

## Five Branches University 2016 Annual Campus Safety and Security Report

The Five Branches University Annual Safety and Security Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”). This report includes statistics for the previous three years concerning reported crimes that occurred on campus; and on public property within, or immediately adjacent to and accessible from University property. The report also includes institutional policies on campus security policies concerning alcohol and drug use, crime prevention, the reporting of crimes and other matters. If you have any questions about the information provided in this material, please contact the Director of Student Services:

- Gina Huang, Director of Student Services, San Jose, CA - (408) 260-0208 Ext. 211
- Kim Pfister, Director of Student Services, Santa Cruz, CA - (831) 476-9424

### **Annual Disclosure and Preparation of the Campus Safety and Security Report**

The Annual Safety and Security Report is distributed to every student and employee on an annual basis and is available to prospective employees and students at their request. This report will be published on the University website at <http://www.fivebranches.edu/five-branches-university/4095> by October 1st of each year.

All incidents occurring on campus are reported and documented by the University’s Campus Security Administrators; all incident reports are also sent to the Vice President of Academic Affairs. The statistics included in the annual crime report are prepared by compiling campus crime statistics and data from campus security administrators, local law enforcement agencies, and other relevant information from the Student Services Department and Clinic Management.

### **How to Report a Crime or Other Emergencies On Campus**

A safe environment is everyone's responsibility. Students, faculty and staff are encouraged to report all criminal acts, suspicious activities or emergencies promptly and have the right to report these matters confidentially.

<b>Contact any of the following authorities, 24 hours a day:</b>	
Emergency Contact	<b>Dial 911 – Report emergencies or non-emergency criminal violations from a public, university building or cell phone</b>
Off-Campus Police Departments	<p><b>Santa Cruz County Sheriff Office</b> 701 Ocean Street, Room 340, Santa Cruz, CA 95060 Non-Emergency Line: (831) 471-1121</p> <p><b>Live Oak Sheriff Service Center</b> 870 B 17<sup>th</sup> Avenue, Santa Cruz, CA 95062 Non-Emergency Line: (831) 471-1121</p> <p><b>San Jose Police Department</b> 201 W. Mission Street, San Jose, CA 95110 Non-Emergency Line: (408) 277-8900</p>

In Person	<p><b>Santa Cruz Campus</b>  200 7<sup>th</sup> Avenue, Santa Cruz, CA 95062  (T) 831-476-9424   (F) 831-476-8928  Contact: Kim Pfister, Director of Student Services  Contact: Marisa Herzog, Office Manager</p> <p><b>San Jose Campus</b>  1885 Lundy Avenue, Suite 108, San Jose, CA 95131  (T) 408-260-0208   (F) 408-261-3166  Contact: Gina Huang, Director of Student Services  Contact: Song Gao, Facilities Manager</p>
Email	<b>safety@fivebranches.edu</b>
Anonymous Online Report Submission	<p>Report information about a crime anonymously  Report information about illegal activities and/or violations of the Student Code of Conduct anonymously by accessing our online web form:  <a href="http://www.fivebranches.edu/crime-report-form">http://www.fivebranches.edu/crime-report-form</a></p>

**Response to a Reported Crime**

Five Branches University is dedicated to providing timely and appropriate response services for any reported incident regarding campus safety. A designated campus authority will work with individuals reporting an incident to obtain information, investigate, and when appropriate, report findings to local police or campus disciplinary authorities. Community members, students, faculty, and staff are encouraged to immediately report all crimes and public safety-related incidents to campus administrators and appropriate law enforcement agencies.

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

**Mandatory Reporters of Clery-defined Crimes and Incidents:** Certain FBU employees are required under the Clery Act, as amended by Violence Against Women Act (VAWA), to report crimes to a Five Branches University Campus Security Administrator. Such mandatory reporters, called Campus Security Authorities, are defined as:

- Any individual or department to which our policy states students and employees should report criminal offenses (ie. Vice President of Academic Affairs, Student Services Department, Clinic Management).
- FBU Officials who have significant responsibility for students or campus activities. This includes, but is not limited to, campus administrators and Department Chairs.

**Timely Warning and Emergency Response Notification:** In all cases, any security violations or crimes that occur at any Five Branches University location, which is leased, owned or licensed, or any off-site location at which the University provides educational services, shall be communicated through the applicable Student Services Campus Director to all students and administrative personnel via the University email alert system.

In the event that a situation arises, either on or off campus, that constitutes an immediate threat to the community or individuals, a campus-wide “timely warning” will be issued. The warning will be issued through email and an automated voice mail system.

Students, faculty, and staff are responsible for having current and accurate information on file with Five Branches University to ensure they receive notifications.

## **Procedures for Victims of Sexual Violence**

Five Branches University does not tolerate any form of harassment or interpersonal violence, which includes assault, sexual assault, prohibited sexual contact, stalking, dating and domestic violence.

**Sanctions:** The University will take prompt and corrective action to address unlawful harassment, including where appropriate, suspension or expulsion. An individual found guilty of violating the University’s sexual misconduct policy could be criminally prosecuted in state courts. This policy explicitly applies to Five Branches University students, faculty, staff, and administrators, independent contractors and all other individuals engaged in University activities. Individuals who know of harassment, or believe that they have been harassed, in violation of this policy have access to the information detailed below and are encouraged to utilize these procedures. University officials are empowered and required to address harassing behavior promptly and thoroughly.

### **Victims of sexual assault or rape are encouraged to:**

- Dial 911 and report the incident to local law enforcement.
- Seek medical treatment as soon as possible, including the collection and preservation of evidence.
- Report the incident to appropriate University personnel at your earliest convenience.

**Preservation of Evidence:** Preserving the evidence from the assault is important. Even if the victim does not wish to file a police report immediately, or is certain he or she will not prosecute, preserving evidence allows the victim to change his or her mind later. These actions will assist in the preservation of evidence:

- Go to a safe place following the attack.
- Do not change clothes, shower, or bathe until you have received medical attention.
- Do not touch anything the suspect may have touched.
- Go to a hospital emergency room for medical care.
- A medical examination is the only way to ensure that you are not injured and it could provide valuable evidence should you decide to prosecute. Even if you do not opt for forensic

evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and or sexually transmitted disease.

- You are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications or documents that would be useful to hearing boards, investigators, or police.

**Surviving Sexual Assault:** The University does not have on-campus counseling services or treatment programs available for the victims of a sexual violence. The University urges victims of sexual violence to seek counseling promptly. Victims of sexual assault can receive free, confidential 24-hour counseling by calling the RAINN (Rape Abuse Incest National Network) hotline number at: (800) 646-4673.

**Disclosure to Alleged Victims:** Five Branches University will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, Five Branches University will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

### **Campus Security Administrators**

Community members, students, faculty, and staff are encouraged to immediately report all crimes and public safety-related incidents to campus security administrators and local police. CSAs are unarmed campus personnel who document and refer all criminal incidents to local police who have jurisdiction on the campus.

- Gina Huang, Director of Student Services (San Jose), 408-260-0208 Ext. 211
- Kim Pfister, Director of Student Services (Santa Cruz), 831-476-9424
- Song Gao, Facilities Manager (San Jose), 408-260-0208 Ext. 210
- Marisa Herzog, Facilities Manager (Santa Cruz), 831-476-9424 Ext. 30

Five Branches University security administrators meet bi-annually to address safety concerns. Security administrators are responsible for informing students, faculty, and staff of safety developments or campus updates in a timely manner.

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## Santa Cruz Campus - Criminal Offenses

Type of Offense	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
Murder and non-negligent manslaughter	--	--	--	--	--	--	--	--	--
Negligent manslaughter	--	--	--	--	--	--	--	--	--
Sex offenses: Forcible	--	--	--	--	--	--	--	--	--
Sex offenses: Non-forcible	--	--	--	--	--	--	--	--	--
Robbery	--	--	--	--	--	--	--	--	--
Aggravated assault	--	--	--	--	--	--	--	--	--
Burglary	--	--	1	--	--	--	--	--	--
Motor Vehicle Theft	1	--	--	--	--	--	--	--	--
Arson	--	--	--	--	--	--	--	--	--
Domestic Violence	--	--	--	--	--	--	--	--	--
Dating Violence	--	--	--	--	--	--	--	--	--
Stalking	--	--	--	--	--	--	--	--	--
<b>Hate Crimes</b>									
There were no reported hate crimes in 2013, 2014, or 2015.									

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## Santa Cruz Campus - Arrests and Disciplinary Referrals

Type of Offense	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
<b>Arrests</b>									
Liquor law violations	--	--	--	--	--	--	--	--	1
Drug law violations	--	--	--	--	--	--	--	--	--
Weapons law violations	--	--	--	--	--	--	--	--	--
<b>Disciplinary Referrals</b>									
Liquor law violations	--	--	--	--	--	--	--	--	--
Drug law violations	--	--	--	--	--	--	--	--	--
Weapons law violations	--	--	--	--	--	--	--	--	--

## San Jose Campus - Criminal Offenses

Type of Offense	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
Murder and non-negligent manslaughter	--	--	--	--	--	--	--	--	--
Negligent manslaughter	--	--	--	--	--	--	--	--	--
Sex offenses: Forcible	--	--	--	--	--	--	--	--	--
Sex offenses: Non-forcible	--	--	--	--	--	--	--	--	--
Robbery	--	--	--	--	--	--	--	--	--
Aggravated assault	--	--	--	--	--	--	--	--	--
Burglary	1	--	4	--	--	--	--	--	--
Motor Vehicle Theft	--	--	--	--	--	--	--	--	--
Arson	--	--	--	--	--	--	--	--	--
Domestic Violence	--	--	--	--	--	--	--	--	--

Dating Violence	--	--	--	--	--	--	--	--	--
Stalking	--	--	--	--	--	--	--	--	--
<b>Hate Crimes</b>									
There were no reported hate crimes in 2013, 2014, or 2015.									

### **San Jose Campus - Arrests and Disciplinary Referrals**

Type of Offense	On Campus			Non-Campus			Public Property		
	2013	2014	2015	2013	2014	2015	2013	2014	2015
<b>Arrests</b>									
Liquor law violations	--	--	--	--	--	--	--	--	--
Drug law violations	--	--	--	--	--	--	--	--	--
Weapons law violations	--	--	--	--	--	--	--	--	--
<b>Disciplinary Referrals</b>									
Liquor law violations	--	--	--	--	--	--	--	--	--
Drug law violations	--	--	--	--	--	--	--	--	--
Weapons law violations	--	--	--	--	--	--	--	--	--

### **Programs About Campus Security Procedures**

All new students are instructed on crime awareness, prevention and campus security during orientation, and are encouraged to take responsibility for their own security, as well as the security of their fellow classmates. During the New Student Orientation process new students receive information on campus security policies and procedures, suggestions on how to avoid becoming a crime victim, evacuation plans for the campus, and procedures for reporting any criminal activity or emergency.

Employees are requested to review Five Branches University Employee Handbook where information regarding Standards of Conduct and the Campus Security Report can be found.

### **Anti Discrimination and Harassment**

Five Branches University does not discriminate on the basis of race color, national origin, religion, age, marital status, gender, sexual orientation, veteran status, or disability.

The University is committed to providing an environment that is free of all discrimination and harassment. In keeping with this commitment, the University maintains a strict policy prohibiting discriminatory behavior and sexual, verbal, physical, and visual harassment.

A student or employee who believes he or she has been harassed or experienced discrimination should promptly report the facts to the Student Services Department or Accounting & Human Resources Department who will investigate such claims and take appropriate action.

The reporting student or employee and all students or employees participating in any investigation have the assurance of Five Branches University that no reprisals will be taken as the result of the complaint, unless the complaint was filed in bad faith or for an improper purpose.

### **Campus Sex Crimes Prevention Act**

The Campus Sex Crimes Prevention Act provides tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The State of California (Penal Code 290) requires sex offenders to register within the State, within five working days, and to also register with the city police department in which the campus or center he or she is attending classes or employed. The State makes this information available to law enforcement agencies. The following list includes the location where you may find such information, according to the Five Branches University campus nearest you:

- State of California: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)
- San Jose: [www.sjpd.org/Sexoffenders1.cfm](http://www.sjpd.org/Sexoffenders1.cfm)
- Santa Cruz: [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov)

### **Drug-Free Campus Policy**

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

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

Laws regarding the possession, use, or distribution of Alcohol is controlled by the California Department of Alcohol and Beverage control (ABC). Violators are subject to University disciplinary action or referral for prosecution according to local, state, and federal statutes, or both.

It is unlawful to distribute, sell, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place, or a place open to the public, is illegal. It is also a violation of Five Branches University policy for anyone to consume or possess alcohol in any public or private area of campus without prior University approval.

It is the policy of Five Branches University to maintain a drug-free workplace and campus. The unlawful possession, use, or distribution of alcohol is prohibited in Five Branches University facilities,



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

**Communication:** A copy of the Drug-Free campus policy is distributed to each new employee and the Drug-Free Campus Policy is published in the Faculty, Staff, and Student Handbooks. If and when an employee is suspected of violating this policy, the supervisor should consult with his or her immediate manager (or the President if the case involves the manager) to plan and carry out an appropriate investigation and resolution of the situation.

The University has developed a program to prevent the illicit use of drugs and the abuse of alcohol by student and employees. The program provides services related to drug use and abuse, including dissemination of informational materials, referrals for services and University disciplinary actions.

Successful completion of an appropriate rehabilitation program (including participation in aftercare) may be considered as evidence which Five Branches University will consider for an application of an individual for reinstatement to future employment or for reinstatement to future student status.

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

Al-Anon & Ala Teen (888) 425-2666

- American Council on Alcoholism (800) 527-5344
- National Council on Alcoholism (800) 622-2255
- National Institute on Drug Abuse Hotline (800) 662-4357

**Applying for a License to Practice Acupuncture and Oriental Medicine in the State of California:**

The California Acupuncture Board has specific policies regarding applicants who have criminal records. Anyone who has questions regarding these policies should contact the Acupuncture Board at (916) 263-2680.

## **Campus Facilities**

**Safety and Access:** During regular campus hours, the University will be open to students, employees, contractors, and guests (Monday – Friday, 8am – 6pm). During non-campus hours, access to all University facilities is by key, if issued. Emergencies may necessitate changes or alterations to any posted schedules.

**Maintenance:** University facilities management personnel maintain and repair campus facilities. Building services performs regular maintenance of landscaping, locks, alarms, and lighting to identify and update areas of concern. The University makes every effort to keep its building and grounds secure.

**Student Housing:** Five Branches University does not offer student housing

**Off-Campus Student Organizations:** Five Branches University does not have any off-campus student organizations.

## **Evacuation Procedures**

### **Earthquake**

- Go under a solid wood desk or table until the shaking stops
- Be aware that ceiling tile may fall and files can tip over
- Stay away from glass walls and windows
- If you are in an elevator, the elevator will stop, then when it is safe to do so the elevator will go to the next floor and open.
- (Clinic) On duty Clinic Faculty remove needles from all patients and assist patients/students to nearest safe exit from building
- (Clinic) If safe, unplug all electrical equipment and extinguish all moxa
- (Clinic) If safe, make sure all treatment rooms and rest rooms are empty
- Leave the building proceed to the assembly area at the parking lot

### **Fire**

- Know the location of all exits and Fire Extinguishers/usage
- Notify Clinic/Admin immediately
- Yell Fire
- (Clinic) On duty Clinic Faculty remove needles from all patients and assist patients/students to nearest safe exit from building
- (Clinic) If safe, unplug all electrical equipment and extinguish all moxa
- (Clinic) If safe, make sure all treatment rooms and rest rooms are empty
- Leave the building proceed to the assembly area at the parking lot

## **Safety Awareness**

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

### **On-Campus:**

- When attending courses on campus, park your car in University-designated parking areas, if possible.
- Keep your vehicle locked at all times. Do not leave electronics or personal belongings stored in the front seat or in plain view of your vehicle. Always check the back seat and floor before entering your car.
- Report suspicious persons who are loitering around the campus building, lobby or student lounge to an administrator right away.
- When exiting the campus at night, consider walking with a friend and avoid using cell phones or MP3 players, which may distract you from your surroundings.
- Do not leave your personal belongings unattended in campus or public spaces.

- Trust your instincts. If a situation feels unsafe, report it to the administration office or contact the local authorities.

#### **At Home:**

- Leave at least one light on, inside and out when you are away. If possible, use a timer to turn lights on and off.
- Keep accessible entry ways and windows locked, even if you are at home, and even if you leave for a few minutes.
- Never open the door without knowing who is there. Require the caller to identify himself or herself satisfactorily. If a stranger asks to use your phone, do not permit them entry into your home. Make the call for that person if you believe it is an actual emergency.

#### **When Walking:**

- Be alert to your surroundings and possible safety concerns, whether you are in a place of residence or moving about the campus or city.
- Plan the safest route to your destination and use it. Choose well-lighted busy pathways and streets; avoid alleys, vacant lots, or construction sites. Take a longer way if it is safer.
- When walking alone in an unfamiliar area, consider walking with a friend and avoid using cell phones or MP3 players, which may distract you from your surroundings.

#### **While Traveling in a Vehicle or on Public Transportation:**

- Keep your vehicle locked at all times. Do not leave electronics or personal belongings stored in the front seat or in plain view of your vehicle. Always check the back seat and floor before entering your car.
- Car Trouble: Raise the hood. Put on emergency flashers. Stay inside and lock the doors. Ask anyone who stops to help to call the police or the nearest service station.
- On public transportation, wait in well-lit areas near other people. If someone bothers you, move to a more populated area of the bus or train.
- Never hitchhike.

### **Relationship to Local and State Police**

Five Branches University has two campuses located in Santa Cruz and San Jose, California. Five Branches University maintains a working relationship with the Santa Cruz Sheriff and Fire Departments, and the San Jose Police and Fire Departments. Periodic contact is initiated by the University to ensure that the college is aware of criminal offenses and arrests occurring on or near the campus, so that these incidents can be properly reported, and if necessary, provide for timely warning reports on crimes that represent a continuing threat to the campus community. The University does not have any agreements or memoranda of understanding with law enforcement.

## **Definitions**

Each state has statutes that define rape, sexual assault, consent, domestic violence, and stalking. If you need assistance locating any of these statutes, please contact a campus security administrator. The administrator will utilize the following definitions if a violation is reported.

**Burglary:** The unlawful entry of a structure or conveyance with intent to commit a crime therein.

**Campus Security Authority:** There are four types of individuals or organizations that are considered a campus security authorities under the Clery Act.

1. A campus police department or a campus security department of an institution.
2. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

**Clery Geography:** There are three types geographies defined in the Clery Handbook that apply to Five Branches University.

1. **On-Campus** – Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
2. **Non-Campus Building or Property** – Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
3. **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.

**Consent:** Consent requires positive cooperation, and must be unambiguous. You are required to get affirmative consent before engaging in sexual activity. Valid consent must be informed and knowing. When people consent to sexual activity, they will have indicated, in an affirmative, conscious and unambiguous manner, verbally or otherwise, prior to engagement in the sexual activity, that they are

participating willingly, freely and voluntarily; silence, in and of itself, cannot demonstrate consent. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity.

**Dating Violence:** The term “dating violence” means violence committed by a person— (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship.
2. The type of relationship.
3. The frequency of interaction between the persons involved in the relationship.

**Domestic Violence:** The term “domestic violence” includes felony or misdemeanor crimes 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 receiving grant monies, or 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.

**Hate Crime:** A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest, or statutory rape in the State of California. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Sexual Harassment:** Sexual Harassment is unwelcome conduct of sexual nature. It may involve intimidation, threats, coercion, sexual advances, requests for sexual favors or other verbal, non-verbal, or physical conduct of a sexual nature.

**Sexual Violence:** Physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. This includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

**Stalking:** The term “stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.