

## About This Report

The members of the Jose Maria Vargas University are pleased to present this Annual Campus Security and Fire Safety Report. This report contains important information for the Vargas community and is prepared in accordance with the Campus Security Act (Clery Act), as amended by the Violence Against Women Act (VAWA), and Florida Education Law Articles.

Paper copies are available from the Office of Student Development, Gallery Office, 954-322-4460.

## The Campus Security Act (Clery Act)

The Clery Act requires colleges and universities to publish annual security and fire safety reports. These reports must contain certain policies and procedures as well as campus crime and fire statistics. These statistics are also reported to the U.S. Department of Education and are available on the Department website [www.ope.ed.gov/security](http://www.ope.ed.gov/security).

These statistics are compiled by the Office of Public Safety (OPS) and the Office of Environmental Health and Safety (EHS). They are based not only on information reported directly to the offices but also on information provided by the Pembroke Pines City Police Department.

Note: Campus pastoral and professional counselors are obligated to protect the confidentiality of

The Campus Security Act also requires “timely warnings” or “immediate notifications” of Clery Act crimes and fire logs, and other efforts designed to protect and inform students, faculty and staff.

## Campus Crime and Fire Statistics

The Clery Act requires publication of certain crime statistics for the three most recent calendar years.

The crimes reported were not necessarily committed against members of the college community. Crimes reported on the campus of Jose Maria Vargas University.

## Reportable Crimes and Offenses

The Clery Act uses the Federal Bureau of Investigation’s Uniform Crime Reporting Handbook (UCR) for most crimes. The Violence Against Women Act (VAWA) sets out additional definitions.

The following definitions are drawn from these sources and from the most recent U.S. Department of Education Handbook for Campus Safety and Security Reporting (2011).

State Law has varying definitions of many sex and gender-related crimes and bias crimes.

### Criminal Homicide

#### Murder and Non-negligent Manslaughter

-The willful (Non-Negligent) killing of one human being by another.

#### Manslaughter by Negligence

-The killing of another person through gross negligence.

### Sex Offenses

VAWA revised the definitions and categories of sex offenses used under Clery. Jose Maria Vargas University used the new definitions to the extent possible in reporting calendar year 2013 crimes and uses the new definitions to report all calendar year 2015 crimes.

These are the Definitions as of July 1, 2013. They have been applied to calendar 2015 statistics:

Sex Offense: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Under Clery, sexual assault includes all of these offenses.

- Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Non-forcible sexual intercourse between persons who are related to each other within

Statutory Rape: Non-forcible sexual intercourse with a person who is under

the statutory age of consent. (In Fort Lauderdale, the age of consent is 18.)

Under prior regulations, sex offenses were divided into “forcible” and “non-forcible” sex offenses as follows:

**Forcible Sex Offense:** Any sexual 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.

**Forcible Rape:** The carnal Knowledge of a 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 because of his/her temporary or permanent mental or physical incapacity(or because of his/her youth).

**Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

**Sexual Assault With An Object:** The use of an object or instrument to unlawfully penetrate, however slightly, the genitals or anal opening of the body of 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 because of youth or temporary or permanent mental or physical incapacity.

**Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, 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 because or his/her youth or because of his/her temporary or permanent mental incapacity.

**Non Forcible Sex Offense:** Unlawful, non-forcible sexual intercourse: Incest and Statutory Rape(as currently defined)

## Robbery

The 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 usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury results from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

## Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes the definition includes: unlawful entry with intent to commit larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of these offenses.

## Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Incidents are classified as motor vehicle thefts in all cases where automobiles are taken by persons not having lawful access, even though the vehicles may be later abandoned, including joyriding.)

## Arson

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

## VAWA Crimes: Dating Violence, Domestic Violence, and Stalking

These crimes were added to those that must be reported under Clery by the 2013 VAWA reauthorization:

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 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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts

covered under the definition of domestic violence.

Domestic violence- A felony or misdemeanor crime of violence committed:

1. By a current or former spouse or intimate partner of the victim,
2. By a person with whom the victim shares a child in common,
3. By a person who is co-habiting with or has co- habitated with the victim as a spouse,
4. 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 occurred; or
5. 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 occurred.

### Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-

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

For the purposes of the definition of "stalking."

1-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.

2-Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

3-Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment of counseling.

### Arrests and Disciplinary Actions

Clery also requires the reporting of alcohol, drug and firearm related arrests and referrals for campus disciplinary action.

### Drug-Related Violations

Violations of Federal, State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, benzedrine).

### Liquor Law Violations

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.

### Weapon Law Violation

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.

### Bias or Hate Crimes

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a pre-formed negative opinion or attitude toward a group of persons based on a protected class.

For Clery purposes, hate crimes are those in which the victim is intentionally selected because of actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability. Reportable hate crimes include bias-motivated homicide, sex-offenses, robbery, aggravated assault, burglary, motor-vehicle theft and arson (as previously defined) and:

1. Larceny-theft (except motor vehicle theft) -The unlawful taking, carrying, leading, or riding away of property from possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
2. Simple Assault-An unlawful physical attack by one person upon another

where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

3. 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.
  4. Destruction/Damage/Vandalism-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.
- 6

## Title IX, VAWA

Jose Maria Vargas University is committed to fostering an environment free from gender-based discrimination and harassment, including sexual assault and other forms of gender-based misconduct. Through the implementation of policies and procedures as well as education and prevention programs, the University seeks to increase awareness of such misconduct, prevent its occurrence, investigate reports of misconduct, support victims, deal fairly with those accused of violating University policy, and sanction those found to have violated University policy.

University policies and procedures reflect the University's commitment to a safe and non-discriminatory educational environment and comply with Title IX, the federal law prohibiting sex and gender discrimination in higher education, the Violence Against Women Act (which substantially amended the Clery Act).

Prohibitions against gender based misconduct apply to all members of the community, regardless of race, color, national origin, religion, creed, age, disability, sex, gender identity, gender expression, sexual orientation, familial status, pregnancy, genetic characteristics, military status, domestic violence victim/survivor status or criminal conviction.

Anyone may be the victim/survivor – or the perpetrator -- of gender-based misconduct.

## Gender-Based Misconduct

Under Clery and Education Law 129-B, gender-based misconduct includes

sexual assault, domestic violence, dating violence and stalking.

- Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender that may or may not be sexual in nature.
- Gender-based misconduct can occur between strangers or acquaintances, or people who know

each other well, including between people involved in an intimate or sexual relationship.

- Gender-based misconduct can be committed by anyone regardless of gender identity, and it can occur between people of the same or different sex or gender.

Teachers College and Columbia policies address a broader range of misconduct, including additional categories and some broader definitions of Clery terms. The additional definitions are here:  
[sexualrespect.columbia.edu/definitions-gender-based-misconduct](https://sexualrespect.columbia.edu/definitions-gender-based-misconduct)

While Clery requires that only offenses reported as having occurred within “Clery geography” are to be included in annual statistics, prohibitions on gender-based misconduct also apply to conduct with a reasonable connection to the College, including off-campus interactions between members of the community and during study abroad.

involving other Teachers College community members as well as other Victims/Rights and Resources

Victims/survivors of sexual assault, domestic violence, dating violence or stalking have rights under law and University policy including these rights:

- to make a report to campus security, local law enforcement, and/or state police or choose not to report;
- to report the incident to the University;
- to be protected by the University from retaliation for reporting an incident; and
- to receive assistance and resources from the University.

As described in more detail in the Policies, the University have a range of resources and options for victims/survivors of gender-based misconduct. The

Gender Based Misconduct Office and the Title IX Coordinator, as well as more confidential resources can provide more details about these resources and options, including:

- Confidential Advocacy, Counseling and Healthcare services
- Assistance with reporting gender-based misconduct to the Pembroke Pines Police Department, the District Attorney's Office, or other appropriate law enforcement authorities.
- University procedures for reporting, investigating and remedying gender-based misconduct.
- Accommodations and Interim Measures for Students. The Gender Based Misconduct Office and Title IX Coordinator will work with students affected by gender-based misconduct to promote their safety and well-being. Students may request accommodations even where an investigation is not undertaken or a party has declined to participate in a disciplinary or criminal process. Such request is evaluated in light of the circumstances and information available at the time. Accommodations may include moving a student's residence, adjusting a student's academic or employment schedule, allowing a student to withdraw from or retake a class without penalty and providing academic support. Interim measures, such as "no contact" directives, restrictions on a respondents access to particular locations or activities, and temporary suspensions, may also be taken to ensure the safety of all involved and to protect the integrity of a pending investigation or disciplinary process.
- Accommodations and Interim Measures for Others. Where appropriate, the Title IX Coordinator will work with individuals affected by gender-based misconduct to promotes their safety and well-being. This assistance may include accommodations to support or protect the employee in the immediate aftermath of an incident and interim measures while an investigation or a disciplinary action is pending. Interim measures may include reassignment, supervision or scheduling changes while an investigation is pending. The Title IX Coordinator will evaluate the need and propriety for accommo- dations and interim measures in light of the circumstances and information available at the time.

The College provides written notification to victims/survivors about available assistance and how to request accommodations and interim measures. Victims/survivors are also informed about visa and immigration assistance, student financial aid and other relevant services that may be available to them.

The College prohibits retaliation against anyone who exercises their rights under Clery or Article 129-A. No officer, employee or agent of the college may retaliate, intimidate, threaten, coerce or otherwise discriminate against any individual for exercising such rights

## Confidentiality and Privacy

Jose Maria Vargas University value the privacy of students, employees, and other community members. Community members should be able to seek assistance without fear that the information they provide will be shared more broadly. Federal and state laws, however, impose reporting obligations on faculty and staff that, in some circumstances, can require them to share information from a report of gender-based misconduct with others at the University or with government authorities. Even when there is a reporting obligation, College and University employees protect and respect privacy to the greatest extent possible and share information only on a need-to-know basis. The information provided to a non-confidential resource will be relayed only as necessary to investigate and/or seek a resolution.

The University's publicly available record keeping, including Clery annual reports, crime logs, alerts or warnings, do not include personally identifiable information about victims/survivors or witnesses.

Jose Maria Vargas University provide both confidential resources and private resources for victims/survivors. It is important to understand the difference between confidentiality and privacy:

**Confidentiality.** Some resources can provide confidentiality; they are not required to report incidents to Vargas officials. These resources generally include licensed health care providers (acting in those capacities and not, for example, as professors), rape crisis counselors and clergy. At Vargas, Ombuds officers also do not share personal information with institutional officials.

**Privacy.** Federal and state laws impose reporting obligations, and most faculty and staff (other than those identified as Confidential) are obligated to notify Title IX coordinators. Even Vargas representatives who cannot guarantee confidentiality will maintain your privacy to the greatest extent possible and share information only on a need-to-know basis. The information you provide to a non-confidential resource will be shared only as needed to investigate and/or seek a resolution.

**Requesting confidentiality.** A individual who reports gender-based misconduct to a non-confidential official may ask the Title IX Coordinator (or, where applicable, the Gender Based Misconduct Office) that his or her

identity not be disclosed to anyone else, including the person who allegedly committed the misconduct. While such a request may limit the ability to investigate and respond to the reported misconduct, authorities will consider the request in light of their commitment to provide a safe and non-discriminatory environment and honor the request when possible.

Whether or not it is possible to keep the individual's identity confidential, Jose Maria Vargas University authorities will reveal information about investigations and proceedings related to gender-based misconduct only to those who need to know in order to carry out their duties and responsibilities.

All University community members participating in an investigation, proceeding, or hearing that they are expected to maintain the privacy of the process. This does not prohibit either a Complainant or Respondent from obtaining the assistance of family members, counselors, therapists, clergy, doctors, attorneys, or similar resources; nor does it prevent either party from discussing the incident itself.

#### CAMPUS & COMMUNITY RESOURCES Confidential resources

Office of Student Development.

10131 Pines Blvd, Pembroke Pines, FL 333026

Director of Student Development: Erika Ortiz

Phone 954-322-4460 ext.140

Actions for Survivors of Sexual Assault and other Gender Violence:

The University encourages all individuals affected by gender-based misconduct to seek immediate assistance. Seeking assistance promptly may be important to ensure physical safety or to obtain medical care or emotional or other support; it may also be necessary to preserve evidence, which can assist the University or law enforcement in responding effectively. Assistance is available twenty-four hours a day, seven days a week.

Survivors are urged to consider the following steps:

1. Get to a Safe Place. If you are being stalked or threatened, or are concerned about your personal safety, call the office of Student Development. 954-322-4460 ext.140.
2. Call for Assistance. Pembroke Pines Police. 954-450-1060.

3. Get Medical Attention – and Preserve Evidence It is important that a person who has been recently assaulted receive prompt medical attention. Because physical injury is not always noticeable at first, it is important to get a medical examination and treatment as soon as possible. This may include screening and/or treatment for sexually transmitted infection and emergency contraception, if appropriate. A medical examination, particularly a free examination by a Sexual Assault Forensic Examiner (SAFE) can also preserve physical evidence. Survivors are encouraged to have physical evidence collected even if they are unsure about reporting to the police as they may later decide to do so. Survivors can decide whether to file charges later, but can only preserve physical evidence now. Collecting forensic evidence makes it easier to pursue a prosecution. Evidence is best collected as soon as possible and toxicology testing for date rape drugs is most effective within 72 hours of an assault. The evidence collection kit is turned over to the police only if a survivor chooses to report during the period kept by the hospital.

You can ask for a Sexual Assault Forensic Examiner (SAFE) at any emergency room.

If possible, avoid drinking, eating, showering, brushing teeth, combing hair or changing clothes before seeing a SAFE. But if you have done any of these things, evidence can still be collected and it remains important to seek medical attention. Any clothing removed should be placed in a paper bag and brought with you.

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

#### Get Support or Counseling Services

The safety and well-being of survivors are of paramount importance. The College strongly encourages survivors to contact trained professionals for emotional support, medical services, and advocacy as soon as possible.

#### 5. Consider Obtaining an Order of Protection

Victims of dating violence, domestic violence, sexual assault, and stalking may seek a Family Court order of protection under Florida law. You can file a petition in Family Court for an order of protection if you

- are related to the respondent by blood or marriage;
- are or were legally married to the respondent;
- have a child with the respondent; or
- are or were in an intimate relationship with the respondent. If you are not eligible for a Family Court order of protection, you may still be eligible for a criminal court order of protection.

## 6. Notify the University

Procedures for addressing of reports of sexual assault and other gender-based misconduct as well as resources and options are addressed in greater detail in the Title IX Policies discussed.

In any institutional disciplinary proceeding arising from an allegation of sexual assault, domestic violence, dating violence or stalking (collectively, VAWA offenses):

- The standard is “preponderance of the evidence”
- Sanctions that may imposed against students found to have violated the Gender Based Misconduct policy include reprimands, warnings, changes to academic schedule, disciplinary probation, revocation of honors or awards, restricting access to facilities or activities, removal from leadership/supervisory positions within the community, “no contact” orders, relocation of residence, dismissal or restriction from employment, removal from student housing, suspension, expulsion, and revocation of degree.
- Sanctions that may imposed against individuals found to have violated the Policy on Protection from Harassment include reprimands, warnings, changes in job duties, disciplinary probation, revocation of honors and awards, restricted access to facilities or activities, “no contact” order, movement of College-provided residence, movement of workplace, demotion, suspension, and dismissal or restriction from employment. However, the University retains its inherent authority to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the community.

Disciplinary proceedings involving students will

- include a prompt, fair, and impartial process from the initial investigation to the final result;
- be conducted by officials who, at a minimum, receive annual training on the issues related to VAWA offenses and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to by an advisor of their choice whose role shall comply with the applicable procedures;
- require simultaneous written notification to the accuser and the accused, of the result of any institutional disciplinary proceeding arising from an allegation of VAWA offenses crimes; procedures for appeals, if available; any change to the result; and when such results become final.

## Education and Prevention Programs

The College engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Utilize an ecological approach to prevention, considering environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees, as well as ongoing awareness and prevention campaigns for students and employees to:
  - . (a) Identify domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
  - . (b) Define these behaviors using definitions provided by University policy

(informed by Department of Education guidance) as well as providing access to state law definitions regarding what behavior constitutes criminal acts of domestic violence, dating violence, sexual assault, and stalking;

- . (c) Define what behavior and actions constitute consent to sexual activity as defined in University policy as well as the appropriate rape statute in the State of Florida.
- . (d) Provide a description of safe and positive options for bystander intervention. Bystander intervention means safe and pro-social options that may be carried out by an individual or individuals to prevent harm or intervene when there is risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional and community expectations to identify this behavior as problematic, seeing personal responsibility and overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene – either directly or indirectly.
- . (e) Provide information on risk reduction. Risk reduction means options designed to decrease perpetration, and bystander inaction, to increase empowerment for complainants in order to promote safety and to help individuals and communities be actively aware of safe conditions.
- . (f) Provide an overview of rights and responsibilities including available options on and off campus for reporting to campus authorities and/or to law enforcement (as well as the right to decline to report to law enforcement); assistance (such as medical, mental health, and advocacy); and disciplinary procedures and related rights. (This information is also included in this Annual Security Report in compliance with the Clery Act). The College implements annual educational efforts consisting of presentations that include distribution of educational materials to new students; participating in and presenting information and materials during the New Employee and Faculty Orientations; as well as ongoing prevention and awareness efforts. The University offers primary prevention and awareness programs for all incoming students in the Orientation Program. Information is presented during required sessions attended by all incoming students including education about confidential and non-confidential reporting of incidents. All new students are also required to view the on- line sexual violence prevention video.

The University offers ongoing awareness and prevention programs for employees. The Title IX Coordinator presents to various academic and staff departments.

### Facts About Sexual Assault

- No one is ever responsible for the crime of sexual assault being perpetrated against them.

And universities must establish this standard for students: “Affirmative consent is a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as [they] create clear permission regarding willingness to engage in the sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.”

Further:

- Sexual activity that is coerced or forced is not consensual.
- A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly restrained.
- A sleeping or unconscious person cannot give consent.
- The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.
- Consent cannot be procured by the use of physical force, compulsion, threats, intimidating behavior, coercion, or from a person who is incapacitated.
- Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent may be withdrawn at any time. When consent is withdrawn or can no longer be given, sexual activity must stop.
  - Previous relationships or previous consent for sexual activity is not consent to sexual activity on a different occasion.

- The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, gender expression or relationship status.
- A person cannot give consent if he or she lacks the ability to make or understand the decision because of disability, lack of sleep, consumption of alcohol or drugs, or if he or she is unwillingly restrained.
- A sleeping or unconscious person cannot give consent.
- The use of alcohol or drugs does not justify or excuse gender-based misconduct and never makes someone at fault for experiencing gender-based misconduct.
- Respect a person's expectations and limits. If you do not know what they are, it is your responsibility to ask. Campus Sex Crimes Prevention Act/Sex Offenders The Campus Sex Crimes Prevention Act provides for the tracking of convicted, registered sex offenders enrolled as students, or working or volunteering at institutions of higher education. It requires sex offenders who must register under state law to provide notice of enrollment or employment at any college or university in the state, as well as notice of each change of enrollment or employment status. It also requires that state procedures ensure that this information is promptly made available to law enforcement agencies with jurisdiction of the institutions of higher education entered into appropriate state records or data systems. The Florida State Sex Offender Registration Act requires anyone who must register as a sex offender to notify the state of enrollment, attendance, employment or residence at any institution of higher education and any changes to such enrollment, attendance, employment or residence. Resources •

### Clery Geography

The College is required to collect statistics on crimes reported to have taken place within "Clery Geography:"

1. Buildings and property that are part of the institution's campus;
2. The institution's non-campus buildings and property; and
3. Public property within or immediately adjacent to and accessible from the campus.

## Definitions

On-Campus-1) 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 2) Any building or property that is within or reasonably contiguous to the area identified in the paragraph 1, 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 retail vendor).

Non-Campus Building or Property-1) Any building or property owned or controlled by a student organization that is officially recognized by the institution; or 2) 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, that is within the campus or immediately adjacent to and accessible from the campus.

All crimes, whether subject to Clery or not, including Domestic violence, Dating Violence, Stalking, Sexual Assault, and Bias or Hate Crimes can be reported to any The office of Student Development. Gender-based crimes and misconduct can also be reported to those responsible for addressing such matters on campus.

## Access to Campus

Academic buildings on the main campus are generally open six days a week from 7:30 A.M. to 10:00 P.M. On University holidays access is limited.

A valid University ID card is needed for access to campus. A valid Teachers University ID must be presented to public Safety officer to gain entry. Vargas University community members who do not have their Vargas ID card upon their person when entering campus must show a valid government issued photo ID (e.g. State Driver's License), sign in, and receive a visitor's pass.

All students, faculty, and staff are encouraged to wear their Vargas University or affiliate institution ID card on their outermost garment when on campus. Visitors are required to wear their Public Safety issued Visitors Pass on their outermost garment while in campus buildings and residence halls at all times. New students may receive a Vargas University ID card once they have

registered for classes.

The Office of Student Development laws, rules, and regulations on campus; controls access to the campus; deters and investigates crime (in cooperation with the Pembroke Pines Police Department); maintains a Lost and Found; supervises special events; and provides general information for visitors and members of the college community. The Office provides community education in crime prevention, personal safety, and fire safety.

### Confidential or Anonymous Reporting of Crimes

Vargas University encourages all victims of crimes to alert the Office of Student Development and the Pembroke Pines City Police Department. If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still make a confidential or anonymous report. If you become aware of a crime through observation or information you may report that crime without identifying your sources or yourself. Call Crime- Stoppers at **1-866-493-8477**

Confidential and/or anonymous reports of crimes can be included in the University's annual crime statistics.

With such information, the University can keep a more accurate record of the number of incidents involving students, employees and visitors; identify any pattern of crimes with regard to a particular location, method or assailant; and alert the campus community to potential danger.

### Investigations of Criminal Incidents

The Office of Student Development reviews all reports of crime on campus. Crimes are reported to the Pembroke Pines Police Department (unless doing so would be inconsistent with the Violence Against Women Act) and typically investigated by the Police Department and/or the Office of Student Development.

### Daily Crime Logs

The Office of Student Development compiles and reviews campus crime statistics and reports those crime statistics to the United States Department of Education. The Office of Public Safety also maintains a daily crime log which contains criminal acts reported to the Office within two business days of the report unless confidentiality of the victim is jeopardized or the disclosure of such would be prohibited by law. The information in the logs typically includes the type of crime, date, time, and location of occurrence.

The log is available for review during normal business hours.

The Office of Student Development, Main building, Gallery Office. Business hours are Monday through Friday, 9:30 A.M. to 5:00 P.M.

### Timely Warnings

The Director of Student Development or designee reviews all crime and incident reports to determine if there is an on-going threat to the community and if distribution of a Timely Warning is warranted. Timely Warning Notices may be disseminated for any crime classifications as deemed necessary.

Time Warning Notices are generally written by the Director of Student Development or a designee and distributed to the community as a "Personal Safety Alert" via email and Office of Student Development. Notices and updates may also be disseminated to the Vargas University community through other forms of communications such as campus information monitors (e-boards), voice mails, or web sites.

There are two classifications of Timely Warnings-

Non-Emergency and Emergency.

#### Non-Emergency warnings

The Office of Student Development provides Timely Warnings of crimes and other incidents that may pose a threat to members of the Vargas Community. Non-emergency notices are generally provided via University-wide broadcast emails.

#### Emergency warnings

The Office of Student Development immediately notifies the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to health or safety of community members. In coordination with federal, state, and local law enforcement and public safety authorities, warnings may be delayed if they would compromise efforts to contain the emergency

Note: Timely Warnings and Emergency notifications do not identify crime victims.

### Crime Prevention Education and Awareness

The safety and security of our Jose Maria Vargas University students, faculty,

and staff is one of the University's highest priorities. While a full-time staff of licensed and certified proprietary public safety personnel employed by the College to keep the campus safe and secure; a truly safe campus can only be achieved through the cooperation and awareness of all students, faculty, and staff. You can help maintain your own safety by complying with established University security policies and by following common sense personal safety practices as follows:

Take responsibility for your own safety

1. Be aware of your surroundings and what is going on around you. Keep your head up and your eyes moving. Walk purposefully with a steady pace and self-assured stride. Confidence deters attackers.
2. When walking at night, walk in well-lighted and well trafficked areas. Avoid walking through parks, parking lots, and isolated or deserted areas.
3. Use the buddy system. When traveling at night arrange with friends to walk or ride together.
4. Walk in the center of sidewalks away from doors and bushes.
5. If you suspect that you are being followed, indicate your suspicions by looking behind you. If you are on foot, cross the street, change direction, or vary your speed. Walk to a location where there are other people, to the nearest "open store".

Maintenance and Security of Campus Facilities

The Office Student Development is responsible for the evaluation, planning, development, coordination and execution of health and safety programs in compliance with federal and state statutes and regulations. The Facilities Department is responsible for removing recognizable hazards through routine housekeeping and maintenance, or contracting with the appropriate experts.

Heads of Departments and Supervisors are responsible for providing safe working conditions and implementing health and safety programs as they relate to operations. Employees are responsible for complying with health and safety guidelines, attending required fire safety training, properly using provided safety equipment and promptly reporting incidents and hazards.

Vargas University is mindful of the security needs in the daily operation of campus facilities; particularly as they relate to residential areas. Keys are

signed in and out, as needed, by authorized maintenance staff members who are also required to display a photo identification badge. Whenever possible, prior arrangements are made with resident students requesting facilities services for their residence room so that the students may be present when repairs are made.

The campus maintains a strong commitment to campus safety and security. Adequate exterior lighting is an important part of this commitment. Public Safety Officers are required to report hazardous conditions during the course of their routine patrols. All inoperative lights, malfunctioning emergency phones, and other hazardous conditions are reported immediately and

#### Taking public transportation

1. Know your timetables to avoid long waits- especially if you are alone.
2. Avoid empty subs cars and ride at the conductor (middle) or motor-person's position (first car).
6. Stay away from isolated ATM locations. Plan ahead to avoid using ATM machines during off- hours.
7. Do not feel bullied by people who look you in the eyes; look them in the eyes. Eye contact makes everyone uneasy so use that to your advantage.
8. Be wary of strangers at night. It is better to be rude, ignore, and walk away than to have someone take advantage of your kindness.
9. Trust your instincts. Don't allow rationality to over-ride your "sixth sense"- it could protect you from danger.
10. Do not resist armed robbers. Property can be replaced; your life cannot.
11. Do not openly display maps on a public street because it indicates that you are a stranger to the community, unfamiliar with your surroundings, and a potential victim.
12. Do not unnecessarily display your tablets, smart phones, or laptops in public.
4. Always plan your route in advance. Avoid getting off a bus in unfamiliar

neighborhoods especially during night time.

5. Avoid isolated bus.

6. While riding public transportation, keep your handbag, knapsacks, bookbags and personal property in front of you and close to your body.

7. Don't open your purse or wallet when boarding a bus or waiting to buy a metro card in a subway station. Always have your fare ready and avoid exposing your wallet or purse unnecessarily.

8. Always be aware of the people around you!

Offices and classrooms

1. Avoid keeping your handbags under your desk or classroom work table.

2. Lock your office door, even if the office is left unattended for a short amount of time.

3. Do not bring large sums of cash to work or school.

4. Carry only the necessary credit cards and identifications.

5. If you must leave your purse or wallet at your work station, lock it in a locker or desk. In a classroom, keep it in front of you where you can see it at all times.

Library

1. Do not leave personal property unattended even for a minute.

2. Report any suspicious person/activities to library personnel or to the Office of Public Safety.

3. Keep personal property in sight at all times.

4. Try not to bring valuables into the library.

Be Aware and Be Safe If you are a victim:

1. Report the crime to the Police by calling 911.

2. Report the crime to the Office of Student Development 954-3224460.  
Etx.140.

3. Attempt to remain calm while waiting for the police to respond.
4. If you are injured, request medical attention.
5. Obtain hospital report numbers from the hospital and complaint numbers from the police.
6. If you sustained injuries and/or suffered

For major credit cards, immediately contact the individual store or credit card companies.

The Office of Student Development provide information on crime prevention and educational seminars to members of Vargas University community.

During orientation week, crime prevention presentations and related information is made available to incoming students. Crime prevention lectures on the safeguarding of personal property, and personal and transportation safety, are presented to various organizations and student groups throughout the year.

#### Crime Prevention Seminars

These interactive presentations are given during student and employee orientations and are also available to any group upon request. These presentations provide vital information on how to reduce the likelihood of being a crime victim.

#### Emergency Evacuation Procedures and Policies

The Office of Student Development leads Vargas University planning efforts and response to natural and/or man-made disasters and other campus-wide emergencies. Response protocols are illustrated in the Vargas Emergency Management Plan (EMP).

#### Emergency Management Plan (EMP)

**Overview** The Vargas Emergency Management Plan (EMP) was jointly developed by and through cooperation of multiple University offices and disciplines. The multi-disciplinary approach to the development of this plan brings together a wide range of expertise and experience in the varied campus functions and responsibilities necessary to successfully respond to campus-wide emergencies. The EMP will continually be reviewed, practiced,

and updated to meet newly identified threats to our campus environment and to incorporate additional resources as they may become available. The Office of Student Development is responsible for reviewing the Plan annually, prior to the beginning of each fall semester, and to update the Plan and Plan training as required.

The Jose Maria Vargas University Public Safety staff is dedicated to providing a safe and secure environment in which students, faculty, and staff can enjoy the Vargas University experience. We encourage all members of the University community to become familiar with the EMP and to partner with us in ensuring the safety and security of our community.

### Purpose of the Plan

The EMP is designed to provide general guidelines and protocols deemed necessary to successfully respond to a variety of potential campus emergencies. While the specific circumstances of any emergency and the detailed actions required for its mitigation cannot be predicted in advance, we can plan and prepare for a successful and comprehensive management of emergencies.

The EMP assigns roles and responsibilities to departments and individuals that are directly responsible for emergency response efforts and critical support services, and provides a management structure for coordinating and deploying essential resources. While the Plan provides specific protocols for responders, it also provides flexibility for the use of common sense and sound judgment by the leaders of our emergency response.

### Scope of the Plan

A variety of natural or man-made hazards or disasters can affect the Jose Maria Vargas University campus and pose an actual or potential threat to our community's health and safety. A comprehensive emergency plan is required to insure the protection of students, faculty, staff, and visitors from the potential effects of such hazards.

This plan may be activated in response to a local, regional, or national emergency that affects the greater Jose Maria Vargas University of campus. Any emergency that affects our students, faculty, and/or staff may be considered a Vargas University emergency.

The plan, while primarily local in scope, is intended to be able to support a city-wide, state-wide, and/or national incident management plan. The Plan and the training associated with the Plan shall conform to protocols of the

National Incident Management System (NIMS) and the Incident Command System (ICS).

## Evacuation Procedures

The College maintains an Emergency Evacuation Plan (EEP) to provide training to community members on the proper evacuation protocols for fire or other emergencies requiring the evacuation of one or more buildings on campus. Each new employee receives a copy of the EEP, from the Human Resources Office, upon hire. Each new resident student receives a copy of the EEP at the new resident student orientation.

The Community may be notified of a need for partial or full evacuation by a number of communications options, including community-wide email, community-wide voice mail, public announcement broadcasts, e-boards, Facebook, Twitter, or electronic notification system (by text or voice mail).

Shelter-in-Place Procedures – What does it mean to “Shelter-in-Place”? If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors, because leaving the area may expose you to that danger. Therefore, to “shelter-in-place” means to make a shelter of the building that you are in, and with a few adjustments this location can be made even safer and more comfortable until it is safe to go outside.

## Basic “Shelter-in-Place” Guidance

If an incident occurs and the building you are in is not damaged, stay inside the building in an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest University building quickly. If University Public Safety, police or fire department personnel are on the scene, follow their directions.

- Close all doors
- If in the course of exiting the building you are blocked by fire, go to the safest fire-free area, or stairwell. How to “Shelter-in-Place” No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise; follow these steps, unless instructed otherwise by local emergency personnel: 1. If you are inside, stay where you are. Collect any emergency shelter-in-place

supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene. 2. Locate a room to shelter inside. It should be:

- An interior room;
  - Above ground level; and
  - Without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms maybe necessary. 3. Shut and lock all windows (tighter seal) and close exterior doors. 4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (University staff will turn off the ventilation as quickly as possible.)
6. Make a list of the people with you and ask someone to phone the information to the Student Development Office so they know where you are sheltering.
7. Turn on a radio or TV and listen for further instructions.
8. Make yourself comfortable.

### Fire Safety and Prevention

The Office of Student Development, work in concert to protect the University from fire. The Office of Student Development takes the lead in educating the University community about fire safety. It also manages the advanced fire detection and suppression systems located throughout the campus. The Student Development Director, Erika Ortiz, is located in Main building- Gallery room and can be reached by phone at 954-322-4460 ext.140.

### Continuous Evaluation and Enhancement of Campus Fire Safety

Jose Maria Vargas University is committed to continual assessment and enhancement of fire safety equipment and procedures to ensure continued compliance with Pembroke Pines, FL, State, and National Fire Safety Standards.

### Daily Fire Logs

The Office of Student Development compiles campus fire statistics and

reports them to the U.S. Department of Education. The Office also maintains a daily fire log. The information in the logs typically includes the type of fire, date, time, and general location. The log is available for review during normal business hours.

The Office of Student Development, Main building, Gallery office. Business hours are Monday through Friday 9: 30 A.M. to 5:00 P.M.

### Fire Safety Education and Training

1. Fire Evacuation (FET) Training- The University maintains a Fire Evacuation Team (FET) charged with the responsibility to assist the Office of Public Safety with emergency and fire evacuation of buildings on campus. The FET receives fire response and evacuation training annually at the beginning of each “fall” semester.
2. Public Safety Staff Training- The University maintains a proprietary Public Safety Office with Public Safety staff on- hand around the clock. The Public Safety staff provides the primary response to fire, medical, and criminal incidences on campus. Public Safety staff members receive training and certification as Fire Safety Directors. In addition, they receive semi-annual refresher training in fire safety, fire alarm response and emergency evacuations.
3. Community Assistant (CA) Training Community Assistants employed by the Office of Residential Services are tasked with the on-site management of campus residential facilities. Members of the CA staff receive entry level training in fire safety, fire alarm response, and emergency evacuation as part of their orientation training.

### Environmental Health and Safety.

Faculty and General Staff Training- Fire Safety, fire alarm response, and emergency evacuation training is provided on request by the Office of Public Safety to both academic and non- academic offices and departments. Presentations are provided throughout the academic calendar year.

### Fire Safety Precautions

1. Keep doorways, corridors, and stairwells clear and unobstructed. Keep fire doors closed.
2. Make sure that all electrical appliances and cords are in good condition and UL approved.

3. Do not overload electrical outlets. Use fuse protected multi-outlet power strips and extension cords when possible.
4. Never store flammable substances or combustible items (oily rags, paint, etc.) in your office or apartment.
5. The use of candles, incense, and other open flames is strictly prohibited in all college academic buildings and residential halls.
6. Never leave food cooking or running electrical appliances unattended, no matter the amount of time.
7. Be familiar with the locations of firefighting equipment that is closest to your office or apartment.
8. Be familiar with fire evacuation routes from your office or apartment.
9. When leaving for extended periods of time, i.e. vacations or leave of absence, unplug electrical appliances and shut off gas stoves.
10. Ensure that the smoke detectors are working properly by looking for the green light. The Office of Student Development regularly tests the smoke detectors in the academic buildings.

#### Procedures for Students and Employees in the Event of a Fire

1. If you discover a fire, immediately shout a warning to other occupants and PULL the nearest fire alarm as you exit the building.
2. Remain calm.
3. When evacuating the building, remember to feel doors before opening them to ensure that there is no fire danger on the other side. If you must enter a smoke-filled room or hallway, stay low, head as close to the ground/floor as possible, keeping one hand on the wall to avoid disorientation and crawl to the nearest exit.
4. Provide assistance to persons with disabilities. Notify the Student Development Office if persons with disabilities are in the area and may need to be relocated.
5. Provide assistance to other individuals in your immediate area. Attempt rescue efforts only if there is no immediate danger to self.
6. If the fire is small and if you have had training, use the proper type of fire

extinguisher to control and extinguish the fire. Do this only after the evacuation has started and the Office of Student Development.

7. Close all doors and windows in the vicinity of a fire.
8. Once you are safely away from danger, call the emergency number for the Office of Student Development, extension 140 to report the fire.
9. Once outside the building and away from the danger and when possible, direct emergency teams to the location of the fire and then proceed to your department's designated gathering point (at least 500 feet away from the affected building) and stay there.
10. Keep streets, fire lanes, hydrant areas, and walkways clear for emergency vehicles and workers.
11. If requested, assist the Office of Student Development staff as necessary.
12. Do not return to an evacuated building until given the "All Clear" sign by the Jose Maria Vargas staff.

For persons with disabilities

It is suggested that individuals who use wheelchairs or who have mobility impairment prepare for an emergency ahead of time by asking co-workers or fellow students to plan on providing assistance in an emergency. It is also suggested that individuals contact the Director of the Office of Student Development for individuals with Disabilities for assistance in planning for emergencies.

1. During an emergency evacuation due to fire the building elevators should not be used.
2. Evacuation may not always be necessary or advisable. If persons with disabilities cannot be transported from the building without using an elevator, assist persons with disabilities to the nearest fire stairway landing on each floor of the building. Immediately notify Vargas Public Safety staff, first responders, or other rescue workers on scene of the arrival of persons with disabilities to the rescue area.
3. Do close the door behind you if and when it is safe to leave your room.
4. Don't waste time collecting personal valuables. Take your keys with you so

that you can re-enter your room if exiting the building is not possible.

#### Fire Response Dos and Don'ts

1. Do treat every alarm as an emergency. If an alarm sounds, exit the building immediately.
2. Don't assume that a fire alarm is a drill or test. All building alarm systems are tested as required by law but these tests are announced in advance. The University does not schedule unannounced fire drills.
3. Be aware that transmitting a false alarm is a criminal offense that endangers the lives of both building occupants and emergency personnel. It is also an offense to prop open fire doors or to tamper in any way with alarm equipment, electromagnetic locks, or other life safety devices or to block or obstruct paths of egress.