



# **ANNUAL SECURITY REPORT 2020**

**JOHN F. KENNEDY UNIVERSITY**



JOHN F. KENNEDY UNIVERSITY

An affiliate of the National University System

## John F. Kennedy University Administration

### Dr. Thomas Stewart

President of John F. Kennedy University

### Ms. Michelle Bello

Interim Chief Financial Officer

### Mr. Matthew Bruce

Vice President, Technology & Educational Services



## The National University System Affiliates

National University

City University of Seattle

John F. Kennedy University

Northcentral University

Division of Pre-College Programs

*National University Academy*

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## Annual Security and Safety Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, referred to as the Clery Act, requires the dissemination of an annual security report to all current

students, faculty, and staff and the notice of its availability to prospective students, faculty, and staff. The annual security report includes statistics for the previous three (3) years concerning reported crimes that occurred on campus, in certain off-campus buildings, on property owned or controlled by John F. Kennedy University, and on public property either within, immediately adjacent to, or accessible from the campus. The report also includes institutional policies and procedures concerning campus security programs, including those concerning alcohol and drug use, crime prevention, and the reporting of crimes, emergency notifications preventing/reporting sexual assault, and other matters required by the Clery Act. On March 7, 2013, President Obama signed the Violence Against Women Act (VAWA) which was signed into law. VAWA included amendments to the Clery Act that require institutions to disclose statistics, policies and programs related to dating violence, domestic violence, sexual assault and stalking, among other changes.

### Preparation and Disclosure

John F. Kennedy University, referred to as the University, recognizes that crime prevention is the responsibility of each person either working, attending school, or visiting at a University facility. Crime prevention is best served by the vigilant surveillance of the premises and the reporting of any suspicious personal behavior. The University, therefore, is committed to providing a safe environment for learning and working.

The University's Annual Security Report is prepared with input from a variety of University departments including Facilities, Student Services, Human Resources, and Enrollment Management, and other departments, to comply with the Clery Act. The current full report can be found on the web at: <https://www.jfku.edu/about-us/campus-security/>

The University maintains contact with local law enforcement agencies for the protection of its constituents as well as for the purpose of keeping official records of crime statistics and reports. Each year, the University's community members receive a notice regarding the availability of the Annual Security Report.

The statistics provided in the Annual Security Report are based upon reports of incidents made to the University Facilities Office and local law enforcement agencies. This report is prepared with cooperation from the local law enforcement agencies surrounding the University's main campus and alternate sites. Departments provide updated information on their educational efforts and programs to comply with the Clery Act.

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**University Contact Information**

The following is a list of University Campus Personnel who are authorized points of contact at their respective campus. For questions about the ASR or copies of this publication, please contact the appropriate point of contact listed below:

<b>Key Personnel</b>	
David Sadler, Director of Facilities	(925) 969-3372 dsadler@jfkku.edu
Susan Sermeno, Lead Title IX Coordinator and International Student Advisor	(925) 969-3339 ssermeno@jfkku.edu
Matthew Bruce, Title IX Investigator and Vice President, Technology & Educational Services	(925) 969-3573 mbruce@jfkku.edu
Armando Dominguez, Human Resources Business Partner	hr@jfkku.edu
<b>Locations</b>	
Pleasant Hill Campus	(800) 696-5358

### Emergency Contact Information and Other Important Numbers

The following is a list of emergency, crisis, and other important contact information:

Other Important Contact Information	
Emergencies	911
University Switchboard	(925) 969-3300
Al-Anon & Alateen	(888) 425-2666
National Council on Alcoholism	(800) 622-2255
The Substance Abuse and Mental Health Services Administration's National Helpline	(800) 662-4357
Valley Medical Center, San Jose	(408) 885-5000
Rape Crisis Hotline, San Jose	(408) 287-3000
California Coalition Against Sexual Assault (CALCASA) <a href="http://calcasa.org">http://calcasa.org</a>	(916) 446-2520
Rape, Abuse & Incest National Network (RAINN) Sexual Assault Hotline <a href="https://www.rainn.org">https://www.rainn.org</a>	(800) 656-4673 (202) 544-3064
The National Domestic Violence Hotline	(800) 799-7233
Center for Victims of Crime Hotline	(202) 467-8700

## SAFETY & SECURITY

To achieve its goals, the university has established a safety program dedicated to providing a safe and healthful working environment through identifying health and safety risks before they become hazards and developing programs for risk prevention. These programs are designed to encourage safety awareness among individuals and to provide essential information on procedures to be followed in case of an accident, injury, illness, or emergency. Students, faculty, staff, and guests should immediately report health or safety concerns to campus or security personnel.

## Services and Programs

### SAFETY AWARENESS

**Prevention:** Each person should have a preconceived plan of action in the event they should become involved in, or be a witness to, a criminal act. By following the generally prudent rules listed below, each employee or student can help ensure that they will not become a victim of a crime.

- Park your car in University-designated parking areas, if possible.
- Do not leave items in your car which are visible from the outside; rather, place the items in the locked trunk of your car, or under a car seat, if possible.
- Lock all car doors, and check them, before leaving your parked car. Keep your car keys in your hand until you are in a well-lit or heavily trafficked area. This will allow you to rapidly reenter your vehicle, should you see a suspicious person in the area.
- You may want to invest in a mechanical locking device or electronic alarm system for your car. If you have such a device/system, ensure that you use it each time you park your car.
- Be alert for suspicious persons and activity in the classroom or work area. If you see an unfamiliar face in the vicinity, proceed to your work/class area, and then report the matter immediately.
- If you work in a University office, get in the habit of closing and locking your office door each time you must leave the office unattended.
- If you leave valuable articles in open view in your office, place them in a locked desk drawer or in a sheltered location.
- Should you be accosted, have a plan of action in mind.
- In case of personal attack, scream as loudly as you can and run toward a more lighted or highly trafficked area. Do not voluntarily enter an assailant's automobile or go with an assailant to a more remote location.
- If an assailant demands your money, you may want to take out a pre-positioned amount of money, throw it away from you, and then begin running as fast as possible, in the opposite direction.

- Try to note the size and physical characteristics of your assailant, as well as the color and make of their car (if applicable), so that you are able to report the crime with critical, detailed information.

All meetings of student organizations must be held on University property and during the hours when security personnel are present to monitor any safety or security issues.

**Campus Security Procedures:** Upon enrollment, students are informed of the services offered by the University, including a copy of the Student Code of Conduct, information on how to obtain the Annual Security Report, and how and where to report incidents. Annually, existing students receive a link in their University email to the Student Code of Conduct Policy and the Annual Security Report.

**Safety Program Committee and Safety Training:** The University Safety Program Committee meets quarterly to address safety concerns. Committee members and safety representatives are tasked to disseminate this information to ensure faculty and staff are informed in a timely manner. Additionally, all University employees have access to safety resources and guides, and up-to-date safety information in the Faculty and Staff Community Commons organization in Blackboard.

Presidential Policy Directive (PPD)-8, signed by President Barack Obama in March 2011, prescribes the nation's goal for preparedness and planning. PPD-8 outlines preparedness with regard to five essential mission areas that correlate to strategic safety planning the University has implemented: prevention, protection, mitigation, response, and recovery. These implementations correspond to the University's adherence to the National Incident Management System (NIMS) regarding safety planning, operations, and training.

### TIMELY WARNING NOTIFICATIONS AND EMERGENCY RESPONSE

In the event that a situation arises, either on or off campus, that in the judgement of the President constitutes an ongoing or continuing threat, a campus-wide "timely warning" will be issued. The warning will be issued through the student message center, email, or by phone, depending on the particular circumstances of the situation. A warning will be issued in all situations that could pose an immediate threat to individuals and the community.

The University will alert staff and students in the event a pattern of criminal activity becomes apparent (e.g., a number of automobile break-ins or assaults on visitors in a specific geographical area). The names of victims will be withheld from timely warnings.

When issuing a Timely Warning, some specific information may be withheld if there is a possible risk of compromising law enforcement efforts to investigate or solve the crime. Timely Warnings do not include names of victims.

All incidents are considered on a case-by-case basis, depending on the unique circumstances, facts and information available about the incident. Incidents that are

deemed not to have an ongoing threat to the University community will not have a Timely Warning distributed about that incident. Incidents that are reported long after the incident occurs will not receive a Timely Warning, as there is no ability to distribute a “timely” warning notice to the community in these instances. If there is a pattern of crime in the categories of burglary or motor vehicle theft, a crime alert would typically be distributed. Crime Alerts may also be posted for other crime classifications and locations, as deemed necessary.

### Other Emergencies

Certain emergencies, crimes and suspicious activities that don't involve serious personal injury, property injury, or property loss can be reported to your local law enforcement office at their non-emergency number. This can include reporting a burglary where the suspect has left the vicinity; hit and run accidents with no injuries; graffiti or other vandalism; or persons who are disturbing the peace. These incidents should be reported to a CSA or other campus authority.

### Reporting An Emergency

University members can report any emergency directly to the police by calling 9-1-1 and/or the local police department. University members who are the victim of a crime and do not want to pursue action within the University system or the criminal justice system are encouraged to still provide a confidential and/or anonymous report to one of the University's Campus Security Authorities (CSAs). Crime victims can receive resources, referral information and/or options for actions.

Any reports provided to CSAs are not strictly confidential, as CSAs are required to report the date, time, location, and all relevant information needed to classify the offense for statistical purposes. CSAs are instructed to never release personally identifiable information, so all reporting individuals remain anonymous.

**Emergency Operations Plan:** The University's Emergency Operation Plan (EOP) provides the framework for an organized response to a variety of hazards including fires, earthquakes, hazardous spills, and civil disorders. The purpose of this plan is to define the scope of preparedness and emergency management activities necessary during any incident or emergency event. An effective organizational emergency response depends on an informed campus community whose members are familiar with campus procedures and understanding their personal responsibility for emergency preparedness and response.

**Plan Overview:** The organizational approach used in the EOP is one of decentralization with the campus subdivided into small emergency response regions. Each University location is provided necessary supplies and trained personnel to be self-sufficient before, during, and after an event. Emergency Response Teams in each location will function within the Incident Command System (ICS) and, during escalated emergencies, the Emergency Operations Center (EOC) will be activated and support the on-scene Incident Commander. The EOC Manager will then make

decisions based on the University's recovery plan to direct the campus through its recovery process.

The University's response efforts could last for hours, days, or even weeks depending on the severity of the event. It is essential to the overall success of the response that everyone clearly understands the structure of the EOP and what his or her responsibilities are.

**Drills and Exercises:** The University conducts numerous emergency response exercises each year, including tabletop drills, functional exercises, and tests of the campus emergency notification system, and publicizes the emergency and response evacuation procedures in conjunction with at least one of these activities per year. These exercises are designed to assess and evaluate the emergency plans and capabilities of the University.

**Emergency Evacuation:** The University's [Emergency Action Plan](#) Policies and Procedures include information about the Safety Response Teams, University operating status parameters, evacuation guidelines, and communication plans.

**Emergency Contact Information:** Students, faculty and staff are responsible for having current and accurate information on file with the University to ensure they receive timely warning notifications. The University does not assume responsibility for incorrect contact information on file which may cause a notification not to be sent due to technical malfunctions, human or technical error, lost, delayed, or garbled data, transmissions, omission, interruption, deletion, defect or failures of any telephone, computer line, network, computer equipment, or software; or any other factors which may cause a lost notification.

**Missing Persons:** Suspected missing students should be reported immediately to our Facilities Office and the local police department. If members of the University community believe that a student has been missing for 24 hours, it is critical they report that information to local law enforcement or call 911 (9-911) when calling from an on-campus landline. A student is determined to be missing when the University has verified that reported information is credible and circumstances warrant declaring the person missing.

**Missing Person Notification:** California law requires all local police and sheriff's departments to accept any report by any party, including a telephonic report of a missing person, without delay and shall give priority to handling these reports over the handling of reports relating to crimes involving property.

The local police or sheriff's department is required to immediately take reasonable steps to locate the missing person.

Notifications will be made by the Facilities Office to a student's designated contact within twenty-four hours of the University's determination that a student is missing. If the student has no designated contact on file, then the University will notify the applicable local law enforcement agency. The University may have to contact other students, parents, law enforcement



agencies, and other persons/entities that may have information on the whereabouts of said missing student.

## In Emergency Actions

IN AN EMERGENCY WHEN YOU HEAR IT. DO IT.

- 1. LOCK DOWN!** Locks, Lights, Out of Sight
  - Lock interior doors
  - Turn out lights
  - Move away from sight
  - Do not open the door
  - Maintain silence
  - Prepare to evade or defend
- 2. LOCKOUT!** Secure the perimeter
  - Bring everyone indoors.
  - Lock perimeter doors.
  - Increase situational awareness.
  - Continue business as usual.
  - Account for occupants.
- 3. EVACUATE!** Relocate to a safe location
  - Evacuate and reassemble in a safe location, outside of the building.
  - Do not lose your life over your possessions. Leave your belongings behind.
  - If time allows, take your emergency pack.
  - Keep cell phones in your pocket, not your hands.
  - Follow instructions from emergency personnel.
  - Keep hands empty and raised when exiting the building.
  - Account for occupants and visitors.
  - Notify if anyone is missing or injured.
- 4. SHELTER!** Shelter-in-Place, hide and take cover
  - Hide away from sight.
  - Take cover in or against a building, underneath your desk.
  - Prepare to evade or defend.
  - Training Video: [Standard Response Protocol](#)

## Active Shooter

If an active shooter is in the vicinity: **RUN. HIDE. FIGHT.**

- Remain calm. Survey your surroundings for a safe escape route.
- **RUN.** Relocate to a safe location.
- If there is an escape path, attempt to evacuate to a safe location.
- Leave your belongings behind. Staying out of harm's way is your top priority.
- Help others escape, if possible.
- Prevent others from entering the area.
- Call 911 when you are safe. Report location of injured and if possible, description of assailant.

- **HIDE.** If evacuation is not possible, find a place to hide.
- Lock and/or blockade the door.
- Silence your cell phone.
- Hide behind large objects, out of assailant's view.
- Remain very quiet.
- Prepare to evade or defend.
- **FIGHT.** As a last resort, and ONLY if your life is in danger.
- Attempt to incapacitate the intruder.
- Act with physical aggression.
- Improvise weapons.
- Commit to your actions.

When Law Enforcement Arrives:

- Remain calm and follow instructions.
- Keep your hands visible at all times.
- Avoid pointing or yelling.
- Know that help for the injured is on its way.
- Wait for further instructions. Do not drive away unless instructed to do so.

Training Video: [RUN. HIDE. FIGHT. Surviving an Active Shooter Event](#) (not appropriate for young viewers)

## FACILITIES

All members of the university community have a responsibility to report suspicious activity and unauthorized visitors, damaged or malfunctioning access points (doors, windows, etc.) for immediate repair. Our goal is to provide a campus environment that is as safe and secure as possible.

**Safety and Access:** During regular business hours, the University will be open to students, parents, employees, contractors, guests, and invitees. All employees have University issued ID badges. During non-business hours, access to all University facilities is by key, if issued. Emergencies may necessitate changes or alterations to any posted schedules. The University does not provide student housing on any of its campuses or locations.

**Maintenance:** University facilities management personnel maintain and repair campus facilities. Building Services performs regular reviews of landscaping, locks, alarms, and lighting to identify and update areas of concern. The University makes every effort to keep its buildings and grounds secure. Lighting and appropriate landscaping for crime prevention is provided at all locations. The University has video surveillance around the perimeter of the main Pleasant Hill campus building. The University secures its buildings, and whenever possible, its parking lots each evening.

## Campus Security Authorities (CSAs)

Individuals identified as Campus Security Authorities (CSAs) must report Clery Act crimes, which they directly witness or learn about in the course of their duties, to the



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John F. Kennedy Facilities Office, regardless of whether the alleged victim chooses to file a report with law enforcement or to press charges.

In addition to the University's Safety and Security staff, CSAs include Associate Vice President's (AVPs), Deans, Human Resources staff, professional staff in the Office of Student Experience, Title IX Coordinator, and other officials on campus who have significant responsibility for student and campus activities.

CSAs complete an [Incident Form](#) and submit it as soon as practicably possible, and/or to security personnel if they are present at the time the crime takes place. The administrator(s) will assess the information provided in the report form in coordination with the Security team to determine whether an immediate response is warranted, if a Timely Warning should be issued, and appropriate next steps.

The University strongly encourages all members of the community to report crimes directly to a CSA, the Facilities Office, and/or the local police authorities. If the incident involves dating violence, domestic violence, sexual assault or stalking, CSAs who are also Responsible Employees as defined under Title IX and University policy, must also make a report to the Civil Rights Team by filing a report using the online [Incident Form](#) or by emailing [titleix@jfk.edu](mailto:titleix@jfk.edu).

### CAMPUS SECURITY

The University provides academic advising services and/or offers academic classes in Pleasant Hill and San Jose. Security at these locations is provided as indicated below.

- **University-Owned Facilities:** The University contracts with licensed commercial agencies for on-site security services at facilities it owns. Security personnel at University-owned facilities are under the administrative direction of the Director of Facilities
- **University-Leased Facilities:** The University or the landlord of University-leased facilities provides security services for the facilities. Security services are coordinated on behalf of the University through the Campus Security Officer at all locations.
- **Classes Held Off-Campus at an Employer's Site:** The employer upon whose premises the University conducts classes is responsible for security of its premises. The Campus Safety Officer interfaces with the employer to ensure compliance with the employer's security policies and reporting of security violations.

In general, The University security personnel are unarmed and may only make a "citizen's arrest" of a person who is in the act of committing a crime; when safely and legally able to do so. Security personnel are instructed not to attempt to apprehend a suspect, unless the person is caught in a

criminal act; however, security personnel will only act in accordance with the provisions of reasonable force.

Criminal incidents are referred to local law enforcement agencies who have jurisdiction on the campus. All crime victims and witnesses are strongly encouraged to provide an accurate and prompt report of any crime immediately to the University and the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics; this also helps officials respond to crimes when the victim(s) of a crime are unable to report.

Security personnel maintain close liaison with local police departments and keep them apprised of any criminal activity on campus. Local police may be called when appropriate by either security personnel or the senior administrator or staff member on campus.

The University recognizes that laws and policies are necessary for society to function and supports the reinforcement of law by governmental agencies and policies by officials of the University. All persons on the campus are subject to these laws and rules at all times.

The University does not maintain any special relationships with State and local police and does not have an agreement with those law enforcement agencies (such as a written memorandum of understanding) to investigate alleged crimes. All incidents are reported through the Facilities office, and by completing an [Incident Report form](#).

### REPORTING CRIMINAL ACTIVITY

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety-related incidents to campus administrators and appropriate law enforcement agencies when the victim of such crime elects to or is unable to make a report.

**Reporting:** Incidents occurring on University property must be brought to the attention of campus personnel. If you are the victim or witness to a crime, you have the responsibility to report it immediately to a Campus Security Authority (CSA) and the local police. All members of the University community are encouraged to accurately and promptly report all crimes or suspicious activity. Report any criminal offense or possible criminal offense that you either witness or are a victim of to either the Campus Safety Officer, as soon as practicably possible, or to security personnel if they are present at the time the crime takes place. If no one is available to meet with you in person, call the University switchboard at (800) 696-5358, University Human Resources at [hr@jfk.edu](mailto:hr@jfk.edu), or David Sadler, Campus Safety Officer, at (925) 969-3372 or [dsadler@jfk.edu](mailto:dsadler@jfk.edu).

If you or someone else is in danger and/or University personnel or security personnel are not there to assist you, call "9-1-1" (9-9-1-1 from a University extension) and make your report directly to local law enforcement. In addition, follow up with a report to the appropriate University personnel at your earliest opportunity.

The University will investigate and take action, as it deems appropriate, in the event of a report of criminal activity.

**Confidential Reporting:** If you are a victim of a crime and do not want to pursue action within the University or the criminal justice system, you may still want to consider making a voluntary, confidential report. The purpose of the confidential report is to comply with your wish to keep the matter confidential and it also supports the future safety of yourself and others. With such information, the University can keep an accurate record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

**Pastoral and Professional Counselors:** Although counselors typically have significant responsibility and involvement in student and campus activities, they are exempt from the Clery Act reporting requirements. They are, however, contacted and encouraged to forward non-identifying information to the University on crimes that may be reported through their offices for inclusion in the Annual Security Report. The University does not employ pastoral or Professional Mental Health Counselors.

### DRUG AND ALCOHOL ABUSE PREVENTION

The possession, use, or distribution of illicit drugs and alcohol is governed by the University's Drug and Alcohol Abuse Prevention policy and California State Law. The University's Drug and Alcohol Abuse Prevention policy can be found in the University [catalog](#).

In compliance with the law, the University will include annual distribution of information regarding the following:

- The University Drug and Alcohol Abuse Prevention policy which prohibits the unlawful manufacture, distribution, possession, or use of alcohol, illegal drugs, or controlled substances, and the abuse of legal substances in the workplace, on University premises, at official University functions, or on University business;
- The dangers of substance abuse;
- The description of assistance resources available to employees or students;
- A description of the applicable sanctions that may be imposed upon employees and students for substance abuse violations occurring in the workplace; and
- A description of the legal sanctions under local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol.

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of informational

materials, educational programs, referrals for services, and University disciplinary actions.

The University provides an overall coordination of the Drug-Free School Program. Students may receive referrals to the local and national substance abuse resources and outside counseling services. Additionally, an Employee Assistance Program (EAP) is available for eligible employees.

**National Resources:** We encourage anyone dealing with substance abuse issues to contact the following national agencies for guidance and assistance in identifying a counseling, treatment, or rehabilitation program:

- Al-Anon & Alateen (888) 527-2666
- National Council on Alcoholism (800) 622-2255
- The Substance Abuse and Mental Health Services Administration's National Helpline (800) 662-4357

### DRUG-FREE CAMPUS

It is widely recognized that the misuse and abuse of drugs (controlled substances) and the abuse of alcohol are major contributors to serious health problems as well as to social and civic concerns. The health risks associated with the use of illicit drugs and the abuse of alcohol including various deleterious physical and mental consequences including addiction, severe disability, and death.

In response to these concerns, the U.S. Congress passed the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Amendments of 1989. In accordance with these Acts, the University has enacted the following policy applicable to all students and employees.

The University is committed to providing and maintaining a safe and healthy educational and work environment for its students, faculty, staff, and visitors. This policy prohibits: the unlawful manufacturing, distribution, possession, or use of alcohol, illegal drugs, or controlled substances; or inappropriate use of prescription drugs on campus or at University-sponsored events. This prohibition specifically includes, without limitation:

- Possession, use, sale, distribution, or furnishing of any controlled substance, including heroin, barbiturates, cocaine, LSD, methamphetamine, hallucinogens, and marijuana;
- Possession, use, sale, distribution, or furnishing of alcohol on campus, unless at a specifically authorized University activation. (1) it is unlawful to distribute, sell, or provide alcohol to a person under the age of 21; and (2) The possession of alcohol by anyone less than 21 years of age in a public place, or a place open to the public is illegal;
- Sale of any controlled substance that is in violation of local, state, or federal statutes; and
- Any other conduct that involves a drug-related violation of local, state, or federal ordinances.

The workplace and campus are presumed to include all premises where activities of the University are conducted. Violations of this policy will result in disciplinary action or referral for prosecution according to local, state, and federal statutes, or both.

**Sanctions and Remedies:** Employees and students found in violation of this policy will result in disciplinary action or referral for prosecution according to local, state, and federal statutes, or both.

## SEXUAL VIOLENCE PREVENTION EDUCATION AND AWARENESS PROGRAMS

The University prohibits domestic violence, dating violence, sexual assault, and stalking. The University prohibits retaliation against an individual because that individual testified or participated in any manner in the University process related to domestic violence, dating violence, sexual assault, or stalking.

**Prevention Programs:** The University offers various programs for students and employees that promote the awareness and prevention of domestic violence, dating violence, sexual assault, and stalking.

The University has contracted with a third-party training provider, Get Inclusive (formerly EVERFI), to provide all incoming students and employees with an interactive, online primary prevention and awareness program related to rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The training programs are administered through a comprehensive learning management system that tracks course assignments and progress to completion, to ensure that training has been successfully completed by all assigned participants.

**Student Training:** Provides for a foundational online course customized for jurisdiction definitions for domestic violence, dating violence, sexual assault, stalking, and consent. The training also provides information on bystander intervention and information on risk reduction to recognize the warning signs of abusive behavior and how to avoid potential attacks. The student training program also provides for a follow-up course to support ongoing training needs.

**Employee Training:** All faculty and supervisory employees of the University are required to complete a two-hour online training program within ninety days of hire. The training addresses physical and nonphysical sexual harassment, discrimination, and retaliation. Employees are required to complete the course every two years.

Additionally, the University provides for a mandatory online course for employees that provides education relating to the prevention of sexual assault, domestic violence, dating violence, and stalking.

## SEXUAL HARASSMENT AND SEXUAL VIOLENCE POLICY

The University is committed to providing a learning and working environment free from all forms of harassment and unlawful discrimination under any program or activity offered under its control. In keeping with this commitment, the University maintains a strict policy that prohibits sexual harassment and sexual violence, which includes sexual assault, domestic violence, dating violence and stalking.

Sexual harassment, sexual violence and other gender-based or sex-based harassment occurring in the college setting invokes a federal law called Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of sex in educational programs or activities, which triggers certain responsibilities on the part of the school. The University is committed to maintaining a positive learning and working environment and will address all complaints appropriately.

The University will respond promptly and effectively to reports of sexual harassment and sexual violence, and will take appropriate actions to prevent, correct, and when necessary, to discipline conduct that violates institutional policy. When the University determines, through its administrative process, that a violation has occurred, serious sanctions will be used to reasonably ensure that such actions are not repeated.

The University prohibits retaliation against any individual because that individual participated in any manner in a complaint process.

## PROCEDURES FOR VICTIMS

A victim of domestic violence, dating violence, sexual assault, or stalking may consider the following procedures.

**Medical Attention:** Medical providers can treat injuries and test for pregnancy and sexually transmitted diseases (STDs). Some medical providers can perform a Sexual Assault Forensic Exam which preserves evidence for use in a criminal case.

**Preservation of Evidence:** To preserve evidence of a physical assault, avoid washing your body, brushing your teeth, or changing your clothes. If you believe you may have been drugged and wish to have your blood or urine tested, this should be done as soon as possible at a medical facility. Be aware that some physical evidence must be collected close in time to the incident.

**Police Reporting:** It is your decision whether or not to report to the police. For the quickest police response, dial 9-1-1 or 9-9-1-1 if dialing from a University extension. Even if you already cleaned yourself or personal articles, or if the incident occurred in the past, you can still report to the police. The University can provide you with the legal definitions that might be relevant to the incident, including the definition of consent in your state, and can assist you in reporting to the police if you so choose.



**Anonymous/Confidential Reports:** A person may report an incident without disclosing their name, identifying the respondent, or requesting any action. While anonymous reports are accepted, the University may be limited in its ability to investigate and respond to any incident that is reported anonymously. The University will balance any request from a reporting party to remain anonymous against its obligations to afford a responding party fundamental fairness by providing notice and an opportunity to respond to allegations before any action is taken against them. In the event that the circumstances of the complaint dictate a full investigation, the University will take all actions necessary to conduct the investigation, which may include disclosing the identity of the reporting party and other steps that might compromise their request for confidentiality and anonymity. Reports that are made anonymously or by third parties may not initiate the formal Title IX process. The University may undertake an initial assessment even in cases where the reporting party chooses not to cooperate or participate.

Reporting parties have the right to investigation and appropriate resolution of all credible allegations of sexual misconduct or discrimination made in good faith to University officials. Reporting parties also have the right to be informed in advance of any University public release of information regarding the incident, as well as the right not to have any personally identifiable information released to the public by the University, without their consent.

**Confidential Support:** You may wish to talk with a person who can support you while maintaining confidentiality.

In California, you can contact CALCASA (California Coalition Against Sexual Assault) at (916) 446-2520 or on the web at <http://calcasa.org>; they can direct you to support in your county.

Outside of California, you can contact RAINN (Rape, Abuse & Incest National Network) at their Sexual Assault Hotline (800) 656-4673 (toll-free), (202) 544-3064, or on the web at <https://www.rainn.org>.

Other Nation-wide resources include:

- Domestic Violence Hotline: (800) 799-7233
- Center for Victims of Crime Hotline: (202) 467-8700

**Reporting to the School:** You may wish to report to the University to access support or to file a complaint against a University student, faculty, or staff member who engaged in the unwelcome behavior. Please be aware that in all cases, any University employee who receives a complaint of this nature must report all pertinent information to a designated school officer charged with responding.

**Accessing John F. Kennedy University Support:** If the accused individual is not affiliated with the University as a student, faculty, or staff member, or if the accuser chooses not to identify the accused individual, the University can still assist the accuser with location counseling and other support services and may assist in rescheduling course requirements, assigning an incomplete in a class, or allowing an accuser to transfer class sections.

**Title IX: Complaints Relating Sexual Harassment and Sexual Misconduct** In keeping with this commitment to comply with Title IX of the Education Amendments of 1972, the Civil Rights Act of 1964, and the Violence Against Women Reauthorization Act (VAWA), the University also maintains a strict policy that prohibits sexual harassment, which includes harassment based on gender, sexual orientation, pregnancy, childbirth, or related medical condition. Sex-based or gender-based discrimination include acts of sexual violence, sexual harassment, non-consensual sexual contact, domestic violence, dating violence, stalking, gender-based bullying or hazing, and discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. This policy applies regardless of the gender or sexual orientation of the complainant or the alleged harasser. It is University policy that all persons should enjoy freedom from unlawful discrimination of any kind, as well as from sexual harassment, or retaliation for reporting a complaint, including retaliation by third parties. Sexual harassment, sexual violence and other gender- based or sex-based harassment occurring in the college setting invokes a federal law called Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the bases of sex in education programs or activities, which triggers certain responsibilities on the part of the school.

A hostile environment is created when sexual harassment is severe, persistent, pervasive, and objectively offensive, such that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational programs. When sexual harassment occurs with unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another this constitutes Quid Pro Quo sexual harassment. Submission to such sexual conduct is made either explicitly or implicitly as a term or condition of rating or evaluating an individual's educational development or performance.

### Reporting Procedures for Civil Rights and Title IX Violations

The University encourages prompt reporting of complaints so that a rapid response can be made and appropriate action taken. Note that reporting a complaint need not be limited to someone who was the target of the discrimination or harassment. As necessary, the University may initiate a complaint, serve as Complainant, and initiate University proceedings without a formal complaint by the alleged victim.

The following person is designated to coordinate the University's responsibilities under the law and to insure compliance with the University's policies against discrimination:

**Title IX Coordinator**  
**Susan Sermeno**  
TitleIX@jfku.edu

A complaint may be filed with the Title IX Coordinator and Compliance Officer by any student who feels that they have been subjected to discrimination by a student or by the University through any of its employees, contractors, entities,

## JOHN F. KENNEDY UNIVERSITY ANNUAL SECURITY REPORT 2020

policies, procedures, or programs. The University encourages submission of complaints in written form. Complaints should clearly describe the incident, incorporate supporting documentation, and describe the desired remedy.

Inquiries or complaints concerning the application of Title IX may be referred to the University's Title IX Coordinator and/or Title IX Investigator. You may wish to report to the University to access support or to file a complaint against a University student, faculty, staff member, or third party who engaged in the unwelcome behavior. Please be aware that in most cases, any University employee who receives a complaint of this nature must report all pertinent information to a designated school officer charged with responding. Reports of discrimination, harassment and/or retaliation may be made using anyone of the following options:

- Report directly to the Title IX Coordinator
- Email the complaint to [titleIX@jfk.edu](mailto:titleIX@jfk.edu)

### **Title IX Coordinator and Compliance Officer**

#### **Susan Sermeno**

John F. Kennedy University  
100 Ellinwood Way  
Pleasant Hill, CA 94023-4817  
Phone: (925) 969-3339  
[Email: TitleIX@jfk.edu](mailto:TitleIX@jfk.edu)

### **Title IX Investigator**

#### **Matthew Bruce**

Vice President, Technology and Educational Services  
John F. Kennedy University  
100 Ellinwood Way  
Pleasant Hill, CA 94023-4817  
Phone: (925) 969-3573  
[Email: TitleIX@jfk.edu](mailto:TitleIX@jfk.edu)

The University's designated Title IX Coordinator and Title IX Investigator oversee the University's compliance with Title IX, including coordinating the investigation and response to sex-based or gender-based discrimination or harassment complaints, responding to inquiries concerning Title IX, tracking incidents and trends involving sexual misconduct, publicizing the University's policies and providing training on preventing sex discrimination, sexual harassment, and sexual violence. The University provides mandatory training for those implementing the grievance procedures (Title IX Coordinator(s), investigators, adjudicators), to include training on the handling of complaints of sexual harassment, the University's Title IX Policy and Grievance Procedures, and applicable confidentiality requirements.

The accuser also has the right to file a complaint with the Office for Civil Rights of the U.S. Department of Education (OCR). An accuser is not required to use the school's grievance process before filing such a complaint.

Office for Civil Rights  
400 Maryland Avenue SW  
Washington, DC 20202-1100

Customer Service Hotline: (800) 421-3481  
TDD#: (877) 521-2172  
[Email: OCR@ed.gov](mailto:OCR@ed.gov)  
[Website: www.ed.gov/ocr](http://www.ed.gov/ocr)

The University will complete its investigation and make findings on a complaint filed at the University, even if a complaint has also been filed with the Office for Civil Rights.

The University will endeavor to maintain confidentiality to the extent permitted by law. Where the complainant's desire to maintain anonymity constrains the University from attempts at establishing facts and eliminating the potential discrimination, the University will attempt to find the right balance between the complainant's desire for privacy and confidentiality and its responsibility to provide an environment free of discrimination.

The University has a duty to investigate even if the student declines to file a complaint or demand action. The University may require complete disclosure of all relevant facts in cases of egregious discrimination.

### **Conduct that is Criminal in Nature**

The University has authority to address these complaints in a non-criminal context. The University process is completely separate from the police and courts.

For any incident that potentially involves criminal activity, a Complainant may wish to report directly to law enforcement in addition to, or instead of, reporting to the University. In addition, in some cases there may be time-sensitive considerations for reporting to law enforcement, such as the option to have medical or other evidence collected and preserved. University personnel can assist a Complainant in making a report to law enforcement. A Complainant may pursue both the University process and the criminal process simultaneously. In addition, state law may require a University official to report certain crimes to law enforcement if the police have not already been notified.

When a police or criminal matter occurs simultaneously to the University process, in most cases the University will not wait until the criminal case is resolved before proceeding with the University process. The University's fact-finding investigation may be delayed for a short period of time upon a request of law enforcement, but the University will promptly resume the investigation as soon as possible.

In cases involving threats, threatening behavior or violence including sexual violence, the University can provide information about seeking an order of protection through the courts.

### **Procedures for Civil Rights and Title IX Complaints**

Students who believe that they have been subjected to unlawful discrimination or harassment, sexual harassment, including sexual assault, and sexual violence, carried out by employees, faculty, students and/or third parties, may use the following

informal and formal procedures to resolve their complaint. Under the Civil Rights and Title IX grievance procedures students may, at any time, elect to stop these procedures.

Upon receiving a report or complaint, the University's Title IX Coordinator and/or Title IX Investigator will review the complaint and conduct an immediate inquiry to determine whether there is reasonable cause to believe that there was a violation of the policy prohibiting class-based discrimination or harassment, i.e. a reasonable person would determine that further inquiry is warranted. Conflicts of interest (real or perceived) by those handling the Title IX grievance procedure is prohibited. Either party may raise bias or conflict of interest regarding the Title IX Coordinator(s) or others handling the Title IX Grievance Procedures. Reports of bias or conflict of interest committed by the Title IX Coordinator should be reported to the University President or Provost.

Office of the President  
John F. Kennedy University  
100 Ellinwood Way  
Pleasant Hill, CA 94523-4817  
Phone: (925) 969-3302

If the initial inquiry indicates there is not reasonable cause to believe that there was a violation of the policy, the designated officer will close the case. In some cases, the University may attempt to resolve the complaint through mediation or intervention with the parties, although these methods will not be utilized in cases of sexual violence. If the initial inquiry indicates that there is reasonable cause to believe that the policy may have been violated, the designated officer will begin the formal grievance procedure described below.

If the initial inquiry indicates that there is reasonable cause to believe a violation occurred and mediation is not used, the University will initiate a thorough, equitable, impartial and prompt investigation designed to provide a reliable determination about whether or not a violation has occurred.

An investigation will be conducted by individuals who have received specialized training in conducting civil rights-based investigations. In general, the investigation may include interviews with the parties, interviews with relevant witnesses, the identification, solicitation and review of any information relevant to the investigation including educational or personnel records and available police reports, and consultation with expert witnesses as the investigator deems necessary. An investigative record keeping file will be maintained for the purpose of adequate documentation of the proceedings.

**Location of Incident.** All complaints will be reviewed regardless of where the conduct occurred, including conduct occurring online or through technological means, to determine whether the conduct occurred in the context of an educational program or had continuing effects on campus or in an off-campus educational program or activity. (remove: or employment.)

**Timeliness.** The University encourages prompt reporting of complaints so that a rapid response can be made and appropriate action can be taken. There is no time limit on filing a complaint as long as the accused individual remains subject

to the University's jurisdiction although a significant delay in reporting may negatively affect the ability of the investigator to gather information about what occurred.

**Time Frame for Resolution.** The University will resolve complaints in a prompt manner, and will make best efforts to resolve complaints within 60 calendar days, with additional time for any appeals. A concurrent criminal investigation by police may impact this time frame as discussed below. All parties will be provided with periodic updates as to the status of the case as the parties' desire and as is reasonable. Notification will be provided to parties when additional time will be necessary, as well as the process for extending deadlines.

**Interim Steps During the Resolution.** The Title IX Coordinator and/or Title IX Investigator will take interim steps to protect a Complainant while the case is pending. Depending on the case, the Complainant's wishes and what is reasonably available, these steps may include changes to academic and working situations over which the University has control, directing the Respondent to not have contact with a Complainant, excluding a Respondent from parts of campus, or providing a Complainant with an escort on campus, counseling: health and mental health services, and sources of advocacy and support. Any adjustments will be designed to minimize the burden on the Complainant's educational program. The designated officer may modify work or academic arrangements during an investigation as it deems necessary, in order to protect the safety or welfare of a member of the campus community or to allow the Complainant to continue to receive the benefits of education. These steps will be taken promptly and at no cost to the Complainant, and the University will continue to take these steps if a sexual violation is found to have occurred.

The Title IX Coordinator and/or Title IX Investigator will discuss retaliation with the parties. Parties who believe they have been retaliated against due to participation in a grievance proceeding should notify the Title IX Coordinator and/or Title IX Investigator as soon as possible.

The Title IX Coordinator and/or Title IX Investigator may place a Respondent on an interim suspension pending the resolution of the case where there is a substantial concern for the health, safety, or welfare of any person, and will notify the Respondent by email if this occurs. An interim suspension means that the student cannot attend class and must remain off of University property until the grievance procedure is completed. Should a Respondent need to be on campus during this period, they must submit a request to the Title IX Coordinator and/or Title IX Investigator in writing 24 hours in advance, including the reason for needing to be on campus and the specific date, time frame and location requested. The Title IX Coordinator and/or Title IX Investigator will review the request and respond as to whether or not the request has been approved. Until the student receives written approval granting their request, their presence on campus will be considered trespassing and law enforcement will be contacted.

## Procedures for Complaints Involving a University Student as Respondent

Designated and reasonably prompt timeframes for the major stages of the complaint process will be established (including notification to the parties when additional time will be necessary), as well as the process for extending deadlines. The University will inform the parties at regular intervals of the status of its investigation. The procedure will include a provision for weighing requests by complainants not to proceed with a formal resolution, including criteria for when to proceed with a full investigation and when to limit the investigation (including, for the latter, specifications of steps that can be taken while honoring the request). The parties have the right to end the informal process and begin the formal process at any time.

The availability of confidential reporting and the identity of the employee responsible for evaluating requests for confidentiality and the range of appropriate factors that will be considered in weighing confidentiality requests will be provided. The University will take steps to investigate and respond to complaints consistent with a complainant's request for confidentiality, but that its ability to respond may be limited in the event of such a request (including pursuing discipline against the accused) and or that it may have to override a request to meet its obligations in limited instances.

When a John F. Kennedy University student is identified as the Respondent, the Title IX Coordinator and/or Title IX Investigator will review the complaint and determine the most appropriate method for responding. Options may include voluntary informal mechanisms like mediation and/or a formal investigation as described.

The University will contact the Respondent by email to notify them of the investigation, describe the alleged misconduct and the policies it may violate, and offer the Respondent the opportunity to meet with the investigator in person or by phone to respond to the allegations within the timeframe described in the email. Notice to the Respondent is considered received on the date the email is sent. If the Respondent fails to attend a meeting by the specified date, or if the Respondent schedules but does not attend or attends but does not participate, the investigator may complete the investigation, issue findings, and, as appropriate, issue sanctions without the Respondent's participation. The University encourages Respondents to participate in the grievance process.

The University will use best efforts to provide equitable rights to the parties throughout the resolution process:

- The parties are afforded the ability to discuss the allegations under investigation and to gather and present relevant evidence.
- The parties are afforded similar and timely access to any documents and information used at a hearing, including the University's Title IX investigative report.
- The parties are afforded an equal right to have an advisor/representative of their choice at the hearing (including whether an attorney may serve in this role)
- Parties are equally permitted expert testimony, and equal cross examination of witnesses Parties are not restricted from discussing and sharing information relating to their complaint with others that may support them or assist them in presenting their case.

- Parties may not personally question or cross-examine each other during a hearing.
- Parties are afforded fair and equitable appeal/review rights of the initial investigation/determination regarding the complaint, the hearing outcome, and/or the sanctions/remedies.
- Parties are afforded equal opportunities to participate in any further process.

The Complainant and Respondent each have the option to bring one advisor to any meeting to provide advice or support. Any attorney acting as advisor may not formally represent a party in University Administrative proceedings. The investigator may exclude any advisor who disrupts a meeting. Both parties have the right to identify witnesses and provide other information relevant to the investigation. Evidence of the Complainant's past relationships with anyone other than the accused is inadmissible. The Complainant and Respondent will not be permitted to directly question each other and are not required to be present together at any point in the grievance process. The Complainant is not required to be present at the hearing as a prerequisite to proceed.

The investigation will result in a finding as to whether or not the policy has been violated. The finding will be based on a preponderance of the evidence standard of proof utilized in both investigating and adjudicating Title IX complaints, i.e., whether it is more likely than not that the conduct occurred. A written notice to the parties of the outcome of the complaint, including whether sex discrimination was found will be provided.

**Hearing** The grievance process provides for live hearings before the decision-makers and permits both parties' advisors to ask the other party and witnesses relevant questions, including those challenging credibility, with any exclusions of questions or evidence based on relevance as determined by the decision-makers. The cross examination is conducted directly, orally, and in real time by the party's advisor but never by a party. A party is prohibited from producing evidence at the last minute at a hearing. All evidence has to be reviewed beforehand.

The hearing has a hearing panel generally composed of two or three trained individuals. There is a hearing panel chair who makes the ultimate judgment for the panel, and explains how the formal hearing process works to the parties. The Chair has pre-hearing meetings with the Complainant and Respondent, with the Title IX Coordinator present. The Chair can question the evidence and why it is being presented. Any challenges presented by the Chair will need an explanation at the meetings. If sensitive information is put into play it will have to be explored.

At the hearing all questions by the panel are funneled through the Chair. The Chair has the right to rule on all evidence on relevance. Questions may be ruled out by the Chair. For example, the advisor can pose a question into the open for the Chair to consider. The Chair gives feedback about a question and decides if a question is or is not allowed. The Chair can rule a question as irrelevant, abusive, or unduly repetitious and explain why if necessary. The Chair reposes questions and serves as a buffer between parties and their advisors. The



parties are prohibited from posing questions directly to one another. Advisors may pose question directly to a party, however it is preferable that the questions be buffered through the Chair.

Importantly, the Final Rule provides rape shield protections for Complainants by making it clear that questions and evidence about a Complainant's sexual disposition or prior sexual history are to be considered irrelevant, with two limited exceptions relating to proving someone other than the Respondent committed the conduct in question or to prove consent by showing Complainant's prior history with Respondent.

At the request of either party, the hearing may be conducted in separate rooms with technology that connects the decision-makers to the parties and witnesses. At the Recipient's discretion, hearings may be conducted virtually, with the parties, witnesses, or other participants appearing using technology to allow participants simultaneously to see and hear each other. In addition, Recipients will create an audio or visual recording or a transcript of the hearing and make it available to the parties for inspection and review.

If a party or witness does not submit to cross-examination at the hearing, the decision-makers may not rely on any statement of that party or witness in reaching a decision of responsibility, although the decision-maker cannot draw an inference about responsibility based solely on a party or witness's absence or refusal to answer questions.

After an investigation and hearing is concluded, the decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) issues a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the Respondent, and whether remedies will be provided to the Complainant. This determination is sent simultaneously to the parties along with information about how to file an appeal.

**Appeal** A party may file a written appeal within ten (10) days of receipt of the findings with the Provost. The only grounds for appeal are as follows:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter;
3. The Title IX Coordinator, Investigator, or decision-maker had a conflict of interest or bias that affected the outcome of the matter.

Upon receipt of the appeal, the Title IX Coordinator will forward a copy to the other party(ies).

Parties can file a response or bring their own appeal on separate grounds to the Title IX Coordinator within fourteen (14) days of receipt of the appeal. If new grounds are raised, the original appealing party will be permitted to submit a written

response to these new grounds within ten (10) days. These response or appeal requests will be shared with each party.

The Title IX Coordinator will render a written decision on the appeal within ten (10) days of the resolution of the appeal or remand. Once an appeal is decided, the outcome is final; further appeals are not permitted, even if a decision or sanction is changed on remand. All parties will be informed in writing within three (3) days of the outcome of the Appeals Panel, without significant delay between notifications, and in accordance with the standards for notice of outcome as defined above.

If the decision finds that the complainant falsely accused another of discrimination or harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions.

**Retaliation** Retaliatory action of any kind by any member of the University community against anyone seeking redress under these procedures, cooperating in the investigation, or other participation in these procedures is prohibited and will be regarded as the basis for disciplinary action.

Individuals and Recipients may not intimidate, threaten, coerce, or discriminate against an individual for the purpose of interfering with their Title IX rights or because the individual filed a complaint, testified, participated, or refused to participate in a Title IX proceeding.

Charging an individual with code of conduct violations for the purpose of interfering with any right or privilege secured by Title IX constitutes impermissible retaliation. Thus, if an individual is charged with conduct violations that do not involve sexual harassment but arise out of the same set of facts or circumstances as a report or formal complaint of sexual harassment, a claim of retaliation may be implicated if those charges were made with the purpose of interfering with the student's Title IX rights.

## INSTITUTIONAL DISCIPLINARY ACTION

The University has the authority to address these complaints in a non-criminal context. The University process is completely separate from the policy and courts. All proceedings will include a prompt, fair and impartial process from the initial inquiry to the final determinations. All reporting and responding parties will be provided the same opportunities in the process and afforded the use of an Advisor.

Universities accepting Federal Financial Aid are required to provide annual Title IX training to the Title IX Coordinator and investigators. John F. Kennedy University employees receive training from ATIXA. The 2020 training materials are located at: <https://atixa.org/events/training-certification/title-ix-training-national-university-bas/>

**Disclosures to Alleged Victims:** For any incident that potentially involves criminal activity, an accuser may wish to report directly to law enforcement in addition to, or instead

of, reporting to the University. University personnel can assist a Complainant in making a report to law enforcement. A Complainant may pursue both the University process and the criminal process simultaneously. The University will provide simultaneous written notification to both parties (Complainant and Respondent) regarding disciplinary procedure.

When the accused is found not responsible for the alleged violation, the investigation will be closed and the Complainant and Respondent notified.

When the accused is found responsible for the violation, the University will take action to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the victim and the University community. The Title IX Coordinator and/or Investigators will determine the consequences or sanctions for the Respondent and remedies for the Complainant, and as appropriate, the University community.

**Sanctions and Remedies:** The University will take action to end the discrimination or harassment, prevent its recurrence, and remedy its effects on the victim and the University community. The Title IX Coordinator and/or Investigators will determine the consequences or sanctions for the Respondent and remedies for the Complainant, and as appropriate, the University community.

Any student found responsible for a violation may receive sanctions ranging from probation to expulsion along with any other sanctions, depending on the severity of the incident and taking into account factors such as any other previous incidents. The following sanctions may be imposed upon any student found to have violated the Student Code:

- **Warning.** A notice in writing that a student has failed to meet some aspect of the University's standards of conduct and behavioral expectations;
- **Probation.** A period of time during which the privilege of continuing in student status is conditional. The conditions may include, but are not limited to, loss of specified privileges which a current student would otherwise be entitled to and an acknowledgement by the student that any additional violations of the Student Code will result in a more serious sanction;
- **Suspension.** Separation of the student from student status at the University for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified;
- **Expulsion.** Permanent separation of the student from student status from the University; or
- **Restitution.** Compensation for loss or damage to property leased, owned, or controlled by the University. This may take the form of monetary or material replacement.

The Title IX Coordinator and/or Investigators reserve the right to broaden or lessen this range of sanctions in the event of mitigating factors or egregiously offensive behavior. Sanctions imposed are implemented immediately unless the University President delays their implementation in extraordinary circumstances, pending the outcome of an appeal.

The University will determine which remedies may be offered to a Complainant depending on the nature of the case, including changes to academic or work obligations under the school's control. Possible remedies may include providing an escort to ensure that the Complainant can move safely between classes; no contact orders, ensuring the Complainant and Respondent do not share classes or extracurricular activities; providing victim services such as counseling and academic support services; or arranging for a Complainant to re-take a class, have extra time to complete a class, or withdraw from a class without an academic or financial penalty.

Students can also request a restraining order or a similar lawful order issued through a criminal, civil or other court. Students will receive written notification about your options, protective measures and protective measures.

The University is obligated to complete with any reasonable request for an academic change following an alleged sex offense. All requests and concerns should be directed to the Title IX Coordinator and/or Investigator(s).

The Complainant and Respondent will be informed of the finding, the rationale for the finding and any relevant sanctions to the extent permissible by law simultaneously and via email, usually within 24 hours of the decision.

The University provides the Employee Assistance Program (EAP) to eligible employees. This program provides referral services and treatment sessions as needed. Employees enrolled in healthcare plans can obtain additional benefits, including outpatient and inpatient services.

## Clery Geography Definitions

**On-Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified above, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Non-campus** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

**Public Property** – All public property, including thoroughfares, streets, sidewalks, and parking facilities, which is within the campus, or immediately adjacent to and accessible from the campus.

## Clery Definitions of Reportable Crimes

These definitions are included from the federal Handbook for Campus Safety and Security Reporting (2016 edition). Under the Clery Act, institutions are required to count and disclose

Criminal Offense, Hate Crime, arrest and disciplinary referral statistics based on definitions provided by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons Carrying, Possessing, Etc. Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the Summary Reporting System (SRS) User Manual from the FBI's UCR Program. The definitions of Fondling, Incest and Statutory Rape are from the FBI's National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. For the categories of Domestic Violence, Dating Violence and Stalking, the University must use the definitions provided by the Violence Against Women Act of 1994 and repeated in the Department's Clery Act regulations.

These crime statistics include the number of all reported offenses, without regard to the findings of a court, coroner or jury, or the decision of a prosecutor. The university classifies and counts crimes from the records of calls for service, complaints and investigations.

### **Definitions**

**Murder/Non-negligent Manslaughter** – The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter** – The killing of another person through gross negligence.

**Forcible Sex Offenses** – Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent. Including: forcible rape, forcible sodomy, sexual assault with an object, forcible fondling.

**Non-Forcible Sex Offense** – Any unlawful, non-forcible sexual intercourse, including incest, and statutory rape.

**Sexual Assault** – Defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as categorized herein.

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

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

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

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

**Arson** – 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.

**Arrest and Referrals for Disciplinary Action** – Under the Clery Act institutions must also report arrests and referrals for disciplinary action for liquor law violations, drug law violations, and illegal weapons possession.

- **Alcohol Violations** - The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
- **Drug Abuse Violations** - The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- **Weapons Violations** - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

**Dating Violence** – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the:

- Length of the relationship;
- Type of relationship and
- 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** – A felony or misdemeanor crimes of violence committed by a:

- Current or former spouse of the victim,
- Person with whom the victim shares a child in common,
- Person who is cohabitating with, or has cohabitated with the victim as a spouse or intimate partner,
- Person similarly situated to a spouse of the victim under the domestic or family laws of the jurisdiction in which the crime of violence occurred, 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 in which the crime of violence occurred.

**Stalking** – 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** – A crime that is reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin and disability. For purposes of Clery Act reporting, hate crimes are reported for the following crimes: murder and non-negligent manslaughter, sex offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

- **Larceny/Theft** (excludes motor vehicle theft) – The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc. are excluded.
- **Simple Assault** – 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 to 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.

## DEFINITIONS

The terms 'consent', 'sexual assault', 'domestic violence', 'dating violence' and 'stalking' have multiple definitions under University policy, the Clery Act, and State of California statutes. If you need assistance locating any of these statutes, please contact the Title IX Coordinator and/or Investigator(s). The investigator will utilize the following definitions whether a violation occurred.

To better identify these distinctions, the University policy definitions are stated below.

### JFK University – Sexual Violence and Sexual Harassment Policy Definitions

#### Sexual Harassment

Sexual Harassment is a form of sex/gender discrimination and, therefore, an unlawful discriminatory practice. JFK University has adopted the following definition of sexual harassment in order to address the special environment of an academic community which consists not only of employer and employees, but of students as well.

Sexual harassment is unwelcome, sexual, sex-based and/or gender based, verbal, written, online and/or physical conduct.

Anyone experiencing sexual harassment in any JFK University program is encouraged to report it immediately to the Title IX Coordinator. Remedies, education and/or training can be provided in response. Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is severe, persistent, pervasive and objectively offensive, such that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational, employment, and/or social programs.

#### Quid Pro Quo Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly as a term or condition of rating or evaluating an individual's educational development or performance. The University will respond to reports of any such conduct in accordance with the Policy.

Sexual harassment may include incidents between any members of the University community, including faculty and other academic appointees, staff, student employees, students, coaches, residents, interns, and non-student or non-employee participants in University programs (e.g., vendors, contractors, visitors, and patients). Sexual harassment may occur in hierarchical relationships, between peers, or between individuals of the same sex or opposite sex. To determine whether the reported conduct constitutes sexual harassment, consideration shall be given to the record of the conduct as a whole and to the totality of the circumstances, including the context in which the conduct occurred.

Sexual Harassment is defined as unwelcome conduct of a sexual nature that is so severe, and/or persistent, pervasive, and objectively offensive, and that so such that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the University's educational, employment and/or social programs.

**Sexual Violence** is defined as physical sexual acts engaged without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

**Domestic Violence** is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

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

**Sexual Assault** involves non-consensual sexual intercourse defined as any sexual intercourse however slight with any

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object by a person upon another person that is without consent and/or by force.

**Consent** is informed. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. Consent is voluntary. It must be given without coercion (unreasonable pressure for sexual activity), force (the use of physical violence and/or imposing on someone physically to gain sexual access, including, threats, or intimidation). Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Consent cannot be given when a person is incapacitated. A person cannot consent if s/he is unconscious or coming in and out of consciousness. A person cannot consent if s/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if his/her understanding of the act is affected by a physical or mental impairment. For purposes of this Policy, the age of consent is consistent with California Penal Code Section 261.5.

**Incapacitation** is defined as the physical and/or mental inability to make informed, rational judgments. States of incapacitation include, but are not limited to, unconsciousness, sleep, and blackouts. Where alcohol, drugs or other medication are involved, incapacitation is defined with respect to how the alcohol or other drugs consumed affects a person's decision-making capacity, awareness of consequences, ability to make fully informed judgments, and inability to communicate. Being intoxicated by drugs, alcohol or other medication does not absolve one's responsibility to obtain consent. The factors to be considered when determining whether consent was given include whether the accused knew, or whether a reasonable person should have known, that the complainant was incapacitated.

**Sexual touching** including contact with breasts, groin, or genitals, mouth or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or any other bodily contact in a sexual manner.

**Sexual exploitation** refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and that behavior does not otherwise fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact.

### Other Civil Rights Offenses

In addition to the forms of sexual misconduct described above, the following behaviors are also prohibited as forms of discrimination when the act is based upon the reporting party's actual or perceived membership in a protected class:

**Threatening** or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;

**Discrimination**, defined as actions that deprive, limit or deny other members of the community of educational or employment access, benefits or opportunities;

**Intimidation**, defined as implied threats or acts that cause an unreasonable fear of harm in another;

**Bullying**, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that is not speech or conduct otherwise protected by the 1<sup>st</sup> Amendment;

**Intimate Partner Violence**, defined as violence or abuse between those in an intimate interaction and/or relationship to each other; and

**Stalking**, a course of conduct directed at a specific person on the basis of actual or perceived membership in a protected class that is unwelcome, AND would cause a reasonable person to feel fear, and could also involve a repetitive, menacing pursuit, following, harassing and/or interfering with the peace and/or safety of another.

Sanctions for the above-listed "Other Civil Rights Behaviors" range from reprimand through expulsion (students) or termination of employment.

## ANNUAL FIRE SAFETY REPORT

The Higher Education Opportunity Act (Public Law 110-315) requires all academic institutions with on-campus student housing facilities to produce a fire safety report outlining fire safety practices, standards, and fire statistics for on-campus student housing facilities for the three (3) most recent calendar years. The University does not have any on-campus student housing.

## CAMPUS SEX CRIMES PREVENTION ACT

The Campus Sex Crimes Prevention Act requires universities to include a statement in this report informing their campus communities on how to obtain law enforcement information about registered sex offenders. This law also requires sex offenders, who must register under state law, to provide notice of enrollment or employment at any institution of higher learning. The State of California (Penal Code 290) requires sex offenders who are required to register with the State to also register, within five (5) working days, with the city police department in which the campus or center he or she is



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attending classes or employed. The State makes this information available to law enforcement agencies. Any member of the public or campus community may access sex offender information at the Megan's Law website maintained by the state department of justice at:

STATE OF CALIFORNIA:

[www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

CONTRA COSTA COUNTY:

<http://www.co.contra-costa.ca.us/320/Registered-Sex-Offenders>

SANTA CLARA COUNTY:

<http://santaclaraca.gov/government/departments/police-department/community/megan-s-law>

*information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to this requirement. Violators can be "fined" up to \$35,000 by the U.S. Department of Education, the agency charged with enforcement of the Clery Act and where complaints of alleged violations should be made, or face other enforcement action.*

*The Clery Act, originally enacted by U.S. Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Security Act of 1990 (CACSA), was championed by Howard & Connie Clery after their daughter Jeanne was murdered at Lehigh University in 1986. In addition to their policy advocacy, they founded the non-profit Security on Campus, Inc. in 1987. In 1998, amendments to CACSA resulted in renaming the statute in memory of Jeanne Clery.*

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*The Clery Act is a federal statute, codified at 20 U.S.C § 1092(f) as part of the Higher Education Act of 1965, that requires colleges and universities to disclose certain timely and annual*

**JOHN F. KENNEDY UNIVERSITY CRIME STATISTICS**

The crime statistics provided in the Annual Security Report, located on the University’s website at <http://www.ifku.edu/About-Us/Campus-Security.html>, are reported to the U.S. Department of Education, at <http://ope.ed.gov/security>, and can be found on the following tables. Crime statistics are recorded in the calendar year the crime was reported. Please note that the University does not have any non-campus sites that are controlled by recognized student organizations. The University also does not have any on-campus student housing facilities, campus residences or student housing.

As of April 2020, the San Jose campus location has closed.

Location and Crime Type	Pleasant Hill			San Jose		
	Jan - Dec 2017	Jan - Dec 2018	Jan - Dec 2019	Jan - Dec 2017	Jan - Dec 2018	Jan - Dec 2019
<b>JFKU - Campus</b>						
Murder and Non-negligent manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	1	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	1	0	1
Motor Vehicle Theft	0	0	2	0	0	0
Arson	0	0	0	0	0	0
Liquor law violations: arrests	0	0	0	0	0	0
Liquor law violations: disciplinary referrals	0	0	0	0	0	0
Drug abuse violations: arrests	0	0	0	0	0	0
Drug abuse violations: disciplinary referrals	0	0	0	0	0	0
Weapons: carrying, possessing, etc.: arrests	0	0	0	0	0	0
Weapons: carrying, possessing, etc.: disciplinary referrals	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0



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Location and Crime Type	Pleasant Hill			San Jose		
	Jan - Dec 2017	Jan - Dec 2018	Jan - Dec 2019	Jan - Dec 2017	Jan - Dec 2018	Jan - Dec 2019
<b>PUBLIC PROPERTY</b>						
Murder and Non-negligent manslaughter	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	1	4	1
Arson	0	0	0	0	0	0
Liquor law violations: disciplinary referrals	0	0	0	0	0	0
Liquor law violations: arrests	0	1	0	0	0	0
Drug abuse violations: arrests	0	0	0	0	0	2
Drug abuse violations: disciplinary referrals	0	0	0	0	0	0
Weapons: carrying, possessing, etc.: arrests	0	0	0	0	0	0
Weapons: carrying, possessing, etc.: disciplinary referrals	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	1
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

NOTE: There were no reported hate crimes for the years 2017, 2018, or 2019. There were no reported unfounded crimes for the years 2019, 2018, or 2017. John F. Kennedy University does not have any on-campus student housing facilities or any non-campus buildings or property.