mass notification system, the university will also post applicable messages about the dangerous condition on the university homepage ([www.tu.edu](http://www.tu.edu)) to ensure campus community members are aware of the situation and the steps they should take to maintain personal and campus safety.

#### *Determining the Contents of the Emergency Notification*

TUC has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases

where there are no pre-determined template messages in the system, the individual authorizing the alert will develop the most succinct message to convey the appropriate information to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

#### *Procedures for Disseminating Emergency Information to the University Community*

In the event of a situation that poses an immediate threat to members of the campus community, the University has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of emergency notification to all or a segment of the campus community. These methods of communication include the mass notification system RAVE, the University's email system, and verbal announcement within a building and public address system on Vallejo City police cars. The University will post updates during a critical incident on its Facebook and Instagram pages. If the situation warrants, the University will establish a telephone call-in center to communicate with the University community during an emergency situation.

If the University activates its emergency notification system in response to a situation that poses an immediate threat to members of the campus community, several offices at the University are responsible for notifying the larger community about the situation and steps the University has taken to address the emergency. Primarily, Public Relations is responsible for crisis communications and for maintaining communications with national, regional, and local news and radio outlets.

#### *Enrolling in the TUC's Emergency Notification System*

All faculty, staff and students are enrolled in the RAVE emergency notification system in use on the TUC campus. Campaigns are conducted at the start of each semester to encourage members of the campus community to provide multiple contact paths and to update the system with any changes to their contact information by visiting: <https://www.getrave.com/login/tu> and logging in.

### **SECURITY OF and ACCESS to UNIVERSITY FACILITIES**

At TUC, administrative and academic offices are generally available using a TUC ID card swipe, from 8:00 a.m. until 5:00 p.m., Monday through Thursday; Friday 8:00 a.m. until 3:00 p.m.; academic buildings are generally available using the same card swipe system from 7:00 a.m. until 12:00 midnight. Academic buildings are scheduled to be open on weekends only as needed. Access to individual classrooms and laboratories is limited to those enrolled in the courses meeting there.

Likewise, access to most programs is limited to those enrolled in the program or otherwise authorized access.

Selected cultural and community events held in the university facilities are open to the public.

### **Security Considerations Used in the Maintenance of Campus Facilities**

Touro University California strives to ensure that all campus facilities are well maintained and that security is appropriate. Landscaping and outdoor lighting on campus is designed to enhance safety and security, with the attempt to provide pedestrians peace of mind. Similarly, sidewalks and other pathways are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds-keeping personnel trim shrubs from sidewalks, walkways, and building entrances to provide a well-lighted route to buildings. All campus walkways are inspected regularly by Campus Security to ensure adequate lighting. Burned-out lights are replaced promptly.

We encourage community members to promptly report any security concern, including concerns about locking mechanisms, lighting, or landscaping to Campus Security (707-638-5804) or Facilities (707-638-5800).

### **Student Housing**

Touro University California does not currently control or maintain student housing.

### **SAFETY AWARENESS PROGRAMS and CAMPUS SECURITY POLICIES**

Prior to the start of their first term, and typically followed up by safety and security informational emails, students are informed of security procedures and the many services offered by the university. In addition, students are told about crime on-campus and in the surrounding neighborhood. Safety awareness programs are offered by various university offices organizations throughout the year. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own safety and the security of their belongings.

### **Daily Crime Log**

Campus Security publishes a *Daily Crime Log* of all crime and other reported significant events which occur on campus property 7 days a week, 24 hours a day. The log is available during business hours



in the Facilities Department, G-59 in the basement of Wilderman Hall, 310 Moore St. The log identifies the type, location, and time of each criminal incident reported to Campus Security.

The most current 60 days of information is available at Campus Security. Upon request, copies of any *Daily Crime Logs* older than 60 days will be made available within two business days of a request.

### **Registered Sex Offenders**

Under 42 U.S.C. 16921, States provide a registry of known sex offenders and sexual predators. This data may be obtained clicking on the following link <http://www.meganslaw.ca.gov/>

## **ALCOHOL AND OTHER DRUGS POLICY**

TUC's alcohol and drug policy provides students and employees with 1: standards of conduct regarding the unlawful possession, use, or distribution of alcohol, controlled substances and marijuana; 2. legal sanctions under local, state, federal law as well as university sanctions; and 3. information regarding health risks and treatment services for substance abuse. Every two years, a committee of faculty, staff, and students review this policy to ensure its currency. The policy is located online at <http://studentservices.tu.edu/registrar/drugfree.html>.

Touro University California prohibits the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace, on university property, or as part of any university activity. Similarly, the university prohibits the unlawful sale, manufacture, possession, distribution or use of controlled substances on the university's campuses. The policy reinforces TUC's commitment to enforce the underage drinking laws of the State of California as well as Federal and State alcohol laws. The illegal use or abuse of drugs and/or alcohol that could impair a student or employee's ability to perform academically or in the workplace, or disrupts others in the performance of their work or academic endeavors is strictly prohibited.

In order to enforce this policy, the university reserves the right to conduct searches of university property, student, or employees and/or their personal property, and to implement other measures necessary to deter and detect abuse of administrative expectations. To this end, Touro University has developed the following drug screening policy for students.

TUC Students enrolled in the Osteopathic Medicine, Pharmacy, PA/MPH and Nursing programs must meet a variety of institutional and third party standards in order to participate in their clinical rotations. TUC establishes the academic standards and experiential educational standards for all educational experiences, such as for clinical rotations. Clinical rotation standards and policies are stated in full detail in each program's student handbook. However, since the clinical rotation experience is common to several academic programs, the university drug screening procedures apply to all academic programs requiring clinical rotations. More information can be found in the [University Catalog](#), Appendix J page 325.

Students convicted of any criminal drug violation are required to notify the university within five days of the conviction. The university may then report this conviction to the appropriate agencies or entities

Any student or employee who is using prescription or over the counter drugs that may impair their ability to safely perform their academic or professional duties, or affect the safety or well-being of others, must notify the Director of the Student Health Center (for students) or the Director of Employee Relations (for employees). Any student or employee who violates this policy will be subject to disciplinary action, up to and including dismissal from his/her program of study or from his/her position with the university.

The university will encourage and reasonably accommodate students and employees with alcohol or drug dependencies to seek treatment and/or rehabilitation. However, the university is not obligated to retain any student or employee whose academic or professional performance is impaired because of drug or alcohol use, nor is the university obligated to readmit or rehire any person who has participated in treatment and/or rehabilitation if that person's performance remains impaired as a result of dependency. Students who are given the opportunity to seek treatment and/or rehabilitation, but fail to successfully overcome their dependency, will not automatically receive a second opportunity to seek treatment and/or rehabilitation.

Touro University California counseling services works with students to help with the psychological issues (including addiction issues) and refers to community resources as is necessary.

### **Drug and Alcohol Addiction Recovery Resources**

- Solano County
  - Comprehensive Mental Health Resources  
<http://www.co.solano.ca.us/depts/hss/resource.asp>
  - Alcohol and Drug Abuse Services 707-784-2220
- State of California Department of Alcohol and Drug Programs  
<https://data.chhs.ca.gov/dataset/dhcs-licensed-residential-facilities-and-or-certified-alcohol-and-drug-programs>
- Substance Abuse and Mental Health Service Administration Help Line 800-662-4357
- Kaiser Hospital (members only service) 707-651-1000; out-patient 707-645-2700

<http://www.kaiserpermanente.org>

- Community resources: Cope family Services

<http://www.copefamilycenter.org>

- 12 Step Program Group Meetings: Meeting times, locations and directions for the service areas of Benicia, Dixon, Fairfield, Rio Vista, Rockville, Suisun City, Vacaville and Vallejo can be found by using the following link:

[http://www.partnershiphp.org/Community/Documents/Solano/Solano\\_SubstanceUse.pdf](http://www.partnershiphp.org/Community/Documents/Solano/Solano_SubstanceUse.pdf)

- EAP Services (Health Advocate) 24/7 referral for employees. (1 866-799-2728)

## **ANNUAL DISCLOSURE OF CRIME STATISTICS**

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities to disclose information about crime on and around their campuses.

Crime statistics for three years are published in the annual security report by October 1st of each year and submitted annually to the U.S. Department of Education. Because Touro University California does not have on campus housing, the keeping of fire statistics is not required and therefore not reported as a part of our annual report. Crimes are reported in the following seven major categories:

### **Definitions of Reportable Crimes**

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

**Negligent Manslaughter** - is defined as the killing of another person through gross negligence.

**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** – Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – Nonforcible sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – is defined as taking or attempting to take anything of value from the car, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault** – is defined as an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

**Burglary** – is the unlawful entry of a structure to commit a felony or a theft.

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

**Arson** – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

**Violence Against Women Act (VAWA) Offences** – which include

- A. **Domestic violence** – is a felony or misdemeanor crime of violence committed by:
  - A current or former spouse or intimate partner of the victim
  - A person with whom the victim shares a child in common
  - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
  - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA) or,
  - Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
- B. **Dating violence** – is violence committed by a person:
  - who is or has been in a social relationship or a romantic or intimate nature with the victim; and
  - where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - o the length of the relationship;
    - o the type of relationship; and
    - o the frequency of interaction between the persons involved in the relationship.
- C. **Stalking** – is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - fear for his or her safety or the safety of others; or
  - suffer substantial emotional distress.

**Hate Crimes** – includes all of the crimes listed above that manifest evidence that the victim was chosen based on one of the categories of bias listed below, plus the following crimes:

- **Larceny/Theft** – includes, pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

- **Simple Assault**—an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- **Intimidation**—to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property (except Arson)**—to willfully or maliciously destroy, damage, deface or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### *Categories of Prejudice:*

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

**Gender** - A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

**Religion** - A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**National Origin** - involves treating people unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). This can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group.

**Sexual Orientation** - A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

**Gender Identity** - refers to a person's gender self-identity, expression and/or appearance, whether or not associated with a person's sex at birth.

**Ethnicity/national origin** - A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions.

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

# Crime St:

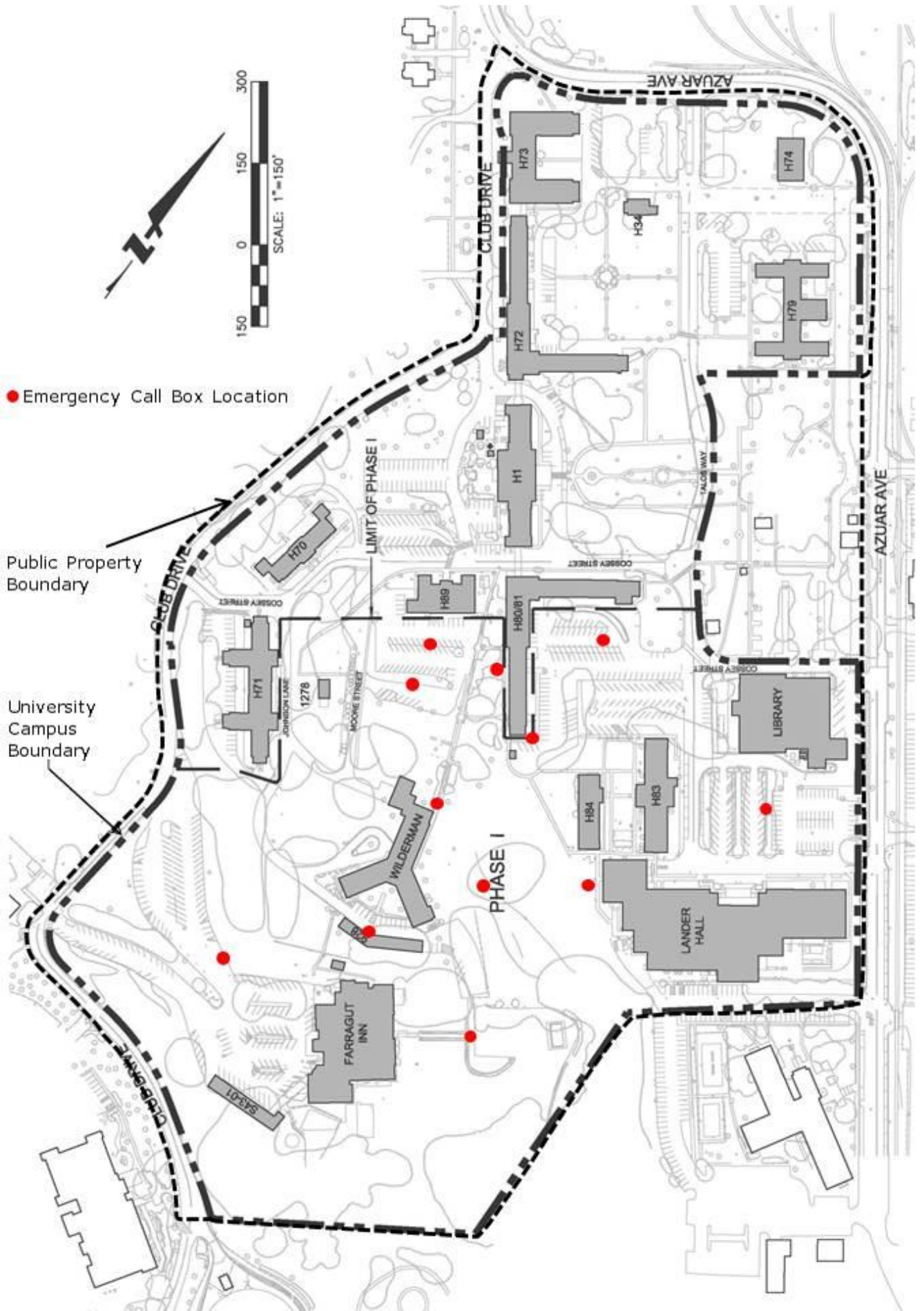
TOURO UNIVERSITY CALIFORNIA  
1310 Club Drive, MARE ISLAND

TYPE OF OFFENSE	YEAR	ON CAMPUS	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>CRIMINAL HOMICIDE</b>				
MURDER/NON-NEGLIGENT MANSLAUGHTER	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
NEGLIGENT MANSLAUGHTER	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>AGGRAVATED ASSAULT</b>				
	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>FORCIBLE SEX OFFENSES</b>				
FORCIBLE RAPE	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
FORCIBLE FONDLING	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>NON-FORCIBLE SEX OFFENSES</b>				
INCEST	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
STATUTORY RAPE	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>ROBBERY</b>				
	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>LARCENY**</b>				
PETTY LARCENY	2020	9	0	0
	2019	1	1	0
	2018	1	0	0
GRAND LARCENY	2020	3	0	0
	2019	1	0	0
	2018	0	0	0
<b>BURGLARY</b>				
FORCIBLE BURGLARY	2020	0	0	0
	2019	4	0	0
	2018	0	0	0
NON-FORCIBLE BURGLARY	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>VAWA Offense</b>				
DOMESTIC VIOLENCE	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
STALKING	2020	0	0	0
	2019	1	0	0
	2018	1	0	0
DATING VIOLENCE	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>MOTOR VEHICLE THEFT</b>				
	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>ARSON</b>				
	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>ARRESTS</b>				
DRUG LAW ARRESTS	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
ILLEGAL WEAPONS POSSESSION ARRESTS	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
LIQUOR LAW ARRESTS	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
<b>DISCIPLINARY REFERRALS</b>				
DRUG LAW VIOLATIONS	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
ILLEGAL WEAPONS POSSESSION VIOLATIONS	2020	0	0	0
	2019	0	0	0
	2018	0	0	0
LIQUOR LAW VIOLATIONS	2020	0	0	0
	2019	0	0	0
	2018	0	0	0

\*Non Campus Property includes  
545 Magazine St, Vallejo, CA 94590  
690 Walnut, Vallejo, CA 94592

\*\*DENOTES STATS NOT REQUIRED BY LAW

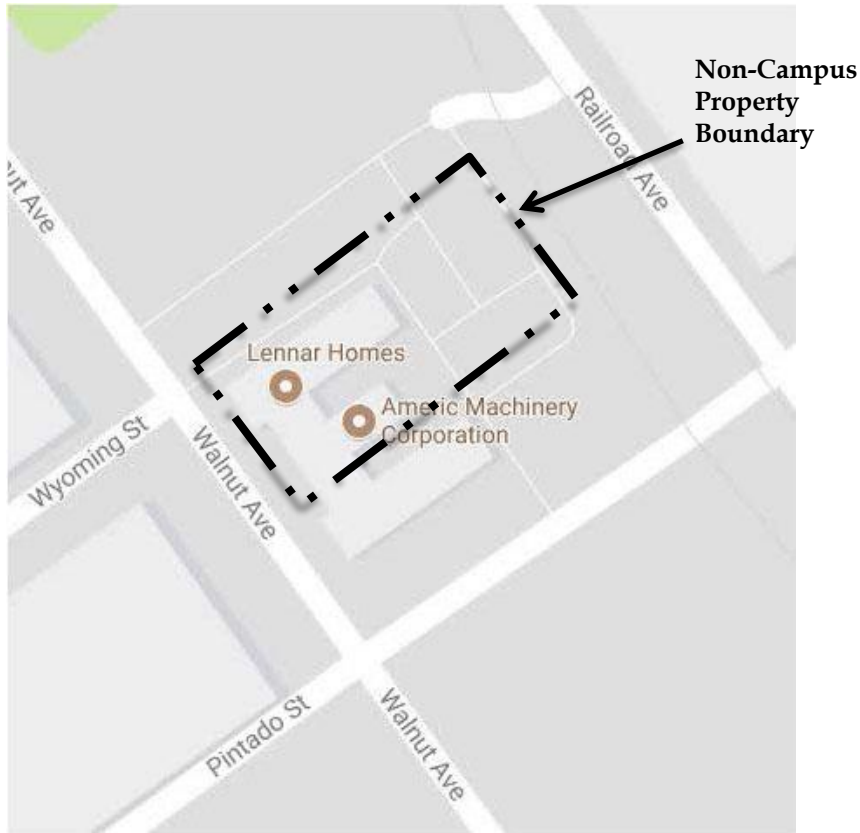
There were no Hate Crimes reported in 2018, 2019 or 2020 (Hate Crimes include the above and Larceny, Theft, Simple Assault, Intimidation and Destruction/damage/vandalism of property)



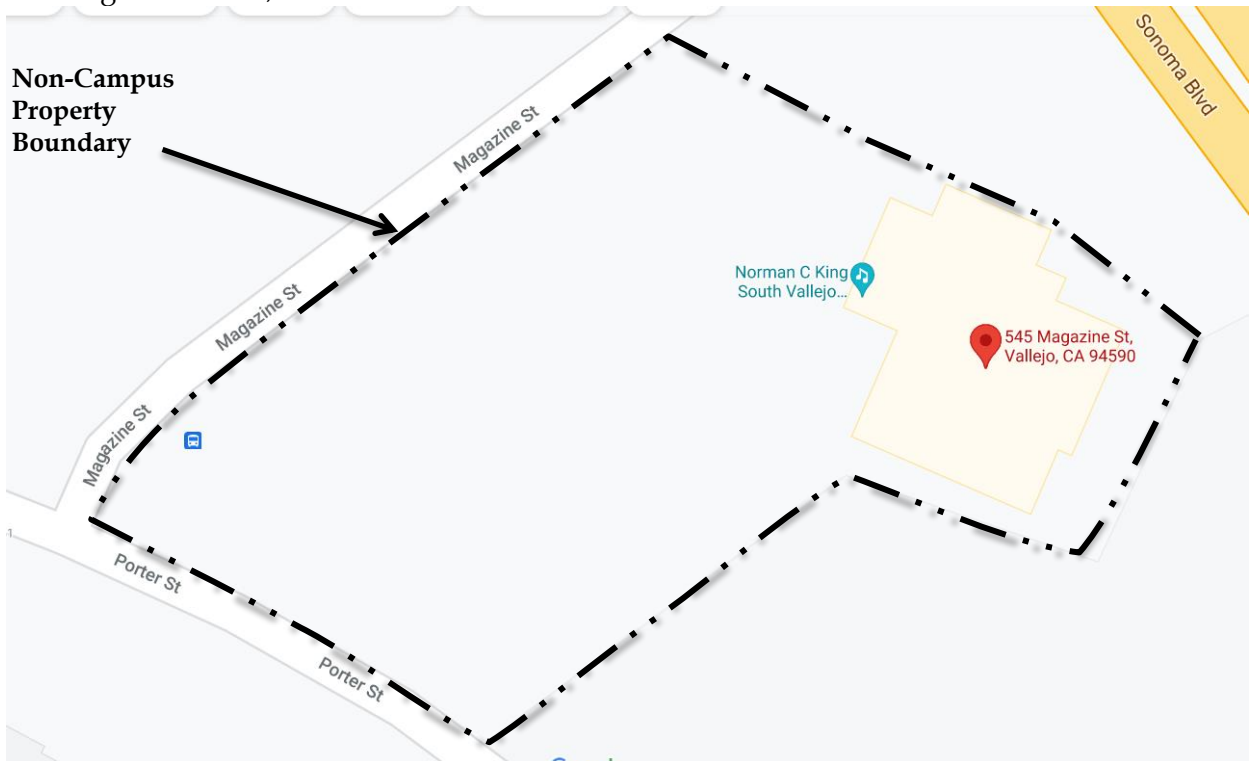


## Non-Campus Property

690 Walnut Avenue, Student Affairs, Human Resources, Finance, University Compliance



545 Magazine Street, Student Run Free Clinic



## Important Emergency Phone Numbers and Other Contact Information

### Emergency Services

#### Vallejo Police/Fire/Ambulance

EMERGENCY .....911, dial 9911 from any campus phone  
.....(707) 552-3285

Note: dialing 911 from your cell phone will contact the California Highway Patrol

Non-emergency .....(707) 648-4321

General information .....(707) 648-4321

#### Campus Security

EMERGENCY .....(707) 638-5804

Non-emergency 24-hour on-call services .....(707) 551-6034 pager

Facilities Operations and Management ..... (707) 638-5800

Business hours .....M-Th 8:00AM - 5PM;

..... F 8:00 AM - 3:00 PM

After hours, weekends, holidays .....(707) 551-6034

### Health Resources

#### Student Health Center

Non-emergency .....(707) 638-5220

Touro University 24 hour Mental Health Hotline.....(707) 638-5292, option 3

#### Local Hospitals

Sutter Solano Medical Center .....(707) 554-4444  
300 Hospital Drive, Vallejo, CA 94589

Kaiser Permanente .....(707) 651-1000  
975 Sereno Drive, Vallejo CA 94589  
Sexual Assault Response Team available

NorthBay Medical Center .....(707) 646-5000  
1200 B. Gale Wilson Blvd., Fairfield, CA 94533  
Sexual Assault Response Team available

#### Local Urgent Care Facilities

La Clinica North Vallejo.....(707) 641-1900  
220 Hospital Drive, Vallejo, CA 94589-2517

- La Clinica Vallejo.....(707) 556-8100  
243 Georgia Street, Suite B, Vallejo, CA 94590-5905
- For Kaiser Members  
Kaiser Permanente Vallejo Medical Center.....(707) 651-1025  
975 Sereno Drive, Vallejo, CA 94589
- Touro Student Counseling.....(707) 638-5292  
Student Health Center (Building H89)  
Touro University 24 hour Mental Health Hotline .....(707) 638-5292, option 3
- Touro University EAP .....(866) 799-2728
- Campus Rabbi .....(707) 638-5507
- Solano County Resources
- SafeQuest.....(866) 4UR-SAFE (487-7233)  
Sexual Assault and Domestic Violence advocacy and support
- Community Violence Solutions Rape Crisis Hotline .....(707) 644-7273  
[http://www.co.solano.ca.us/depts/fvp/community\\_resources/solano\\_county\\_resources.asp](http://www.co.solano.ca.us/depts/fvp/community_resources/solano_county_resources.asp)
- National Sexual Assault Hot Line .....1(800) 656-4673
- National Domestic Violence Hotline.....1(800) 799-SAFE (7233)

**Additional Resources**

- Information Concerning Alcohol and Other Drug Education .....(707) 638-5822
- Student Conduct and Professionalism .....(707) 638-5883
- Associate Dean of Student Affairs .....(707) 638-5883
- Dean of Student Affairs.....(707) 638-5226
- Student Activities .....(707) 638-5254
- Graduate/Professional School Deans:
- College of Osteopathic Medicine.....(707) 638-5982
- College of Pharmacy.....(707) 638-5221
- College of Education and Health Sciences .....(707) 638-5429
- Faculty/Employee Assistance Program (EAP) .....(866) 799-2728  
Or, [www.HealthAdvocate.com/touro](http://www.HealthAdvocate.com/touro)
- Title IX Officer .....(707) 638-5806
- Campus Compliance .....(707) 638-5459
- Compliance Hotline .....(646) 565-6000x55330