



# Annual Security Report 2020

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## Introduction and Policy Statement

The safety of students, employees, volunteers and visitors is an important concern of Bergin University of Canine Studies. We have prepared the Annual Security Report to increase your awareness of a number of programs and provide information to protect your safety and well-being.

### **Policy Statement**

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

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

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

Thank you for taking the time to read this year's Annual Security Report. Please do not hesitate to contact the University President, Chief Operating Officer or Chief Academic Officer with questions or concerns.

## Preparation of Annual Crime Statistics

Bergin University of Canine Studies prepares the Annual Security Report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act)* (<https://clerycenter.org/policy-resources/the-clery-act/>). Institutions participating in federal student financial aid must present to current and future students and employees certain crime statistics and policies in accordance with the *Clery Act*. These reports must contain applicable policies and procedures regarding security and the statistical data from the previous calendar year and the two preceding calendar years. At Bergin University of Canine Studies, the Annual Security Report is prepared by the Chief Academic Officer.

The purpose of this report is to provide information relating to campus safety and security in an effort to aid future and current students and employees in making informed decisions regarding our University. This Annual Security Report defines types of crimes which may occur and suggests safety tips to help ensure one's safety.

### **Procedure**

Administration will:

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

## Crime Statistics

Statistics refer to the 5701 Old Redwood Highway, Penngrove and Rohnert Park campus addresses.

### Bergin University of Canine Studies Crime Statistics 2017-2019 Criminal Offenses - On Campus and Public Property

| Offense                           | On Campus |          |          | Public Property |          |          |
|-----------------------------------|-----------|----------|----------|-----------------|----------|----------|
|                                   | 2017      | 2018     | 2019     | 2017            | 2018     | 2019     |
| Murder/Non-negligent manslaughter | 0         | 0        | 0        | 0               | 0        | 0        |
| Manslaughter by Negligence        | 0         | 0        | 0        | 0               | 0        | 0        |
| Rape                              | 0         | 0        | 0        | 0               | 0        | 0        |
| Fondling                          | 0         | 0        | 0        | 0               | 0        | 0        |
| Incest                            | 0         | 0        | 0        | 0               | 0        | 0        |
| Statutory rape                    | 0         | 0        | 0        | 0               | 0        | 0        |
| Robbery                           | 0         | 0        | 0        | 0               | 0        | 0        |
| Aggravated assault                | 0         | 0        | 0        | 0               | 0        | 0        |
| Burglary                          | 1         | 0        | 0        | 0               | 0        | 0        |
| Motor vehicle theft               | 0         | 0        | 0        | 0               | 0        | 0        |
| Arson                             | 0         | 0        | 0        | 0               | 0        | 0        |
| <b>TOTAL</b>                      | <b>1</b>  | <b>0</b> | <b>0</b> | <b>0</b>        | <b>0</b> | <b>0</b> |

**Bergin University of Canine Studies Crime Statistics 2017-2019 Arrests - On Campus and Public Property**

|                                     | <b>On Campus</b> |             |             | <b>Public Property</b> |             |             |
|-------------------------------------|------------------|-------------|-------------|------------------------|-------------|-------------|
| <b>Offense</b>                      | <b>2017</b>      | <b>2018</b> | <b>2019</b> | <b>2017</b>            | <b>2018</b> | <b>2019</b> |
| Weapons: carrying, possessing, etc. | 0                | 0           | 0           | 0                      | 0           | 0           |
| Drug abuse violations               | 0                | 0           | 0           | 0                      | 0           | 0           |
| Liquor law violations               | 0                | 0           | 0           | 0                      | 0           | 0           |
| <b>TOTAL</b>                        | <b>0</b>         | <b>0</b>    | <b>0</b>    | <b>0</b>               | <b>0</b>    | <b>0</b>    |

**Bergin University of Canine Studies Crime Statistics 2017-2019 Disciplinary Actions - On Campus and Public Property**

|                                     | <b>On Campus</b> |             |             | <b>Public Property</b> |             |             |
|-------------------------------------|------------------|-------------|-------------|------------------------|-------------|-------------|
| <b>Offense</b>                      | <b>2017</b>      | <b>2018</b> | <b>2019</b> | <b>2017</b>            | <b>2018</b> | <b>2019</b> |
| Weapons: carrying, possessing, etc. | 0                | 0           | 0           | 0                      | 0           | 0           |
| Drug abuse violations               | 0                | 0           | 0           | 0                      | 0           | 0           |
| Liquor law violations               | 0                | 0           | 0           | 0                      | 0           | 0           |
| <b>TOTAL</b>                        | <b>0</b>         | <b>0</b>    | <b>0</b>    | <b>0</b>               | <b>0</b>    | <b>0</b>    |

**Bergin University of Canine Studies Crime Statistics 2017-2019  
Unfounded Crimes - On Campus and Public Property**

| <b>Offense</b>                | <b>2017</b> | <b>2018</b> | <b>2019</b> |
|-------------------------------|-------------|-------------|-------------|
| <b>Total unfounded crimes</b> | 0           | 0           | 0           |

**HATE CRIMES**

- 2017: There were (0) reported hate crimes.
- 2018: There were (0) reported hate crimes.
- 2019: There were (0) reported hate crimes.



## Crime Reporting Procedures

### Reporting Crimes

Students, faculty and staff are strongly encouraged to report all crimes accurately and promptly to local law enforcement. Any suspicious activity or person seen in the parking lot, loitering around vehicles, or inside the building should be reported to the local law enforcement agency.

| Local Law Enforcement Agency | Local Phone Number | Sonoma County Sheriff Crime Reporting Page  | Emergency Number |
|------------------------------|--------------------|---|------------------|
| Sonoma County Sheriff        | (707) 565-2121     | <a href="https://www.sonomasheriff.org/report-a-crime">https://www.sonomasheriff.org/report-a-crime</a> | 9-1-1            |

**If an emergency**, call 9-1-1. Calls to 9-1-1 should be reserved for emergencies such as:

- A serious medical emergency (chest pains, seizures, bleeding, etc.)
- Any type of fire (structure, vehicle, brush, etc.)
- Any crime in-progress (robbery, burglary, prowler, fights, etc.)
- Any life threatening situation (traffic accident with injuries, etc.)

9-1-1 is to be used only in an emergency. When making the call:

- Remain as calm as possible. Take a deep breath and speak clearly.
- If the building you are in is on fire, YELL to everyone to get out. LEAVE the building and call from a nearby phone or mobile phone.
- Know where you are. If help is needed at another location, advise the operator.
- Answer the questions the operator asks. They are necessary to determine the help you need.
- Keep the answers short and to the point.
- Follow all instructions given to you by the operator.
- Stay on the line until the operator tells you to hang up.
- Turn outside lights on and, if possible, send someone out to direct the emergency personnel in.

**If a non-emergency**, a crime report can be made to the Sonoma County Sheriff either by telephone at (707) 565-2650 or by calling the Dispatch Center (707) 565-2121 to have a Deputy Sheriff respond. When making the call:

- Provide your name, telephone number, and location.
- Give clear and accurate information.
- Be prepared to supply suspect and vehicle description and direction of travel.
- Do not hang up.
- Follow the instructions of the dispatcher.

A report can also be made online at <https://www.sonomasheriff.org/report-a-crime> as an alternative method if an immediate response is not needed. The only types of reports which can be submitted online are:

- Vandalism reports for intentional property damage valued at less than \$400 with no suspect information
- Annoying/Harassing phone calls with no suspect information
- Petty theft with a loss of less than \$950 with no suspect information
- Theft of mail with no suspect information
- Lost property

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

|                           |                |  |
|---------------------------|----------------|--|
| University President      | (707) 545-3647 | <a href="mailto:bonnie@berginu.edu">bonnie@berginu.edu</a> |
| Chief Academic Officer    | (707) 545-3647 | <a href="mailto:becca@berginu.edu">becca@berginu.edu</a>   |
| Chief Operating Officer   | (707) 545-3647 | <a href="mailto:denise@berginu.edu">denise@berginu.edu</a> |
| Campus Operations Manager | (707) 545-3647 | <a href="mailto:sherri@berginu.edu">sherri@berginu.edu</a> |
| Facilities Manager        | (707) 545-3647 | <a href="mailto:eric@berginu.edu">eric@berginu.edu</a>     |

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

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

### **Confidential Crime Reporting**

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

### **Voluntary Confidential Reporting**

Pursuant to California Education Code section 67380(a)(6)(A), University staff who receive reports from employees or students of a violent crime, sexual assault or hate crime that occurred in an on-campus or non-campus location as defined by the *Clery Act*, may not disclose to local law enforcement agencies the names of the victims or the alleged assailant unless the victim consents to disclosing their name after being informed of their rights to have their personally identifying information withheld. The name of the alleged assailant may be disclosed, however, if all of the following conditions are met:

- The alleged assailant represents a serious or ongoing threat to the safety of students, employees or the institution; and
- The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.

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

## Emergency Response and Evacuation

**DUE TO COVID-19 RESTRICTIONS – CAMPUS FACILITIES ARE NOT OPEN AT THIS TIME.**

### **Response and Evacuation Procedures**

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

Bergin University of Canine Studies institutes an Emergency Preparedness Handbook that includes emergency response and evacuation procedures and outlines actions staff, faculty and students must take to protect their mutual health and safety as well as the safety of Bergin dogs.

Bergin University of Canine Studies will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The Campus President, Administrative/Facilities staff have the authority and are responsible for overall management and administration of the plan. The entire campus community will be notified when there is at least the potential that a very large segment of the community will be affected by a situation or when a situation threatens the operation of the campus as a whole.

The Campus President, Chief Operating Officer or Chief Academic Officer will create the notification and the University's Administrative/Facilities Services and/or Tech Support Departments will be responsible for notifying students/employees. If deemed necessary, those outside of the campus community will be notified of the emergency through local law enforcement and/or public health agency. Other staff and faculty members may be designated as back-ups and to assist with assigned tasks.

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

Upon confirmation of a significant on-campus emergency or dangerous situation involving an immediate threat to the health or safety of students and employees, the Campus President or Administrative/Facilities staff will issue an emergency notification and also notify the appropriate local emergency response teams, law enforcement and individuals on campus who are in harm's way. Local authorities will determine when and if it is necessary to notify the surrounding community. The Campus President, Chief Operating Officer or Chief Academic Officer will determine what information should be contained in the alert. Campus alerts may be issued via text, e-mail, classroom announcement, alarm, or any combination of methods determined to be necessary. Students and employees should regularly check their Bergin University e-mail account. The alerts will identify the appropriate action to take in an effort to

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have students and employees avoid the confirmed danger and minimize injuries. Depending on the situation, additional alerts will be disseminated as information becomes available.

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

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

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

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

The campus community is obligated to report all unsafe activities, potential and real emergencies, and/or criminal activities to the Campus President, Chief Operating Officer, Chief Academic Officer or Administrative/Facilities staff as soon as possible.

Persons responsible for carrying out the emergency response and evacuation procedures include Campus President, Chief Operating Officer, Chief Academic Officer, Chief Operations Manager and Facilities Manager.

#### DOGS:

Students must keep in contact with the dog phone when off campus and respond appropriately to instructions from dog program staff regarding an assigned dog during an emergency. Dogs are not allowed to leave the area unless prior approval has been received. Dogs are not allowed to be transferred to another person without prior approval.

## Timely Warnings for an Emergency

The University will issue a timely warning as soon as pertinent information is available when a *Clery* reportable crime is reported to Bergin University of Canine Studies or a designated campus security authority, occurred in a *Clery* defined geographical area, a case-by-case analysis of pertinent facts known is completed, and a determination is made an on-going or continuing threat to the community exists.

The Campus President is responsible for the decision to issue a timely warning (or a management designee in the absence of the Campus President). The Campus President and executive staff will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a *Clery* reportable crime; 2) occurred in *Clery* defined geography; and, 3) poses a serious or ongoing threat to the community.

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

- Text and/or email message to all students
- Text and/or email message to faculty and staff
- Notices posted in common on-campus areas
- Verbal notification by the Chief Operating Officer, Chief Academic Officer or another member of the school's management team visiting classrooms to inform all students of the situation

For clarity to the community, when a timely warning is issued it will be titled, "Timely Warning."

The intent of a timely warning is to provide adequate information necessary to enable the campus community to protect themselves when a significant emergency or dangerous situation occurs. The content of the timely warning will not disclose information that may compromise law enforcement efforts. The content of the timely warning will not include the name of the victim or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence or stalking. Anyone with information that warrants a timely warning should report it immediately to the Campus President, Chief Operating Officer, Chief Academic Officer or Administrative/Facilities staff. The Campus President, Chief Operating Officer or Chief Academic Officer is responsible for ensuring timely warnings are issued to the campus community.

## Facilities Security and Access

### **DUE TO COVID-19 RESTRICTIONS – CAMPUS FACILITIES AND KENNEL ARE NOT OPEN AT THIS TIME.**

Campus administration will keep students informed of changes as needed regarding COVID-19 requirements.

The campus facilities are open during day business hours Monday through Friday from 9:00 am to 4:00 pm and are accessible to students, employees, contractors, guests and invitees. The campus is secured during non-business hours by locking doors and only accessible by issued key. Maintenance, kennel and administrative personnel enter the facilities during the evening or early morning non-business hours by issued key.

The dog kennel facilities are open Monday through Friday from 9:00 am to 4:00 pm and are accessible by appointment only to students and invitees. An appointment is needed for Saturday and Sunday access.

Bergin University of Canine Studies does not have on- or off-campus residences or official off-campus student organizations. The University does not have a security or police department. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions.

The Chief Operating Officer and Facilities Manager provide security support and information for Bergin University of Canine Studies in the areas of: parking, traffic control, fire prevention, safety and enforcement of all applicable regulations. The Facilities Manager, Dog Kennel Manager and Breeding and Puppyhood Education Manager provide security and safety support for the dogs, students and kennel staff.

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

Though Bergin University of Canine Studies does not offer regularly scheduled crime awareness or prevention programs, students are encouraged to exercise proper care in seeing to his/her own personal safety and the safety of others. The following is a description of policies, rules, and programs designed to inform students and employees about the prevention of crimes on campus.

- i. Do not leave personal property in classrooms or unattended.
- ii. Report any suspicious persons to a Bergin University official.
- iii. Always try to walk in groups outside the school premises.
- iv. If you are waiting for a ride, wait within sight of other people.
- v. Employees (staff and faculty) will close and lock all doors, windows and blinds and turn off lights when leaving a room.
- vi. The “Crime Awareness and Campus Security Act” is available upon request to students, employees (staff and faculty), and prospective students.
- vii. The School has no formal program, other than orientation, that disseminates this information. All information is available on request.

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

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

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



## Alcohol and Drug Prevention Policy

Bergin University of Canine Studies is an Alcohol, Tobacco, and Drug-Free Campus. It is the policy of the University to uphold federal law by maintaining a campus where students, faculty, staff, and administration are prohibited from the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances as listed in Schedules I through IV of Section 202 of the Controlled Substances Act (21 U.S.C. Section 812) and from abuse of alcohol. For purposes of this policy, campus shall mean those places where a student is engaged in an authorized Bergin University of Canine Studies activity. The campus includes property owned or leased by Bergin University of Canine Studies; property used by Bergin University of Canine Studies for student participation in field trips, field study, or study travel programs; private vehicles while on campus or while being used for official Bergin University of Canine Studies business. All students are required to comply with this policy to remain in good standing and as a condition of continued attendance in any of Bergin University of Canine Studies programs. Any violation of this policy will be cause for disciplinary action against the student, up to and including expulsion. Student discipline shall be accomplished in accordance with the provisions of Article 3 of Title 3, Division 7, Part 47, of the California Education Code.

Under California Law, no person may sell, furnish, give or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21, and no person under the age of 21 may purchase alcoholic beverages (California Business and Professions Code, Sec. 25658). It is also unlawful for a person under the age of 21 to possess alcoholic beverages on any street or highway or in any public place or any place open to public view (California Business and Professions Code, Sec. 25662).

Bergin University of Canine Studies has adopted and implemented this program that prohibits the manufacture and unlawful possession, use or distribution of illicit drugs and alcohol by students and employees on its property and at any school activity. The University adheres to and enforces all state underage-drinking laws. Any violation of this policy will result in appropriate disciplinary actions, up to and including expulsion, even for a first offense. Where it is apparent that a violation of the law has occurred, the appropriate law enforcement authorities will be notified.

Smoking, including e-cigarettes, as well as the use of any tobacco or marijuana product, is prohibited on the University Campus, including all buildings, restrooms, and exterior campus grounds and parking lots.

The administration, staff and faculty are dedicated to providing education, awareness, treatment referrals, along with the legally mandated reporting and criminal sanctions. Information concerning drug and alcohol abuse education programs are posted on campus.

Bergin University of Canine Studies will not discriminate solely on the grounds of prior drug or alcohol abuse or against individuals who have satisfactorily completed a substance-abuse assistance or rehabilitation program.

## Weapons

Possession of a weapon on campus is strictly prohibited. Violators will be arrested and prosecuted for felony violation under section 626.9 of the California Penal Code.

Possession or use of firearms, knives (except kitchen and non-spring pocket knives) or other weapons, explosives, or fireworks on school grounds is strictly prohibited. Tampering with safety equipment, violation of safety regulations, and failure to render reasonable cooperation in any emergency would be considered a form of endangerment and is prohibited.

Student termination may result from carrying of weapons on campus.

## Sex Discrimination

Sex discrimination is an adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California Education Code Section 66250 et seq.; and/or California Government Code Section 11135. See also Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code Section 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of sex discrimination.

## Sexual Offense Policy and Procedures

Bergin University of Canine Studies is required by the *Clery Act* to include in its Annual Security Report information about sex offense policy and procedures, prevention, and how to access information on registered sex offenders on the campus. Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964, California Government Code Section 11135, California Education Code Sections 210 through 214 inclusive, Title IX of the Education Amendments of 1972 and the Bergin University of Canine Studies' personnel policies.

### **Sexual Offense Policy**

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

No unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature will be tolerated. This applies when submission to the conduct is explicitly or implicitly made a condition of an individual's employment or academic advancement, or the conduct has a negative impact on the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment.

Conduct on the part of faculty, staff, or students that would violate this policy, includes, but is not limited to:

- Unwelcome or unwanted sexual advances
- Requests for sexual favors
- Any suggestion, whether overt or subtle, that a grade or other academic achievement is dependent upon the granting of sexual favors or submission to sexual requests
- Unwelcome physical contact, including patting, pinching, hugging, kissing, fondling, etc.
- Offensive verbal conduct, including sexually explicit jokes, comments, innuendo, or other tasteless action that would offend a reasonably sensitive person
- The display of sexually offensive pictures, posters, illustrations, or objects

### **What to Do if You Are Sexually Assaulted**

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

All reports of sexual harassment will be investigated promptly, impartially, and as confidentially as possible under the direction of the program director. Appropriate corrective action will be

taken to remedy all violations of this policy. Under no circumstances will the reporting student be subject to retaliation.

Numbers to local law enforcement agencies are as follows:

| Local Law Enforcement Agency | Local Phone Number | Sonoma County Sheriff Crime Reporting Page  | Emergency Number |
|------------------------------|--------------------|---|------------------|
| Sonoma County Sheriff        | (707) 565-2121     | <a href="https://www.sonomasheriff.org/report-a-crime">https://www.sonomasheriff.org/report-a-crime</a> | 9-1-1            |

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

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

### **Sexual Assault Complaint Procedure**

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the University or only the latter. To initiate disciplinary action against a student or employee for sexual assault, a report must be made to a Bergin University of Canine Studies administrator. All reports of sexual harassment will be investigated promptly, impartially and as confidentially as possible under the direction of the Director of Admissions Services. Possible sanctions against a student or an employee found guilty of sexual assault through campus proceedings include expulsion, suspension and probation for the student or disciplinary action up to and including termination of employment.

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

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

### **Sex Offender Information**

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

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

The registry is available via Internet and is available at the following web address:  
<http://www.meganslaw.ca.gov/>

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

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

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

For the purposes of this definition—

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

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

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

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

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

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

For the purposes of this definition—

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

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

- Recognizing situations of potential harm;
- Understanding institutional structures and cultural conditions that facilitate violence;
- Overcoming barriers to intervening;
- Identifying safe and effective intervention options; and
- Taking action to intervene.

Risk reduction is defined as options designed to-

- Decrease perpetration and bystander inaction;
- Increase empowerment for victims in order to promote safety; and
- Help individuals and communities.

### **Affirmative Consent**

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

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.
- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time,

including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- Affirmative consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions.
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain affirmative consent before engaging in sexual activity.
- A person with a medical or mental disability. May also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

## Hate Crimes

There were no reported incidents of hate crimes in 2017, 2018 and 2019.

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

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

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

Bergin University of Canine Studies takes hate crimes and all criminal offenses seriously and encourages the campus community to report any crime to the Campus President, Chief Operating Officer or Chief Academic Officer. Crimes also can be reported by calling 9-1-1.