



# **Annual Security Report | 2021**

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## Introduction

The safety of students, employees and visitors is an important concern of Empire College. We have prepared this brochure to increase your awareness of a number of programs and provide information to protect your safety and well-being.

### Policy Statement

Empire College's Campus Security Program is an ongoing process that includes the development and enforcement of regulations, procedures and practices to provide a reasonable level of security for property, information and for the personal safety of employees, students and visitors.

Administration and supervisory personnel are responsible for the incorporation of security practices and procedures in their respective areas of operation. Each employee and student is responsible for carrying out campus regulations, procedures and practices and shall comply with federal, state and local laws related to security matters while on the campus or in the course of representing or conducting institutional business.

Empire College annually publishes this Campus Security Report in compliance with the Crime Awareness and Campus Security Act of 1990. It includes security policies and campus crime statistics.

### Preparation of Annual Crime Statistics

Empire College prepares the Annual Security Report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)*. Institutions participating in federal student financial aid must present to current and future students and employees certain crime statistics and policies in accordance with the *Clery Act*. The purpose of this report is to provide information relating to campus safety and security in an effort to aid future and current students and employees in making informed decisions regarding our college.

### Procedure

Administration will:

- Collect crime data, classify crimes and report crime statistics to the U.S. Department of Education.
- Publish and distribute to current students, faculty, and staff an annual report containing three years of campus crime statistics and campus security policy statements by October 1<sup>st</sup> of each year.
- Inform prospective students and employees about the Campus Security Report on an annual basis and by publication on the College's Consumer Information web page at [www.empcol.edu/student-consumer-information](http://www.empcol.edu/student-consumer-information).
- Issue timely warnings and emergency notifications to the campus community regarding crimes that threaten safety.

## Crime Reporting Procedures

### Reporting Crimes

Students, faculty, and staff are strongly encouraged to report all crimes accurately and promptly to local law enforcement; dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots, loitering around vehicles, or inside the building should be reported to the local law enforcement agency.

Local Law Enforcement Agency	Local Phone Number	Emergency Number
Santa Rosa Police Department	(707) 528-5222	9-1-1

In addition, students, faculty and staff should report a crime to any of the following areas:

Campus President	(707) 484-4000
Administrative/Facilities Services	(707) 546-4000 x262 and x231
Academic Dean – Law School	(707) 546-4000 x223

Timely reporting of criminal activity enables the College to respond to crime in a timely manner and potentially reduce the recurrence of that crime. The College will protect the confidentiality of any victim.

The College does not have a police or security department but does work cooperatively with local law enforcement agencies when necessary. There are no written memoranda of understanding agreements between Empire College and local law enforcement agencies to investigate alleged crimes. The College does, in good faith effort, contact local law enforcement agencies to obtain data on *Clery Act* crimes that occurred on or near the campus. Not all agencies respond to requests for data.

### Confidential Crime Reporting

Victims of crime may not want to pursue action with the College or the criminal justice system and may still want to consider making a confidential report. With permission, Administrative/Facilities Services or a designee of the College can complete an incident report on the details of the incident without revealing the victim's identity. The purpose of confidential reporting is to comply with the wish to keep matters confidential while taking measures to keep the campus community safe. With such information, the College can keep accurate records and become aware of any patterns of crime that may warrant action. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the College.

The College does not employ or contract with any professional or pastoral counselors who provide confidentiality services to students or employees.

## **Emergency Response and Evacuation**

### **Response and Evacuation Procedures**

Emergencies are unexpected events, which must be dealt with urgently to protect the health and safety of others. Emergencies may be related to natural disasters such as earthquakes, criminal activity such as armed robberies, environmental disasters, or highly contagious health concerns.

Empire College institutes an Emergency Preparedness Handbook that includes emergency response and evacuation procedures and outlines actions staff, faculty and students must take to protect their mutual health and safety.

Empire College will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Campus President, Administrative/Facilities Services and Academic Dean wherever it occurs have the authority and are responsible for overall management and administration of the plan. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole.

The Campus President or Academic Dean wherever it occurs will create the notification and the College's Administrative/Facilities Services, Academic and/or Tech Support Departments will be responsible for notifying students/employees. If deemed necessary, those outside of the campus community will be notified of the emergency through local law enforcement and/or public health agency. In addition, the College's administrative staff will contact parents, guardians, spouses, and those listed as emergency contacts by the student via phone. Other staff and faculty members may be designated as back-ups and to assist with assigned tasks.

Emergencies are identified by campus staff, by other campus community members, and forms of public media and notification. Anyone wishing to report an emergency should contact the Campus President or other available administrative staff as soon as safely possible using the most efficient means available.

Upon confirmation of a significant on-campus emergency or dangerous situation involving an immediate threat to the health or safety of students and employees, the Campus President, Academic Dean wherever it occurs, or Administrative/Facilities Services will issue an emergency notification and notify the appropriate local emergency response teams, law enforcement and individuals on campus who are in harm's way. Local authorities will determine when and if it is necessary to notify the surrounding community. The Campus President or Academic Dean wherever it occurs will determine what information should be contained in the alert. Campus alerts may be issued via e-mail, classroom announcement, alarm, or any combination of methods determined to be necessary. Students and employees should regularly check their Empire College e-mail account. The alerts will identify the appropriate action to take in an effort to have students and employees avoid the confirmed danger and minimize injuries. Depending on the situation, additional alerts will be disseminated as information becomes available.

Evacuations to safe locations will be implemented when necessary and proceed in an organized manner per policy and procedure. All students are required to comply with the plan and the directions given to them by campus safety staff, faculty, or public emergency response teams or law enforcement agencies during actual emergencies and drills for their personal safety. At no time during an actual campus emergency or drill shall students be permitted to leave the campus unless directed to do so.

The plan, including any updates, is reviewed with new students and employees during orientation and/or their first term and at a number of faculty meetings during the year. Evacuation routes are identified in each classroom and other areas.

Emergency response and evacuation drills are conducted, at minimum, annually. Drills may be announced or unannounced and are evaluated for needed improvement. At a later drill any needed improvements will be tested and, if successful, included in the campus procedures. If not successful, different approaches will be tried until acceptable results are achieved.

Students and employees are encouraged to be responsible for their own security and the security of others. Employees and students are expected to follow safe practices while on campus property. Following safe practices will reduce the possibility of accidental emergencies and increase the effectiveness of the campus response to unforeseen emergencies.

The campus community is obligated to report all unsafe activities, potential and real emergencies, and/or criminal activities to the Campus President, Academic Dean wherever it occurs, or Administrative/Facilities Services as soon as possible.

Persons responsible for carrying out the emergency response and evacuation procedures include Campus President, Academic Dean wherever it occurs, Administrative Services Manager and Maintenance Supervisor.

#### **Timely Warnings for an Emergency**

In the event of an ongoing or continuing threat to the campus community, warnings will be issued through the following means:

- Email message to faculty and staff
- Notices posted in common on-campus areas
- Verbal notification by the Academic Dean wherever it occurs or another member of the school's management team visiting classrooms to inform all students of the situation
- Email and/or text message to all students.

The intent of a timely warning is to provide adequate information necessary to enable the campus community to protect themselves when a significant emergency or dangerous situation occurs. The content of the timely warning will not disclose information that may compromise law enforcement efforts. Anyone with information that warrants a timely warning should report it immediately to the Campus President, Academic Dean wherever it occurs, or Administrative/Facilities Services. The Campus President or Academic Dean wherever it occurs are responsible for ensuring timely warnings are issued to the campus community.

## **Facilities Security and Access**

The campus facilities are open during day and evening business hours and are accessible to students, employees, contractors, guests, and invitees. The campus is secured during non-business hours by locking doors and setting alarms and only accessible by issued key and alarm pass code. Maintenance personnel enter the facilities during the evening or early morning non-business hours by issued key and alarm pass code.

Empire College does not have on- or off-campus residences or official off-campus student organizations. The college does not have a security or police department. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions.

The Administrative Services Manager and Maintenance Supervisor provide security support and information for Empire College in the areas of: parking, traffic control, fire prevention, safety and enforcement of all applicable regulations.

## **Security Awareness Programs for Students and Employees**

Safety and security awareness programs are in place for students and employees. The common theme of awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. The safety rules, including crime prevention, are available in the College's Student Handbook and reviewed with students during orientation and/or their first term. Security, including crime prevention, is reviewed with employees at hire dates and during staff and faculty meetings.

Visual emergency exit layouts are posted at the entrances of all campus rooms and in hallways.

In the event of eminent danger or immediate emergency, information is released through electronic mail, voice mail, or classroom and campus announcements.

## **Alcohol and Drug Prevention Policy**

Empire College has adopted and implemented a program that prohibits the manufacture and unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property and at any school activity. Any violation of this policy will result in appropriate disciplinary actions, up to and including expulsion, even for a first offense. Where it is apparent that a violation of the law has occurred, the appropriate law enforcement authorities will be notified.

The administration, staff and faculty are dedicated to providing education, awareness, treatment referrals, along with the legally mandated reporting and criminal sanctions. The Academic Dean wherever it occurs provide an overall coordination of the Drug-Free School Program. Drug and Alcohol education materials are available to students and employees in their orientation materials.

Empire College will assist employees and students in the selection of appropriate counseling, substance abuse assistance or rehabilitation programs. In addition, this school will not discriminate solely on the grounds of prior drug or alcohol abuse or against individuals who have satisfactorily completed a substance-abuse assistance or rehabilitation program.

## Sexual Offense Policy and Procedures

Empire College is required by the *Clery Act* to include in its Annual Security Report information about sex offense policy and procedures, prevention, and how to access information on registered sex offenders in the campus community.

### Sexual Offense Policy

Sexual assault is a violation of Empire College's Rules and Regulations for Conduct for students and employees and the Sexual Harassment Policy, as well as a violation of the penal code. The College will promptly investigate all allegations of sexual assault and take appropriate action.

### What to Do If You Are Sexually Assaulted

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The College strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. Victims of an assault should be reported directly to the local law enforcement agency, but reporting is at the victim's discretion. In addition, campus personnel will assist the student in notifying these authorities if requested.

Numbers to local law enforcement agencies are as follows:

Local Law Enforcement Agency	Phone #
Santa Rosa Police Department	9-1-1, (707) 528-5222

Filing a police report with the local law enforcement agency will not obligate the victim to prosecute nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests at no expense to the victim.
- Provide the opportunity for collection of evidence helpful in prosecution which cannot be obtained later; and
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

### Sexual Assault Complaint Procedure

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the College or only the latter. To initiate disciplinary action against a student or employee for sexual assault, a report must be made to the Campus President or Dean wherever it occurs, and an investigation will be conducted. Possible sanctions against a student or an employee found guilty of sexual assault through campus proceedings include expulsion, suspension and probation for the student or disciplinary action up to and including termination of employment.

The following disciplinary procedures will be conducted in cases of an alleged sex offense:

- The accuser and the accused perpetrator are entitled to the same opportunities to have others (e.g., witnesses or advocates) present during a campus disciplinary proceeding. Both parties shall be informed of the outcome of any campus disciplinary proceeding alleging sexual assault.
- Counseling for victims of sexual assault is not available on campus. Counseling is available through the Sonoma County Community Resources Hotline 2-1-1 and the local Verity crisis center; the latter may be contacted 24/7 on the sexual assault crisis hotline (707) 545-7270. Empire College does not employ pastoral or professional counselors.

### Sexual Assault Prevention

Empire College has information available upon request to educate students and employees about sexual assaults and date rape in the Law School office.



## Registered Sex Offender Information

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education or employed or volunteering on campus. The federal law requires state law enforcement agencies to provide Empire College with a list of registered sex offenders who have indicated that they are enrolled, employed, or carrying on a vocation at Empire College.

The CSCPA also requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information concerning registered sex offenders may be obtained. Empire College is complying with this requirement by providing information regarding registered sex offenders in your area.

The registry is available via Internet and is available at the following web address:

<http://www.meganslaw.ca.gov/>

## Violence Against Women Reauthorization Act of 2013 (VAWA)

On March 7<sup>th</sup>, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA). This law amended the Clery Act and requires Colleges to provide students and employees the procedures that it will follow once an incident of domestic violence, dating violence and/or stalking has been reported. In addition, beginning in 2013, the College began to compile statistics on these VAWA crimes.

Refer to “Sexual Offense Policy and Procedures” on page 7 of this report for policies and procedures relating, but not limited, to domestic violence, dating violence and stalking.

**Dating Violence** is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. This may include someone the victim just met, i.e., at a party, introduced through a friend, or on a social networking. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

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

**Domestic Violence** is defined as a felony or misdemeanor crime of violence committed—

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

To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

**Stalking** is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- Fear for the person’s safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition—

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

**Bystander Intervention** is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes

- recognizing situations of potential harm.
- understanding institutional structures and cultural conditions that facilitate violence (this might include fraternity or sports cultures at some institutions);
- overcoming barriers to intervening.
- identifying safe and effective intervention options; and
- taking action to intervene.

Risk reduction is defined as options designed to

- decrease perpetration and bystander inaction.
- increase empowerment for victims in order to promote safety; and
- help individuals and communities

### **Affirmative Consent**

Affirmative consent is an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion, force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.
- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol, or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of

consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain affirmative consent before engaging in sexual activity.

- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious.
  - The person was incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature or extent of the sexual activity.
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent.
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented

## Hate Crimes

There were no reported incidents of hate crimes reported for 2018, 2019 and 2020.

Hate crime statistics are presented in narrative format when there are no hate crimes to report or if there are a limited number of hate crimes reported.

A *Clery Act* hate crime is committed when the victim was intentionally targeted because of bias. Bias for the purpose of *Clery Act* hate crime reporting is *a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim.*

Hate crime categories include murder/non-negligent manslaughter, sex offenses – forcible, sex offences – non forcible, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, simple assault, larceny-theft, intimidation, destruction/damage/vandalism of property.

Empire College takes hate crimes and all criminal offenses seriously and encourages the campus community to report any crime to the Campus President or Academic Dean. Crimes also can be reported by calling 9-1-1.

## Campus Crime Statistics

Empire College Crime Statistics 2018 – 2020						
Criminal Offenses – On Campus and Public Property						
	On Campus			Public Property		
	2018	2019	2020	2018	2019	2020
Murder & Non – Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Forcible Sex Offenses	0	0	0	0	0	0
Non-Forcible Sex Offenses	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Empire College Campus Crime Statistics 2020		
Criminal Offenses (new crime categories added due to the Violence Against Women Reauthorization Act of 2013) – On Campus and Public Property		
	On Campus	Public Property
	2018 - 2020	2018 - 2020
Domestic Violence	0	0
Dating Violence	0	0
Stalking	0	0

## Arrests & Disciplinary Actions

Empire College Crime Statistics 2018 – 2020						
Arrests – On Campus and Public Property						
	On Campus			Public Property		
	2018	2019	2020	2018	2019	2020
Liquor Law Violations	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Empire College Crime Statistics 2018 – 2020						
Disciplinary Actions – On Campus and Public Property						
	On Campus			Public Property		
	2018	2019	2020	2018	2019	2020
Liquor Law Violations	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Weapons Possession	0	0	0	0	0	0
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>