

**RIO HONDO COMMUNITY COLLEGE DISTRICT
PLANNING FISCAL COUNCIL MINUTES
Tuesday, May 12, 2015, 2:30 p.m., Board Room**

Members Present: Dr. Kenn Pierson (Co-Chair and VPAA), Dr. Vann Priest (Co-Chair and President, AS), Henry Gee (VPSS, arrived 2:55 pm), Myeshia Armstrong (VPFB), Robert Bethel (1st VP, AS), Katie O'Brien (2nd VP, AS), Dr. Kevin Smith (Secretary, AS), Sheila Lynch (Parliamentarian, AS), John Frala (ASCCC Rep, AS), Dr. Adam Wetsman (Past President, AS), Kathy Pudelko (President RHCFA, arrived 2:55 pm), Jeannie Liu (Faculty), Sandra Rivera (President, CSEA), Suzanne Frederickson (CSEA), René Tai (CSEA), Janira Colmenares (ASRHC), Don Mason (Mgmt., AA, arrived 3:02 pm), Heba Griffiths (Mgmt. SS)

Members Absent: Julius B. Thomas (Faculty), Alex Ramirez (ASRHC), Juan Castellanos (ASRHC)

Staff Members: Howard Kummerman (Dean, IRP), Loy Nashua (Dean, Student Affairs), Reneé Gallegos (Recorder)

- I. **Call to Order** – Vann called the meeting to order at 2:37 pm.
- II. **Acceptance of Minutes** – Consensus to accept the minutes of April 28, 2015 with one spelling correction on page 4 of minutes.
- III. **Co-Chair's Report** – Kenn was delayed with an outside group and will arrive shortly. We can move on to new business.
- IV. **New Business**
 - **Title IX Document Review** – Loy reviewed the three documents that were sent to the PFC members on April 14, 2015. He asked for patience as some of you have already heard this since there are overlapping governing bodies at RHC. Title IX is a Federal Civil Rights Law covering educational activities. There are a slew of new regulations that the District is required to implement by July 1, 2015. We have taken a series of steps to get this package together. There are three foundational pieces; 1.) Violence Against Women Act, 2.) An Internal Guide for Processing Complaints of Discrimination and Report of Sexual Misconduct, 3.) Sexual Assault and Relationship Violence Reporting Resources. All three documents give detailed information geared to students on how to report incidents. Item two is a more detailed description of all the processes and forms when a report or complaint is taken. The third document is a lengthy internal document on what process we follow. These documents were created through the guidance of Title IX, various law firms that have consulted on these items, as well as Region 8 training. Loy cautioned that this is still evolving and legislation is coming down the pike. Loy is still receiving feedback, he wanted to stress that this is time sensitive and needs to be implemented on July 1, 2015.

The following concerns were raised:

- 1.) In the scope of the policy, who is talked about? It is students, staff or both? (René)
 - 2.) What is the mandate in regards to colleagues? (Robert)
-

- 3.) There needs to be consistent use of terminology across the board. Perhaps process for students and a process for employee would be more concise. If there is sexual misconduct the terms are mixed and it conflicts on the proposed forms. Harassment is mentioned in these documents but no definition is given. (Sandra)
- 4.) There are a lot of options when it comes to issues with victim and perpetrator. There are issues of student to student, faculty to faculty, a manager who is in a power position over a subordinate. If Adam does something to a student or to multiple students there is potential for assault, harassment and discrimination charges. The point is there could be a dozen different options on the problem and how it will be addressed. Do all options follow the same pathway? Adam assumes no. So what is the process and who do we report incidences to. Adam believes that this is where Loy's job becomes even more difficult because you have to match things up. These are some of the most challenging situations. Loy is to be commended for his work thus far; however, we need a clear cut process. (Adam)
- 5.) Clarification on page four, who is a responsible Administrator? Is that any manager and/or staff member? (Janira)
- 6.) What happens if someone is posting things on social media? (Sheila)
- 7.) There was a situation in MESA. Do you base a complaint on hearsay? Is that what could trigger the mandated reporting? (Gisela)
- 8.) If a person is in an abusive relationship a year ago, but is not under current threat now, are we required to report this? (Kevin)
- 9.) If the perpetrator has no affiliation to the campus, what do we do then? (Katie)

Loy's responses are below.

- 1.) There is a broader level that we are seeking to cover. We are mandated to report all incidences. Any inkling of someone disclosing such an event to you as a staff member, your first line is that you are a mandated reporter and students have the option of talking to a staff member who will keep their information confidential. This would happen with the school Psychologist in the Health Center who by virtue of the job classification is exempt from reporting.
- 2.) Even as we speak there is a company that is producing two videos to educate students and staff. This will include the regulations and steps in reporting. The second video will train every employee in the District in regards to handling complaints. We will attempt to keep these short and concise with enough information to meet the requirements of the law.
- 3.) The legislation is geared to students. Obviously, we can't make students disclose but there are two options. The number of reports has to be given to Jim Poper, Director of Facilities for the annual Cleary Act Report. We are required to follow state and federal laws.
- 4.) There is a harassment policy but it has not been finalized. The documents mentioned a third party who would have the ability to file. Can this include a union representative or a lawyer? In terms of the process itself there is language that gets mixed up. There is adjusting between the informal and formal process that has to be cleaned up. Loy believes that we would want to have the option of holding an informal meeting to resolve sooner rather than later. In the documents we should have a check box to that affect. That way the student has the option.

Options would be offered because we have no formal process as of yet. Loy would be the person to make the determination. He cannot create any Board Policies or Administrative Procedures unless these documents are in place.

The existing language is used by Region 8 as well as our own in house terminology will need to be cleaned up. The anchor is the Student Code of Conduct, there will be a separate review board and Loy will create a Sexual Response Task Force. Loy is mindful of all the things at play here and is trying to stream line the process so we don't get in trouble by the Office of Civil Rights (OCR). They will ask about our process and decision making as well. How do we help the student as an institution?

- 5.) A student can report to any Administrator, Confidential or Classified Staff member. The staff member is mandated to follow up with Loy. There are community resources available as well as our Student Health Office. We will have a website and additional materials available when we roll this out.
- 6.) Social media is public domain. At this point as a general rule forward any issues to Loy to be safe. Again, July 1 is what we are aiming for to implement these documents.
- 7.) There are a million scenarios that could occur. Loy believes that everything should be reported. There could be implications of personal liability as well as liability to the District. If there is an event where people get up and share their own personal story that is a different scenario. Loy is not sure where this falls at the moment. He will report back on this item. Again, all of this is evolving at a rapid pace. Kenn reported that public expression would be exempt along with writing in the classroom.
- 8.) If a situation creates a hostile environment now, we should still give the option of filing a report and refer them to resources. On July 1st we will have to follow these rules. If a complaint is received before we would not be so rigid but ensure that the student gets the service and response needed. This is to prevent a hostile environment here of sexual harassment, domestic violence, etc. Our job is to make it stop and prevent it. If it happens on campus then it is our responsibility to address and put a stop to it..
- 9.) We provide and refer to services. Loy would need to investigate to see if that person is coming on campus, we can only encourage the victim to report to the police and recommend resources.

Gisela and Sandra will email their edits to Loy directly.

No further comments were made.

- **Institutional Effectiveness BOG Framework - Howard**

Howard reviewed the requirements and process for Institutional Effectiveness Goals framework as mandated by the Chancellor's Office. In essence, they have the framework list of indicators that were given to the legislators. They have narrowed down the list to four. The IEC reviewed and gave recommendations on two of these. The remaining two are very apparent.

Howard shared the memo from Teresa Tena, Vice Chancellor of institutional Effectiveness for the California Community Colleges. There are specific goals that we need to report on. Howard will consult with President Dreyfuss and Myeshia before submitting the final report. Course completion and the Institutional Set Standards are based on ACCJC's requirements. On the item of Accreditation Status, we can choose any of the outcomes from the drop down menu. Most likely we will chose fully accredited/no action.

What will happen this year is the state wants the college to adopt the framework to meet the goals of the legislation. Next year we will wait to see how this plays out. The good news is if you look at the sheet many of the items are also Scorecard Standards. Howard does not think this is difficult because we are moving in that direction anyway. Legislation is using this to gage the health of California's Educational system. Howard is going to Academic Senate next week and then will forward to the Board in June. [PFC consensed to adopt the framework.](#)

V. Unfinished Business

- **BP/AP Review (1 Item)**

-The following Board Policy is being returned to PFC after Sub-Committee Review:

BP 7135 Healthy Families – Kenn reported that this BP went to subcommittee at the April 14 PFC meeting after receiving a lot of feedback. The committee consisted of Kathy, Sandra, Vann and Yolanda Emerson, Director of Human Resources.

Vann reported that most of the language comes from the state law. There was confusion with the proposed language and the CBAs. Pretty much everyone is covered. This includes art models, interpreters and Tutors.

- **Instructional Equipment Purchases Update- Myeshia**

Myeshia reported the update on the spreadsheet that shows the various equipment purchases thus far. Instead of each department creating requisitions, Gary Van Voorhis, Carlos Monteros and Contract Management have prepared requisitions. Bundling items has helped with cost savings. The blank areas on the grid indicate there is follow up or no action thus far. Some of the items we are still waiting to locate an appropriate vendor or we are soliciting input from the Dean. The Library desk lamps and the USB system are examples.

Robert reported that in long term planning, if the Science Building is slated to be remodeled to what extent is that going to be? Is it prudent to make these changes now if there are more to come down the road?

Myeshia responded that there has not been a discussion on this project as of yet. This will happen two or three years down the road. Gary is coordinating with the vendors on installations and identifying rooms to see if they are available. He will touch base with Kenn and the Deans who are affected.

Vann reported if there is \$12,000 remaining is there a plan to dig deeper into the request list? President Dreyfuss had given us a budget of \$425,000 to spend.

Myeshia reported no not as of yet. We have two outstanding items in the Library that are not accounted for. Myeshia requested the entire list from Jeannie Liu, Chair of the Instructional Equipment Sub-Committee. Jeannie will follow up with the list.

Howard reported that the group purposely left a cushion in case something ran over the estimate or shipping charges rose.

Myeshia responded that most of the original quotes were fine. If there were additional shipping charges and fees those are attached to the orders. There is a chance we may go over. If we are under, pending President Dreyfuss' approval we may bring some additional items forward.

VI. Information Items – No Items

VII. **Committee Reports** – No reports.

PFC Sub-Committees

- Safety
- Staffing
- IEC
- Program Review
- Facilities
- Equipment & Technology

Other Committees

- Staff Development
- Basic Skills
- SLO
- Distance Education (DEC)

- **Staff Development** – Katie reported that funds for the Online Teaching Certification funded through the Title V grant have been exhausted. We did not have a sufficient amount of applicants for a sixth co-hort of the Leadership Academy. The Staff Development Committee will look at the future of this program. We may tap into working with the first 5 co-horts and offering some additional workshops in the future.

VIII. **Announcements** –No announcements were made.

IX. **Public Comment** – No public comments were made.

X. **Adjournment** – Kenn adjourned the meeting at 3:35 pm. The last PFC meeting of the semester will be held on May 19, 2015, 2:30 – 4:00 p.m., Board Room.

Instructional Equipment for Year 14-15 (Board approved 4/15/15)					
Dept	Equipment	Original Fund	Exp.	Available	Notes
Arts & Cultural Programs	A/Y upgrade	94,964.00	106,205.18	(11,241.18)	
Arts & Cultural Programs	Computer	-	2,728.64	(2,728.64)	
Behavioral & Social Science	DVD Player	300.00	173.85	126.15	
Behavioral & Social Science	Cordless Remote	75.00	-	75.00	Purchased with IT supply budget
Behavioral & Social Science	Computer	9,840.00	9,566.60	273.40	
Behavioral & Social Science	A/Y upgrade	31,655.00	32,104.50	(449.50)	
Behavioral & Social Science	Laptops	1,100.00	1,171.48	(71.48)	
Behavioral & Social Science	Speakers	500.00	358.61	141.39	
Business	Doc camera	3,300.00	3,455.06	(155.06)	
Communication s & Langua	Doc camera	2,750.00	2,879.25	(129.25)	
Communication s & Langua	Whiteboards	4,104.00	3,976.55	127.45	
Communication s & Langua	USB Recording Syst	5,000.00	-	5,000.00	IT has priced a solution that would cost 7k-9k. IT is trying to refine price. Item not ordered.
CTEC	Task Stools	8,250.00	-	8,250.00	Department canceled due to stool count approved
Health Science & Nursing	Doc camera	2,200.00	2,303.40	(103.40)	
Health Science & Nursing	Laptops	3,300.00	4,685.92	(1,385.92)	
Health Science & Nursing	DVD Player	100.00	57.95	42.05	
Health Science & Nursing	Projector	500.00	-	500.00	Dean was not aware of this item. IT did not order
Library	LED Desk Lamp	4,800.00	-	4,800.00	Library needs to select vendor
Library	Whiteboards	3,900.00	2,201.71	1,698.29	
Library	Sirsi BC Analytics	2,520.00	2,520.00	-	
Library	Sirsi Authority Contro	2,960.00	2,960.00	-	
Library	Book Press	452.00	456.47	(4.47)	
Library	Blue Ray HD TV	350.00	349.12	0.88	
Math & Science	A/Y upgrade	158,273.00	160,522.50	(2,249.50)	
Math & Science	Computer	6,000.00	5,739.96	260.04	
Math & Science	Laptops	18,000.00	11,714.80	6,285.20	
Math & Science	Chairs	10,000.00	9,182.82	817.18	
Math & Science	70 chairs	6,200.00	6,458.80	(258.80)	
Math & Science	3 tables	3,000.00	1,136.30	1,863.70	
Math & Science	Gas Chromatograph	5,940.00	5,935.88	4.12	
Math & Science	Replacement tubes	12,528.00	12,098.01	429.99	
SSR	Computer	1,840.00	1,913.32	(73.32)	
	Total	404,701.00	392,856.68	11,844.33	

CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE

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April 2, 2015

TO: Superintendents/Presidents
Chief Business Officers
Chief Student Services Officers
Chief Instructional Officers

FROM: Theresa Tena, Vice Chancellor
Institutional Effectiveness Division

SUBJECT: Requirement and Process for Adopting Institutional Effectiveness (IE) Goals
Framework and 2015-16 College IE Goals

This memorandum formally notifies colleges/districts of the requirement that each college develop, adopt and post a goals framework as mandated by recently enacted legislation. In addition, this memorandum provides guidance on the process for approving the goals framework, and for adopting and posting the college's goals. The enacted legislation set ambitious deadlines for implementing this new process, which requires expedited activity at both the local and state levels. In recent weeks, representatives from over 104 colleges attended regional trainings on how to meet these new requirements (materials from these trainings can be found at: <http://extranet.cccco.edu/Divisions/InstitutionalEffectiveness.aspx>).

Background: Recently enacted legislation established a new system of indicators and goals that is intended to encourage improvement in institutional effectiveness at California community colleges. Pursuant to Education Code section 84754.6, the Board of Governors (BOG) adopted a goals framework at its March 16, 2015 meeting to measure the ongoing condition of a community college's operational environment (see attached Consultation Digest and BOG Item). This statute also requires that, as a condition of receipt of Student Success and Support Program funds, each college develop, adopt and post a goals framework that addresses, at a minimum, the following four areas: student performance and outcomes, accreditation status, fiscal viability, and programmatic compliance with state and federal guidelines. In addition, it requires that the Chancellor post by June 30, 2015, and before each fiscal year thereafter, the annually developed system wide goals adopted by the BOG, and locally developed and adopted college/district goals.

Adopting Framework and Goals: Each college should adopt the framework of indicators approved by the BOG and colleges/districts adopt at least one goal for each of the four areas identified above (see attached "Select Framework of Indicators definitions" document). Colleges/districts may choose to adopt more than one goal for each area; however, in this initial year of implementation, we anticipate that most colleges/districts will adopt only four goals in the following areas:

- 1) Student performance and outcomes: **Course Completion Rate**
- 2) Accreditation status: **Accreditation Status**
- 3) Fiscal viability: **Fund Balance**
- 4) Compliance with State/Federal guidelines: **Overall Audit Opinion**

The process that a college uses to adopt the framework and college goals should be locally determined, but colleges are encouraged to ensure that all appropriate constituency groups (e.g. academic senate, classified staff, student senate, etc.) are engaged, consistent with their college's collegial consultation process.

Certifying/Posting Framework and Goals: An online monitoring portal has been established for posting each college's/district's goals, and can be accessed at <https://misweb.cccco.edu/ie/>. A unique district password for posting college's/district's goals to the portal will be sent to your district's Chief Information Systems Officer on Monday, April 13, 2015, and should be shared as appropriate.

Action Requested: By June 15, 2015, adopt the BOG approved goals framework, adopt at least one goal for each of the four areas, and complete the IE monitoring portal's certification page. The Chancellor's Office will post each college's/district's goals on the institutional effectiveness web site by June 30, 2015.

Contact: If you have any questions regarding this information, please feel free to contact me at ttena@cccoco.edu or Jeff Spano, Dean of Institutional Effectiveness at jspano@cccoco.edu.

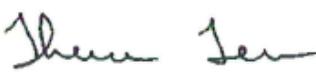
Attachments

cc: Chief Information Systems Officer
President, CCC Statewide Academic Senate



The Board of Governors of the California Community Colleges

PRESENTED TO THE BOARD OF GOVERNORS
 DATE: March 16-17, 2015

SUBJECT: Indicators for Institutional Effectiveness		Item Number: 2.2	
		Attachment: Yes	
CATEGORY:	Institutional Effectiveness	TYPE OF BOARD CONSIDERATION:	
Recommended By:	 Theresa D. Tena, Vice Chancellor	Consent/Routine	
		First Reading	
Approved for Consideration:	 Brice W. Harris, Chancellor	Action	X
		Information	

ISSUE: This item requests approval of a goals framework pursuant to the requirements of Education Code section 84754.6, which was included in the 2014-15 Higher Education Trailer bill.

BACKGROUND: The Institutional Effectiveness (IE) Division oversees the development and operation of a comprehensive technical assistance program to further student success at California community colleges. The program aims to identify and scale-up effective practices, provide technical assistance and training, and support colleges facing operational challenges. The program overlays virtually every division of the California Community Colleges Chancellor’s Office—including academic affairs, student services, workforce and economic development, research, and fiscal—and is focused on four primary operational areas: (1) student performance, (2) accreditation, (3) fiscal health, and (4) compliance with state and federal guidelines. In addition to the new division, the state has invested resources to support technical assistance and professional development to be provided through a partnership between a community college district and the Chancellor’s Office. At its November 2014 meeting, the Board of Governors (BOG) awarded the contract to the Santa Clarita Community College District. (*Background cont.*)

RECOMMENDATION: It is recommended the Board of Governors approve the goals framework designed to measure the ongoing condition of a community college’s operational environment.

(Background Cont.)

As part of this new program, statute requires the BOG to adopt a goals framework to measure the ongoing condition of a community college's operational environment focused at a minimum on the four operational areas identified above. To help meet this requirement, the Chancellor's Office and Santa Clarita Community College District in collaboration with the Statewide Academic Senate created an Institutional Effectiveness Partnership Initiative (IEPI) Advisory Committee, which consists of representatives from more than a dozen statewide organizations. Peer-led resource teams coordinated by Santa Clarita Community College District will use the framework of indicators as one of several measures to assess colleges/districts expressing interest in technical assistance services. The catalyst for this effort has been the Student Success Initiative and its focus on sharing and implementing evidence-based strategies that improve student outcomes and college's overall effectiveness.

The Budget Act of 2014 includes funding for the Chancellor's Office to implement IEPI. Specifically, statute outlines the following:

Senate Bill 852, 2014-15 Budget Act

- Includes new Chancellor's Office positions and resources.
- Appropriates \$2.5 million for local assistance

Senate Bill 860, 2014-15 Higher Education Trailer Bill

- The Chancellor—in coordination with CCC stakeholder groups, fiscal and policy committees of the Legislature, and the Department of Finance—shall develop and the BOG shall adopt a goals framework to measure the ongoing condition of a community college's operational environment focused at a minimum on the following:
 - Student performance and outcomes
 - Accreditation status
 - Fiscal viability
 - Programmatic compliance with state and federal guidelines
- As a condition of receipt of SSSP funds, each college shall develop, adopt, and post a goals framework that addresses at a minimum the four categories above.
- By June 30, 2015 and before each fiscal year thereafter, the Chancellor shall post both of the following:
 - Annually developed system-wide goals adopted by the BOG
 - Locally developed and adopted college/district goals
- Subject to the availability of funds in the budget, the BOG and Chancellor shall, at a minimum, assess improvement in the four categories and offer assistance.

Analysis

The IEPI Advisory Committee met on January 26th, February 5th and March 9th to discuss and recommend a goals framework. The goal in Year One of this effort is to rely upon metrics already collected and reported by colleges and districts. Colleges will develop, adopt, and post by June 30th locally developed and adopted goals using approved metrics.

The attached goals framework is recommended for the 2014-15 fiscal year. It was recognized that these metrics are a starting point and that the list may be revised in the future. The IEPI Advisory Committee will review the list of metrics for the 2015-16 fiscal year and recommend any changes.

Institutional Effectiveness Partnership Initiative Advisory Committee
Framework of Indicators

College/District Indicator	Brief Definition
Student performance and outcomes	
Completion Rate (Scorecard):	Percentage of degree, certificate and/or transfer-seeking students starting first time in 2008-09 tracked for six years through 2013-14 who completed a degree, certificate or transfer-related outcomes.
· College-Prepared	Student's lowest course attempted in Math and/or English was college level
· Unprepared for College	Student's lowest course attempted in Math and/or English was pre-collegiate level
· Overall	Student attempted any level of Math or English in the first three years
Remedial rate (Scorecard):	Percentage of credit students tracked for six years through 2013-14 who started first time in 2008-09 below transfer level in English, mathematics, and/or ESL and completed a college-level course in the same discipline
· Math	See above
· English	See above
· ESL	See above
Career Technical Education Rate (Scorecard)	Percentage of students tracked for six years through 2013-14 who started first time in 2008-09 and completed more than eight units in courses classified as career technical education in a single discipline and completed a degree, certificate or transferred
Successful course completion (Datamart)	Percentage of students who earn a grade of "C" or better or "credit" in 2013-14.
Completion of degrees (Datamart)	Number of associate degrees completed in 2013-14
Completion of certificates (Datamart)	Number of Chancellor's Office-approved certificates completed in 2013-14
Number of students who transfer to 4-year institutions (Datamart)	Number of students who transfer to a four-year institution, including CSU, UC, or private university in 2013-14. ¹
Accreditation Status	
Accreditation status	Latest ACCJC action: Fully Accredited, Reaffirmed Fully Accredited, Warning Fully Accredited, Probation Fully Accredited, Show Cause Fully Accredited, Restoration
Date of next visit	Informational item - no target collected.
Fiscal viability and programmatic compliance with state and federal guidelines	
Salary and Benefits	Salaries and benefits as a percentage of unrestricted general fund expenditures, excluding other outgoing expenditures
Full-Time Equivalent Students	Annual number of full-time equivalent students
Annual Operating Excess/(Deficiency)	Net increase or decrease in unrestricted general fund balance
Fund Balance	Ending unrestricted general fund balance as a percentage of total expenditures
Cash Balance	Unrestricted and restricted general fund cash balance, excluding investments
Audit Findings	Modified opinion, material weaknesses, or significant deficiencies as identified in an annual independent audited financial statement

¹ Metric dependent upon external variables (UC and CSU transfer admission policy) and therefore collected as information. Colleges would NOT be expected to identify a goal.

In year one, three years of baseline trend data would be prepopulated and sent to each college by the Chancellor's Office. Each college would use a collegial consultation process to set goals (short term and long term) for the subsequent year and return a spreadsheet to the Chancellor's Office with the goals in June.

SUBJECT MATTER: Title IX Regulations, Mandatory Implementation—July 1, 2015

BACKGROUND:

The U.S. Department of Education and its Office for Civil Rights (OCR) issued a Dear Colleague Letter (DCL) making mandatory all public and private colleges and universities receiving any federal financial aid to comply with new Title IX regulations by **July 1, 2015**.

- Title IX of the Education Amendments of 1972 (Title IX) is a federal civil rights law that prohibits discrimination on the basis of sex in federally funded education programs and activities.
- DCL explains a school's responsibility to respond promptly and effectively to sexual violence against students in accordance with the requirements of Title IX. The DCL:
 - Provides guidance on unique concerns that arise in sexual violence cases, such as school's independent responsibility under Title IX to investigate (apart from criminal investigation by local police) and address sexual violence.
 - Provides guidance and examples about key Title IX requirements and how they relate to sexual violence, such as the requirements to publish a policy against sex discrimination, designate a Title IX Coordinator, as well as adopt and publish grievance procedures.
 - Discusses proactive efforts schools can take to prevent sexual violence.
 - Discusses the interplay between Title IX, the Family Educational Rights and Privacy Act (FERPA), and the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act (Clery Act) as it relates to a complainant's right to know the outcome of his/her complaint, including relevant sanctions imposed on the perpetrator.
 - Provide example of remedies and enforcement strategies that schools and OCR may use to respond to sexual violence.

DOCUMENT HIGHLIGHTS (3 DRAFTS):

1. Sexual Assault and Relationship Violence Reporting and Resources (pamphlet)
 - Definitions
 - Community Resources
 - Reporting Options
2. Title IX, Violence Against Women Act (VAWA), student reference
 - Introduction
 - Scope of Misconduct Policy and Procedures
 - Sexual Misconduct Policy (students)
 - Reporting Sexual Misconduct
 - Procedures for responding to Student Sexual Misconduct
 - Proceedings
 - Sanctions
 - Appeals
 - Definitions
 - Investigation Flow Chart
 - Incident and Complaint Report Form
3. Title IX, An Internal Guide for Processing Complaints of Discrimination and Report of Sexual Misconduct
 - Discrimination
 - RHC BP/AP 3410; RHC AP 3435
 - Procedures of Handling Complaints of Discrimination
 - Reports of Sexual Misconduct Involving Students
 - Procedures for Handling Reports of Sexual Misconduct Involving Students
 - RHC BP/AP 3540
 - Sexual Misconduct is

- Non-Consensual Sexual Intercourse is
 - Sexual Exploitation
 - Statement of Consent
 - Jurisdiction
 - Assignment of Responsibility
 - Complaint Resolution Officer
 - Advocate
- Reporting, and Responding to Reports of Sexual Misconduct
 - Making Reports of Sexual Misconduct
 - Options for Resolution
 - Formal Investigation
 - Appeal Procedures
 - Remedies and Referral to Disciplinary Procedures
 - Reluctant Victim
 - Privacy
- Confidentiality
 - Confidential Resources
 - Confidentiality in the Context of Making a Report of Sexual Misconduct
 - Retention of Records
 - Confidential Resources
 - Recommendation
- Definitions
- Discrimination Investigation Flow Chart
- Unlawful Discrimination Complaint Form
- Title IX Investigation Flow Chart
- Incident and Complaint Report Form

RECOMMENDATION:

It is recommended that Academic Senate and the Fiscal and Planning Committee provide feedback/edits on the Title IX documents, which will then be forwarded to the Board of Trustees for consideration of approval with an anticipated implementation by July 1, 2015.

**Rio Hondo
College District
Sexual Conduct
Policies**

Title IX

Violence Against Women Act



Table of Contents

INTRODUCTION	3
SCOPE OF THE POLICY AND PROCEDURES	3
District-Student Correspondence	3
Jurisdiction.....	3
SEXUAL MISCONDUCT POLICY (FOR STUDENTS)	4
Other Misconduct Offenses	4
RESOURCES FOR STUDENTS	4
Student Health Center Counseling and Health Services (Confidential Reporting)	4
Title IX Coordinator (Non-Confidential Reporting)	5
Campus Security (Non-Confidential Reporting)	5
Rio Hondo College District Faculty and Staff (Non-Confidential Reporting).....	5
REPORTING SEXUAL MISCONDUCT	5
Time of Reporting a Complaint.....	5
Requesting Confidentiality in Connection with a Report to the College	5
Confidentiality	5
Interim Accommodations	6
Related Alcohol and Drug Violations.....	6
Unknown/Non-College Offenders	6
Campus Awareness Events and Programs.....	6
Anti-Retaliation/Anti-Intimidation Policy	6
PROCEDURES FOR RESPONDING TO STUDENT SEXUAL MISCONDUCT	6
Rights of the Complainant and Respondent	6
Special Requests/Accommodations	7
Student Right to Review Records	7
Advisors	7
Presence of Legal Counsel (Not an Advisor).....	8
Declining to Participate.....	8
Reluctant to Make a Formal Complaint.....	8
Written Submissions	8
Impact Statements	8
Time Frames	8
Notice.....	9
Investigation.....	9
Informal Resolution Options.....	9
Informal Resolution.....	9
Mediation	9
Administrative Resolution	10
Proceeding.....	10
Construct of the Hearing Panel.....	10
Selection of the Hearing Panel.....	10
Members of the Panel and a Conflict of Interest.....	10
Parallel Student Conduct Proceedings	10
Hearing Procedures	11
Additional hearing rules include:.....	11

Panel Determination/Standard of Proof 12

Sanctions..... 12

How Sanctions are Determined 12

Non-Appealable Sanctions 12

Appealable Sanctions 13

Ongoing Accommodations for Complainant 13

Additional Responses 14

Appeals 14

Specific Grounds for Appeal: 14

Definitions 15

Investigation Flow Chart (Appendix 1):.....17

DRAFT

INTRODUCTION

The Rio Hondo College District is dedicated to fostering a campus learning environment that is free from any forms of sexual misconduct and gender-based discrimination. Students, who are victims of sexual misconduct including; sexual harassment, sexual assault, stalking, domestic violence, dating violence, or other gender-based harassment or discrimination are encouraged to report these actions to the appropriate administrator.

Sexual harassment, sexual violence and other gender-based harassment occurring in the college setting implicates a federal law called Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of gender in education programs or activities. Reports of any allegations of this nature trigger certain responsibilities on the part of the district.

This policy and its accompanying procedures are intended to ensure safe non-discriminatory campus environments among the District locations where academic success is paramount. Furthermore, it is the unwavering goal of the Rio Hondo College District to deter gender-based misconduct through:

1. Education and preventative programs;
2. Accessible services for victims and others affected by sexual or gender-based misconduct;
3. Fundamentally fair methods of investigation and resolution on any report of misconduct; and
4. Safeguards to ensure that recurrence is prevented and the acts of misconduct do not persist.

REFERENCES

Education Code § 66281.5, 67382 and 67385;
California Penal Code § 242, 243, 245, and 261 et seq.;
California SB 967;
20 U.S. Code § 1092(f);
34 Code of Federal Regulations § 668.46(b)(11);
Government Code § 12950.1;
Title 5 § 59320, 59324, 59326, 59328, and 59300 et seq.;
34 Code of Federal Regulations § 106.8(b)
U.S. Department of Education, "Dear Colleague Letter:"
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

SCOPE OF THE POLICY AND PROCEDURES

District-Student Correspondence

Rio Hondo College District institution's primary correspondence and notification mechanism with students shall be through the student's District assigned email account. At the District's discretion, students may be notified via U.S. certified mail, delivery in person, or by an alternate email on record as shown on record from the student.

Jurisdiction

Pursuant to Board Policy 5500, the District's jurisdiction concerning alleged Student Code of Conduct violations extends to District or any of its colleges activities occurring on District property. This jurisdiction includes, but is not limited to, it's main and satellite campuses, and to any non-District-to property used by the District. This jurisdiction may also apply to student-to-student or student-to-employee off-campus conduct and/or actions, including electronic activity (such as e-mail, texting,

telephone contact, social media), when the College administrator, or designee, determines that the off-campus conduct affects, disrupts, or interferes with the educational mission of the campus.

SEXUAL MISCONDUCT POLICY (FOR STUDENTS)

Sexual and Other Sexual Assaults on Campus, Board Policy 3540

- I. Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on district property, is a violation of district policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance. The President / Superintendent shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.
- II. See Administrative Procedures 3540
- III. Reference: Education Code Section 67382, 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b)(11) (CCLC)

Other Misconduct Offenses (Will Fall under Title IX When Sex or Gender-Based)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
6. Violence between those in an intimate relationship to each other; and
7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.

RESOURCES FOR STUDENTS

Rio Hondo District is committed to maintaining a positive learning, working and living environment. The College will not tolerate acts of sexual harassment or sexual violence or related retaliation against or by any employee or student. When sexual harassment or sexual violence has occurred and is brought to the attention of a responsible administrator, steps will be taken to end the harassment or violence, prevent its reoccurrence, and address its effects. The following resources list the confidentiality obligations of Rio Hondo College District personnel at Rio Hondo College with respect to reports of sexual misconduct:

Student Health Center Counseling and Health Services (Confidential Reporting)

The Student Health Center at Rio Hondo College has available confidential counseling and health services on campus for all registered students attending these institutions. Whether you are seeking support after a sexual assault or another form of sexual misconduct, there are several services and

referral options available to you. For confidential/private assistance, contact the Student Health Center/Psychological Services.

Title IX Coordinator (Non-Confidential Reporting)

The Title IX Coordinator, Dean of Student Affairs ([562] 908-3498), is responsible for promoting an institutional environment that is free of gender bias, sexual harassment, and other forms of sexual misconduct. In addition, the Title IX Coordinator's role is to monitor and evaluate the institution's Title IX compliance efforts and make recommendations for any appropriate changes and improvements. The Title IX Coordinator oversees the administration of this policy and procedures in a neutral and equitable manner.

Campus Security (Non-Confidential Reporting)

Students may report sexual misconduct Campus Security or the local law enforcement agency where the misconduct occurred. After a report has been taken and the necessary responses are taken, a campus security officer will report the incident to the Title IX Coordinator. To submit a campus security report involving sexual misconduct, contact Campus Security at (562) 908-3498.

Rio Hondo College District Faculty and Staff (Non-Confidential Reporting)

Students who report sexual misconduct behaviors to faculty and staff should not expect confidentiality. AS mandated reporters, faculty and staff are obligated to report all statements of sexual misconduct to the Title IX Coordinator.

REPORTING SEXUAL MISCONDUCT

Time of Reporting a Complaint

The Rio Hondo College District does not limit the time for filing a complaint of sexual misconduct. Due to the passage of time, the College's ability to investigate and respond effectively may be reduced substantially; however, this will not hinder offering remedies and on-campus/off-campus services to the complainant.

Requesting Confidentiality in Connection with a Report to the College

When the College becomes aware of sexual violence, the College may have an obligation to proceed with an investigation, regardless of a complainant's wishes, in order to ensure campus safety. You are not required to participate if you choose not to; however, this may limit the College's ability to respond to the incident. If you request that your name or other identifying information not be used in an investigation, the College will consider your request in light of the context of its responsibility to provide a safe and nondiscriminatory environment. In most cases, information including your name may be shared with the respondent, witnesses and with college officials who have a legitimate need to know. Beyond that, the College will take steps to protect your identity and the identity of all individuals involved.

Confidentiality

Any Information provided to District employees may be shared with other District employees, law enforcement, and other parties consistent with law, and only on a "need to know" basis. District employees shall endeavor to honor any complainant's or victim's request for confidentiality; however, confidentiality cannot always be assured. The District may weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the campus community.

Interim Accommodations

The Title IX Coordinator, or designee, will work with the students affected by the sexual misconduct report to ensure safety and promote their well-being. Sometimes this assistance will take the form of immediate interim actions or accommodations to support and protect the involved students in the immediate aftermath of an incident and while an investigation or disciplinary action is pending.

The Title IX Coordinator, or designee, may assign a victim's advisor to the person who reported the complaint or the complainant may choose his/her own. Likewise, the Title IX Coordinator may determine other remedies, such as, but not limited to, accommodations relating to changing academic schedules, Campus Security escort services, restrictions on the alleged perpetrator pending investigation, and other remedies to promote the well-being, safety, and restoration of alleged victim.

Related Alcohol and Drug Violations

The institution understands that students are reluctant to file complaints of sexual misconduct when alcohol and/or drugs were illegally used. The severity of the infraction will determine the nature of the college's response, but whenever possible the college will respond educationally rather than punitively to the illegal use of drugs and/or alcohol associated with a report of sexual misconduct.

Unknown/Non-College Offenders

Rio Hondo College District will investigate reports of incidences affecting college students that are committed by individuals who are not members of the college community or whose identity is not known to the extent it is able, and take appropriate actions designed to protect affected students and others in the college. The College will offer appropriate remedies and on-campus/off-campus services to the complainant.

Campus Awareness Events and Programs

As a committed entity on educating our campus community of the impact that sexual misconduct has on an individual and the campus community, Rio Hondo College supports public awareness events and programs surrounding these issues. The disclosure of incidents of sexual misconduct at such events is not considered a report to the campus for purposes of triggering an investigation of a particular incident.

Anti-Retaliation/Anti-Intimidation Policy

Any form of retaliation or intimidation against anyone who has complained of or formally reported discrimination, harassment, or sexual misconduct, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates both this policy and applicable law.

PROCEDURES FOR RESPONDING TO STUDENT SEXUAL MISCONDUCT

Rights of the Complainant and Respondent

The Rio Hondo College District does not discriminate based upon age, race, ethnicity, sexual orientation, gender, national origin, veteran's status, gender identification, or genetic information in administering District educational policies and procedures. The District complies with the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973.

Students are entitled to a fundamentally fair process, including reasonable notice of allegations of violations of sexual misconduct, the opportunity for the student to be heard and to afford the student

the opportunity to present evidence prior to the administrative determination of the alleged violations, except when immediate interim suspensions or restrictions are deemed necessary pending an investigation and determination of the matter. Any Sanctions imposed under this policy shall be appropriate to the nature of the violations, as determined by the College Disciplinary Officer or designee or panel.

Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect by District officials
- To take advantage of campus support resources, such as mental health services, special services, health services, etc. to help remedy and restore
- To experience a safe living, education, and work environment
- To have an advisor during an adjudication process
- To refuse to have an allegation resolved through conflict resolution procedures
- To be free of retaliation
- To have complaints heard in substantial accordance with procedures
- To fully participate in any process whether the injured party is serving as the complainant or the institution is serving as complainant
- To be informed in writing of the outcome/resolution of the complaint, any sanctions imposed, and the rationale for the outcome, when permissible.

Special Requests/Accommodations

The Student may have an interpreter attend the investigation meeting and the proceeding before the College Disciplinary Officer or Panel. An interpreter accompanying a Student to the proceeding before the investigator, College Disciplinary Officer, or Panel must provide evidence of his/her certification as a certified interpreter to the investigator and/or College Disciplinary Officer at least five days prior to the commencement of the proceeding. The interpreter may only interpret for the student, and shall not expand or enhance the student's testimony. Likewise, the use of assistive technology must be reviewed and approved vetted by the investigator and/or College Disciplinary Officer at least five days prior to the commencement of the proceeding.

Student Right to Review Records

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the college. Colleges are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

Advisors

Student conduct proceedings are not formal court hearings, but instead are administrative actions imposed by the District. Although District-related sanctions may be imposed, the process is intended to provide an opportunity of learning. Both the complainant and the respondent (student charged) may elect to be accompanied by an advisor (e.g. victim's advocate, friend, family member, etc.) to any meeting(s) or interview(s). The advisor's role is limited to observing and consulting with and providing support to the complainant or respondent. An advisor may not participate (speak) in the investigation and hearing processes on the student's/complainant's behalf. The advisor should also maintain confidentiality.

Presence of Legal Counsel (Not an Advisor)

An attorney duly licensed to practice in the State of California may accompany the student to any proceeding. The attorney shall not make any statements or presentations to the judicial panel, examine or cross-examine any witnesses, or present evidence or any written material to the panel. An attorney may not in any way disrupt or interfere with the panel's process. Any violation of this section shall result in the immediate removal of the attorney. An attorney shall provide the College Disciplinary Officer with a retention letter confirming that he/she has been retained by the student at least five (5) days before the proceeding so that the necessary arrangements can be made for an attorney for the District to be present at the proceeding. The attorney's retention letter shall include the attorney's State Bar number and telephone number.

Declining to Participate

A complainant and/or respondent may decline to participate in the investigation and proceeding. In these cases, the investigation and adjudication process will continue and a determination of "responsible" or "not responsible" will be made without the benefit of the complainant's and/or respondent's input.

Reluctant to Make a Formal Complaint

As a complainant/victim of an incident of sexual misconduct, you may want to inform the college of the alleged violation and unwilling to participate further in any investigation and/or disciplinary action against the student(s) who has been accused. The District has an obligation to investigate to the extent of the information that available and known. If during the investigation that the investigator finds corroborating information, it may be determined that is necessary to move forward with the student conduct process without the involvement to the complainant or to implement other appropriate remedies. If a complainant does not wish to participate in the student conduct process, there is an obligation to document the incident. When a report is being documented, there will be no personally identifying information about the complainant. The complainant will be notified of any actions by the District, coupled with a letter stating the choice to participate in the investigation and/or student conduct process.

Written Submissions

Impact Statements

The purpose of impact statements is to allow the complainant and respondent, during the sanctioning process, to describe to the panel how this violation has had an impact on them. The panel only may use information from these statements to help determine an appropriate sanction(s).

Impact statements may provide information about damage to complainant/respondent that would otherwise have been unavailable to the panel. A complainant is not required to appear before a panel, but is empowered by the panel to convey their experience(s) in the case in written form.

Time Frames

The Title IX Officer, or designee, shall use best efforts to seek and resolve sexual misconduct reports within 60 calendar days of an initial report, not including appeals. The general timeline is as follows:

- Review and investigation process begins within 7 calendar days after the date of the initial report.
- Investigation is completed within 25 calendar days after the investigation begins.
- Hearing (if any) is held within 20 calendar days after the conclusion of the investigation.
- Determination of the hearing is issued within 7 calendar days after the completion of the hearing.
- Notice of Sanction(s) issued within 7 calendar days after the completion of the hearing.

- Notice of appeals filed by either or both complainant and respondent to the College Disciplinary Officer within 7 calendar days after the notice of determination and sanction(s).
- Appeal hearing is held within 20 calendar days after complainant and/or respondent's notice of appeal was received.
- Determination of appeal hearing by the President, or designee, is issued within 7 days after the completion of the appeal hearing.

Notice

The Title IX Officer, or designee, will provide electronic mail notice to the involved parties with the following information:

- A description of the alleged violation(s);
- A description of the applicable policies;
- A statement of the potential sanctions/responsive actions that could result; and
- A required date, time, and location of the hearing, superseding all other campus and work activities.

If any party does not appear at the scheduled review, investigation, or proceeding, the meeting will be held in his/her absence. For compelling reasons, the Title IX Officer, or designee, may reschedule the meeting.

Time frames for reviews, investigations, and hearings may vary depending on the details of a case and at certain times of the academic year for possible violations that occur near, during, or after District holidays, breaks, or the end of an academic terms, in which meetings will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by this policy and procedures.

Investigation

Rio Hondo College District, through a trained Title IX Team, will investigate any and all reports of alleged violations of sexual misconduct. Anyone who believes the Student Code of Conduct on sexual misconduct has been violated should contact a mandated reporter at each District campus. The investigators will interview the complainant, respondent, and any witnesses (if appropriate). The investigator will also gather information, documents, and materials (if any) that is relevant to the case.

The College Disciplinary Officer makes a determination based on the investigation's evidence. After the investigation, the investigator refers the findings of the case to the College Disciplinary Officer, or designee, and may recommend or impose a "responsible" or "not responsible" determination. The investigator may also recommend appropriate sanctions.

Informal Resolution Options

If appropriate, Rio Hondo College District's Title IX Office may seek to resolve certain sexual misconduct cases through an informal process involving both the complainant and respondent:

Informal Resolution

The Respondent accepts the findings of the investigation and, if appropriate, sanctions by the Title IX Officer or designee.

Mediation

As mutually agreed upon by the Title IX Officer, complainant, and respondent, a participatory mediation between all parties involved may occur to resolve the alleged violation. Sanctions may be determined in mediation, as outlined in the U.S. Department of Education's "Dear Colleague Letter" (2011): <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

Administrative Resolution

The Title IX Officer, the respondent, and/or when appropriate, the complainant, may request an administrative hearing through a single College designated administrator, typically a Title IX Officer or designee.

Proceedings

If an informal resolution process is not available, the District will convene a trained formal judicial panel to conduct to make a determination of the alleged violation and to impose sanctions. The District shall make reasonable efforts to give the student(s) an opportunity to refute the accusation or otherwise provide relevant information to the panel regarding the incident(s) which led to the belief by the investigator, or designee, that the student(s) violated the Student Code of Conduct in a proceeding format.

Construct of the Judicial Panel

The proceeding is closed to all persons except the: 1) College Disciplinary Officer; 2) student charged; 3) advisor; An attorney or other professional, expert, or consultant retained by the District; 4) witness(es) (while testifying); 5) a court-certified interpreter at the student's own expense; 6) selected members of the panel; and 7) any person to assist the hearing officer. In some cases, a Campus Security Officer may be present to ensure safety and security during the hearing. Likewise, the Title IX Coordinator, or designee, may be present to ensure a fundamentally fair process and compliance. Panel members for an appeal hearing will consist of Rio Hondo College District employees only. No students will be asked to serve on a hearing panel due to the sensitive nature of the subject matter.

In cases if the student is a minor, the student's parent or legal guardian, if the student is a dependent minor, must be present during the hearing.

Selection of the Judicial Panel

The following process determines possible members of a judicial panel. Members come from the Rio Hondo College District. All members participating on a judicial panel are oriented and trained to adjudicate a sexual misconduct case. The College Disciplinary Officer, in consultation with the Title IX Coordinator, or designee, will devise the panel. The panel will consist of 3 or 5 members.

- a. Within thirty days of the beginning of the fall Semester, the Academic Senate of the College shall send a list of at least six faculty members who will be eligible to serve on a hearing panel to the College Disciplinary Officer. The list shall remain on file and in effect until a new list is provided.
- b. Managers and Classified personnel members of the panel will be chosen upon interest and availability.

Members of the Panel and a Conflict of Interest

The panel shall be chosen by the College Disciplinary Officer except that the panel shall not include any person who was a participant in the event, out of which the disciplinary action arose, nor shall it include any person who has had a past association with the student or any other party to the hearing which could impede the individual's ability to act in a fair and impartial manner. A panel member who is chosen must disclose any potential or actual conflict of interest.

Parallel Student Conduct Proceedings

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a student also charged in civil or criminal courts based on the same facts that constitutes the alleged violation of the Student Code of Conduct. The District may proceed before, concurrently with, or after any judicial or other administrative proceedings, except in cases involving sexual misconduct. In sexual misconduct cases, the District shall proceed without undue delay in accordance with federal and state law requirements, and District policies and procedures.

Proceeding Procedures

1. The chair will call the proceeding to order, explain the procedures of the proceeding, and have all parties introduce themselves.
2. The chair will present the guiding principles/norms of behavior in the proceeding to guarantee control of the proceeding, make certain that all parties respect the right of others to make statements, and to ensure confidentiality.
3. The College Disciplinary Officer, and if applicable her/his witness(es), shall have up to forty-five (45) minutes to present relevant evidence conducted by the investigator and witnesses (if applicable) to support the determination by the College Disciplinary Officer of the investigation that a violation of the Student Code of Conduct has occurred.
4. The respondent may question any witnesses presented by the College Disciplinary Officer. Members of the panel may also question any witness(es) presented by the College Disciplinary Officer. Questioning by the student or the committee shall not be considered part of the time allotted for presentation of the College Disciplinary Officer's evidence. It is the discretion of the chair to impose a timeline on questioning.
5. The student charged, and if applicable her/his witness(es), shall have up to forty-five (45) minutes, if necessary, to present relevant evidence bearing on the accusation. The College Disciplinary Officer may question any witnesses represented by the student. Members of the panel may also question witnesses. Questioning by the panel shall not be considered part of the time allotted for presentation of the student's evidence. It is the discretion of the chair to impose a timeline on questioning.
6. The College Disciplinary Officer, and then the student charged may make a closing statement to the panel. These closing statements shall be limited to a maximum of ten minutes each. The chair shall have the authority to extend the time limits, but must ensure equal time.

Once all information has been collected, the chair, or designee, will:

7. Reiterate the alleged policy violation(s);
8. Remind all parties involved of the Standard of Proof (Preponderance of Evidence);
9. Remind all parties of confidentiality and of all imposed interim sanctions that are active and must be adhered to;
10. Remind all parties to review Rio Hondo College District's Student Code of Conduct (Board Policy 3540), Administrative Procedures (3540), and to understand their student rights and responsibilities;
11. Inform all parties of the deliberation process and the projected timeline for notification; and
12. Remind the respondent and the complainant, if applicable, that notification and all communication are via District email accounts.

Additional proceeding rules include:

- ***Information Regarding Romantic or Sexual History.*** The panel will not consider the romantic or sexual history of either the complainant or the respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. The existence of a sexual relationship between the complainant and respondent does not support the inference of consent to alleged sexual misconduct.
- ***Prior Conduct Violation.*** The hearing panel will not consider the respondent's prior conduct violations, unless:
 1. The respondent was previously found to be responsible, and
 2. The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
- ***Use of Cell Phones and Recording Devices.*** Cell phones and recording devices may not be used in the investigation meetings and hearings.

Panel Determination/Standard of Proof

The panel will find a student either “responsible” or “not responsible” based on a majority vote. If a panel determines a student is “responsible” for violating the Student Code of Conduct, the matter will advance to the sanctioning stage.

In all cases involving alleged violations of the Student Code of Conduct, the standard of proof is the “preponderance of the evidence” standard as set forth in the definitions herein (e.g., more likely than not). This standard is also employed when making determinations regarding interim restrictions/actions.

Sanctions

How Sanctions are Determined

It is the commitment from the District that respondents found “responsible” for violating sexual misconduct policies are imposed of sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the College’s handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of the sexual misconduct.

The relevant factors that are considered when imposing sanctions are:

1. The specific sexual misconduct at issue (such as penetration, touching, unauthorized recording, etc.);
2. The circumstances accompanying the lack of consent (such as force, threat, coercion, incapacitation, etc.);
3. The respondent’s state of mind (intentional, knowing, bias-motivated, reckless, etc.);
4. The impact of the offense of the complainant;
5. The respondent’s disciplinary history;
6. The safety of the campus community; and
7. The conduct respondent’s conduct during the disciplinary process.

Non-Appealable Sanctions

The following sanctions may be imposed for violation of this Student Code of Conduct. These sanctions are not exclusive and may not be appealed:

- Disciplinary Probation consists of written notice to the student by the College Disciplinary Officer that the student has violated this Student Code of Conduct and that for a specified period of time, imposed by the College Disciplinary Officer, the student must meet certain conditions as imposed by the College Disciplinary Officer. Any subsequent violations of this policy by the student during the term of the probation or the student's failure to comply with any condition of probation imposed by the College Disciplinary Officer will result in additional sanctions under this policy.
- District Restriction. The College Disciplinary Officer may for a specified period of time restrict the student's access to parts or areas of the District and/or District property.
- Exclusion From District Activities prohibits the student from participating in any District co-curricular and/or extra-curricular activity(ies) for a period to be determined by the College Disciplinary Officer.
- Mental Health Clearance. Mental Health Clearance may be required before a student is readmitted to a particular class or allowed to come onto District property. The College Disciplinary Officer must receive a letter from a licensed mental health professional stating that in his/her professional judgment the student will no longer continue the behavior which gave rise to the College Disciplinary Officer taking disciplinary action against him/her or that the student's continued presence on campus is not a threat to himself/herself or others. The mental health professional must be licensed by the State of California and the College District Administrator must verify that the mental health professional is credentialed to render a

professional opinion. The student shall bear the cost and expense of obtaining mental health clearance.

- Restitution requires the student to repay the District or any person for the cost of replacing or repairing any property taken, destroyed or damaged by the student. This student may also be charged a service charge and/or collection fee under the College policy regarding service charges and collection fees.
- Restriction from Attendance at District Events. The College Disciplinary Officer may restrict the student from attending some or all District events for a specified period of time.
- Short Term Removal From Class for a period not to exceed four class meetings, may be imposed by any instructor on a student who is disrupting the class or otherwise interfering with the ability of other students in the class to learn. Before removing a student from class, an instructor shall first give or make reasonable efforts to give the student notice of his/her intent to remove the student and a reasonable opportunity for the student to modify his/her behavior. The instructor or program supervisor shall notify the College Disciplinary Officer, in writing, immediately following his/her removal of a student under this section, with a copy to the Dean of the academic division. The student may not return to the class until the student has met with the College Disciplinary Officer. The College Disciplinary Officer shall contact the student to arrange such a meeting.
- Short Term Suspension prohibits the student from attending classes or entering onto any District Property for a period of one (1) to ten (10) days as determined by the College Disciplinary Officer.
- Hold on Records which consists of the withholding of transcripts and/or other student records. This is imposed when a student fails to repay debts to the District, return District equipment or make restitution to the District. A hold on records may also be asserted if a student does not comply with requests such as, but not limited to, required meeting or appointments.
- Administrative Withdrawal from Class prohibits a student's continued presence in the class if his/her behavior is disruptive of the class and interferes with the ability of other students in the class to learn or in any way endangers himself/herself or others. When this sanction is applied the student will be administratively withdrawn by College Disciplinary Officer.
- Grade Change from a "Withdraw" to a letter grade may be imposed where the College Disciplinary Officer, together with the instructor, determine this is an appropriate sanction.
- Written Warning is a written reprimand and warning to the student by the College Disciplinary Officer that he/she has determined that the student has violated this Student Code of Conduct and is on notice.

Appealable Sanctions

The following sanctions imposed by the College Disciplinary Officer or panel may be appealed:

- Expulsion prohibits the student from attending any classes or registering as a student in the District for an indefinite period of time but not less than ten (10) years. Expulsion prohibits the student from entering onto any District property without written permission of the District. Expulsion will be imposed immediately upon Board action. When expulsion has been recommended, the student shall be immediately suspended pending Board action.
- Long Term Suspension prohibits the student from attending classes, registering as a student or entering onto any District property without written permission of the College Disciplinary Officer for a period from eleven (11) days to three (3) years as determined by the College Disciplinary Officer and/or the College President. Long term suspension may be imposed immediately or at the end of the current term at the discretion of the College Disciplinary Officer.

Ongoing Accommodations for Complainant

Whatever the outcome of the informal resolution or hearing process, a complainant may request ongoing or additional accommodations. In consultation with other campus entities, a determination will be made on whether such measures are appropriate. Potential ongoing accommodations include:

- Providing an escort by Campus Security.

- Changing the complainant's academic schedule.
- Adjusting the complainant's on campus job work schedule.
- Allowing the complainant to withdraw from or retake a class without penalty.
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class.

Additional Responses

The District institutions may also determine that additional measures are appropriate to respond to the effects of the incident. Additional responses for the benefit of the College community may include:

- Revision of the District's policies and procedures regarding sexual misconduct.
- Additional training and education materials for students, faculty, and staff.
- Increased monitoring, supervision, or security at locations or events where the sexual misconduct occurred.
- Ensuring relevant climate surveys that focus on safety, security, inclusion are gathered to improve on developing a culture that is intolerant of sexual misconduct.

Appeals

Either the complainant or the respondent or both may appeal the determination of the judicial panel and/or sanctions. Disagreeing with the finding of the sanction is not, by itself, grounds for appeals.

Students are allowed one appeal. The decision of the appeal panel is final.

Specific Grounds for Appeal:

1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (i.e., substantiated bias, material deviation from established procedures, etc.).
2. The sanction is excessive, insufficient, or significantly disproportionate to the violation.

DEFINITIONS

Sexual Misconduct

- An umbrella term for offenses that are sexual or gender-based, which include, but are not limited:
- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation

Non-Consensual Sexual Contact

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was humiliating;
- The effect of the conduct on the alleged victim's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;

- Whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
- Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness
- Whether the speech or conduct deserves the protections of academic freedom or the 1st Amendment.

Sexual Contact Includes

Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

Sexual Harassment

Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is, sufficiently severe, persistent or pervasive that it, unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

Sexual Exploitation

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Elements of force also includes physical force, threats, intimidation (implied threats) and coercion that overcome resistance or produce consent (“Have sex with me or I’ll hit you. Okay, don’t hit me. I’ll do what you want.”).

Physical Force (violence, abuse, compulsion) – Physical force is the classic construct, equated with violence or the use of a weapon. No matter how slight, any intentional physical impact upon another, use of physical restraint or the presence of a weapon constitutes the use of force.

Threats (harassment) – Any threat that causes someone to do something they would not have done absent the threat is enough to prove forcible compulsion. For example, if I threaten you with a negative consequence and that threat causes you to acquiesce in sexual activity, forcible compulsion is present, and sexual misconduct has occurred.

- If you don’t have sex with me, I will harm someone close to you
- If you don’t have sex with me, I will tell people you raped me
- If you do not have sex with me, I will spread a rumor you are gay
- If you don’t sleep with me, I will fail you

Intimidation (implied threats, abuse) – Intimidation is defined as an implied threat, whereas threats are clear and overt. It is a situation where someone uses their power or authority to influence someone else.

Coercion (pressure, duress, cajoling, compulsion, abuse) – Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- Cases will be investigated regardless of whether the accuser resisted the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.
- In order to give effective consent, one must be of legal age (18 years or older).
- Sexual activity with someone who one should know to be—or based on the circumstances should reasonably have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation.

Stalking

A course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Stalking involves repeated and continued harassment against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

Domestic Violence

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (a) a current or former spouse or intimate partner; (b) a person with whom one shares a child; or (c) anyone who is protected from the respondent's acts under the domestic or family violence laws of California. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

Dating Violence

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.

Consent

Consent is **informed**. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

- Consent is **voluntary**. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.
- Consent is **revocable**. Consent to some form sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of the relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.
- Consent cannot be given when a person is incapacitated. A person cannot consent if she/he is unconscious or coming in and out of consciousness. A person cannot consent if she/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if her/his understanding of the act is affected by a physical or mental impairment.

Retaliation

Any act of reprisal is a violation of policy. Examples of actions that might be retaliation against a complainant, witness, or other participant in the complaint process include:

- Singling the person out for harsher treatment;
- Lowering a grade or evaluation;
- Failing to hire, failing to promote, withholding pay increase, demotion, or discharge;
- Providing negative information about the person in order to interfere with his or her prospects for employment, admission, or academic program.

Hostile Environment

A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction).

District policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including but not limited to Rohypnol, Ketamine, GHB, Burundanga, etc., is prohibited, and administering one of these drugs to another student is a violation. More information on these drugs can be found at 911 Rape Information.

Complainant

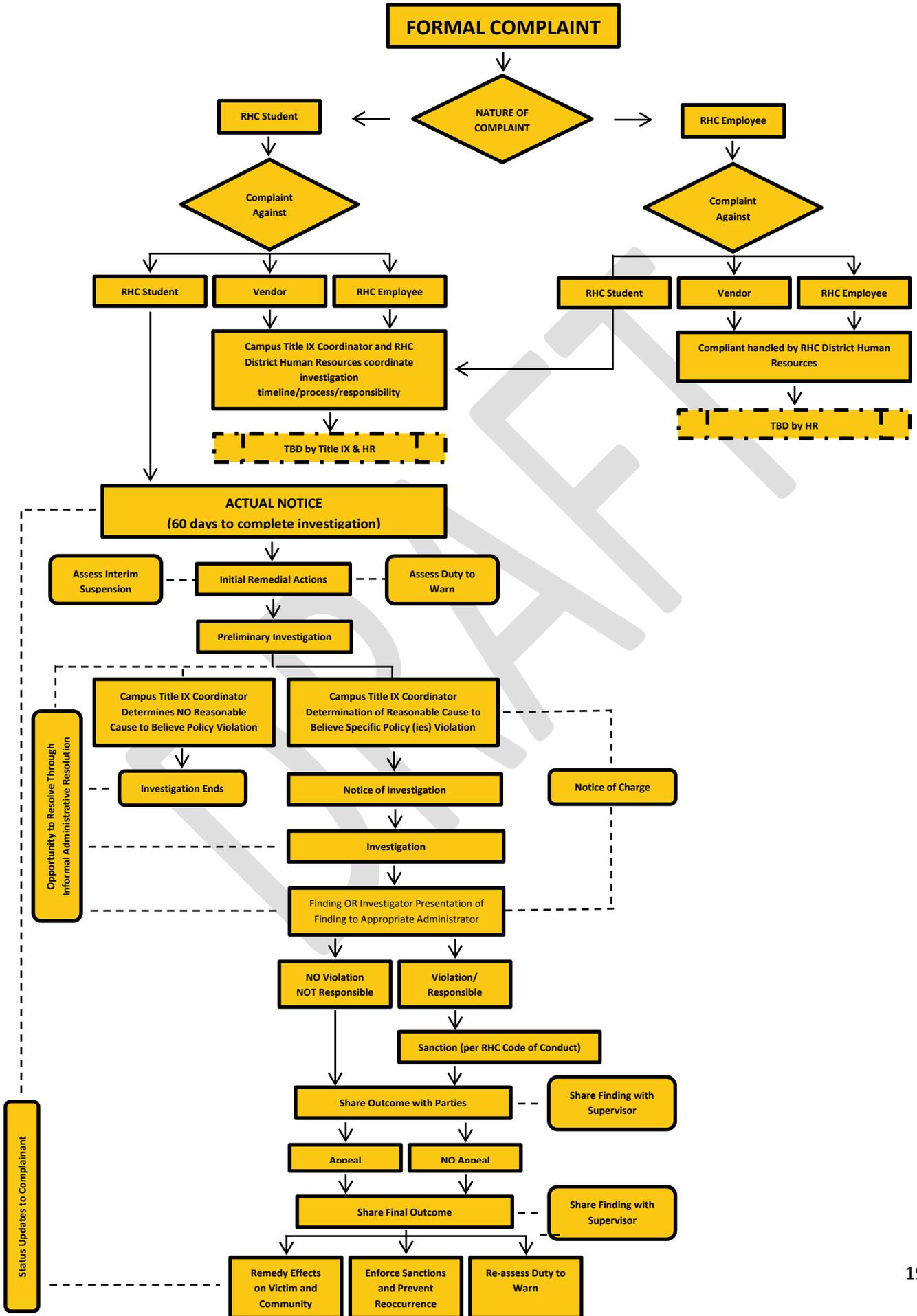
“Complainant” means the person(s) reporting alleged violations of this Student Code of Conduct.

Respondent

“Respondent” means the person(s) who are alleged to have violated the Student Code of Conduct.

DRAFT

Title IX Investigation Flow Chart





Sexual Misconduct

Incident and Complaint Report Form

Complainant General Information

Faculty Staff Student I.D. #: _____ Date of Birth: ____ / ____ / ____

1 Complainant's Name: _____

2 Address: _____

3 Phone: () _____

4 Email: _____

Alleged Offender's General Information (if known)

Faculty Staff Student I.D. #: _____ Date of Birth: ____ / ____ / ____

1 Alleged Offender is: Unknown Affiliated with Rio Hondo College

2 Offender's Name: _____

3 Address: _____

4 Phone: _____

5 Email: _____

Witness(es) General Information (if any)

Witness 1

Faculty Staff Student I.D. #: _____

1 Name: _____

2 Phone: () _____

3 Email: _____

Witness 1

Faculty Staff Student I.D. #: _____

1 Name: _____

2 Phone: () _____

3 Email: _____

Incident Information (you may attach additional sheets of paper if needed).

Please describe (in detail) the incident(s) that occurred. Include a full description of the event(s), verbal statements, location of the incident(s) and the physical contact that was involved.

This complaint is based on my honest account that an alleged violation of Rio Hondo College District Policies on sexual misconduct has occurred. I hereby certify that the information I have provided in this incident and complaint form is true, correct, and complete to the best of my knowledge.

Complainant's Signature

Date

Instructions: This form may be submitted in various ways.

- 1 Email this document to the Title IX Coordinator, lnashua@riohondo.edu, or
- 2 Turn this document in at the Rio Hondo College campus, to the Title IX Coordinator, in SS204.

Confidentiality: Certain District employees, such as the Title IX Coordinator and officers, managers, supervisors, and other designated employees, have an obligation to respond to reports of sexual misconduct, even if the individual making the report requests that no action be taken. An individual's request regarding the confidentiality of reports of sexual misconduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the District's legal obligation to ensure a working and learning environment free from sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the College will comply with requests for confidentiality to the extent possible.

Duty of Care: To ensure that you are receiving the necessary care, the College may assign a trained victims advocate to you to assist in your understanding of your student rights and responsibilities and to provide resources and other remedies to help you in this process.

OFFICE USE ONLY:

Received on:

Received by:

Rio Hondo College District

**An Internal Guide for
Processing Complaints of
Discrimination and Report of
Sexual Misconduct**



03/26/2015

Contents

I. DISCRIMINATION.....	4
PROCEDURES OF HANDLING COMPLAINTS OF DISCRIMINATION	4
DISTRICT COMPLIANCE OFFICER	4
FILING A TIMELY COMPLAINT	4
COMMUNICATING UNWELCOME CONDUCT	5
WHO MAY FILE A COMPLAINT	5
WHERE TO FILE A COMPLAINT.....	5
FILING A FORMAL WRITTEN COMPLAINT	6
THRESHOLD REQUIREMENTS PRIOR TO INVESTIGATION OF A FORMAL COMPLAINT	6
DEFECTIVE COMPLAINT.....	7
INVESTIGATION OF THE COMPLAINT	7
ADMINISTRATIVE DETERMINATION.....	8
DISCIPLINE AND CORRECTIVE ACTION	9
COMPLAINANT’S APPEAL RIGHTS.....	9
EXTENSIONS.....	10
CONFIDENTIALITY OF THE PROCESS	11
RETALIATION	11
ACADEMIC FREEDOM.....	11
DISSEMINATION OF POLICY AND PROCEDURES.....	12
NOTICE, TRAINING, AND EDUCATION FOR STUDENTS AND EMPLOYEES	12

DEFINITIONS	12
RECORD/RETENTION	15
SOURCE /REFERENCE:	15
II. REPORTS OF SEXUAL MISCONDUCT INVOLVING STUDENTS	15
PROCEDURES FOR HANDLING REPORTS OF SEXUAL MISCONDUCT INVOLVING STUDENTS.....	16
INTRODUCTION.....	16
BOARD POLICY 3540	16
ADMINISTRATIVE PROCEDURE 3540	16
SEXUAL MISCONDUCT (HARASSMENT AND/OR ASSAULT) IS:	19
NON-CONSENSUAL SEXUAL INTERCOURSE IS:	19
SEXUAL EXPLOITATION	20
STATEMENT OF CONSENT	20
JURISDICTION	21
ASSIGNMENT OF RESPONSIBILITY	21
TITLE IX COORDINATOR.....	21
COMPLAINT RESOLUTION OFFICER.....	22
ADVOCATE	22
REPORTING, AND RESPONDING TO REPORTS OF SEXUAL MISCONDUCT	22
MAKING REPORTS OF SEXUAL MISCONDUCT	22
OPTIONS FOR RESOLUTION.....	23
EARLY RESOLUTION	23

FORMAL INVESTIGATION	24
ADMINISTRATIVE PROCEDURES FOR FORMAL INVESTIGATION	24
APPEAL PROCEDURES	26
REMEDIES AND REFERRAL TO DISCIPLINARY PROCEDURES	26
RELUCTANT VICTIM	26
PRIVACY.....	26
CONFIDENTIALITY	27
CONFIDENTIAL RESOURCES	27
CONFIDENTIALITY IN THE CONTEXT OF MAKING A REPORT OF SEXUAL MISCONDUCT	27
RETENTION OF RECORDS	28
CONFIDENTIAL RESOURCES	28
DEFINITIONS.....	30
APPENDIX 1	32
APPENDIX 2	33
APPENDIX 3	34
APPENDIX 4	35

I. DISCRIMINATION

References: RHC Board Policy and Administrative Procedure 3410, Board Reviewed: 9/14/09; 6/13/12; 6/11/14—Nondiscrimination, RHC Administrative Procedure 3435—Discrimination and Harassment

Form: CCCO Complaint Form (optional)

Rio Hondo Community College District is to provide an educational and employment environment in which no person shall be unlawfully denied full and equal access to, the benefits of, or be unlawfully subjected to discrimination, in whole or in part, on the basis of national origin, religion, age, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, military and veterans status, or because he/she is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics, in any program or activity. Such discrimination is prohibited by California Government Code sections 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100 et seq.) and/or the Age Discrimination Act (42 U.S.C. § 6101).

Rio Hondo Community College District is to provide an educational and employment environment free from unwelcome sexual advances, requests for sexual favors, sexual favoritism, or other verbal or physical conduct or communications constituting sexual harassment.

Rio Hondo Community College District is to comply with the accessibility requirements of Section 508 of the Rehabilitation Act of 1973 in the development, procurement, maintenance, or use of electronic or information technology and respond to and resolve unlawful discrimination complaints regarding accessibility. Such complaints

Procedures of Handling Complaints of Discrimination

Board Reviewed: 8/14/96; 9/14/09; 3/10/10; 1/14/15

District Compliance Officer

The District Compliance Officer serves as the Title IX, ADA, and Section 504 Coordinator. The Compliance Officer is the "responsible District officer" charged with receiving all unlawful discrimination complaints filed pursuant to Title 5, section 59328, and coordinating their investigation. The actual investigation of complaints may be assigned to a third party investigator (outside persons or organizations). Such delegation procedures will be used whenever the District Compliance Officer is named in the complaint or is implicated by the allegations in the complaint. The District Compliance Officer (or third party investigator) shall disclose any real or perceived conflicts of interest and may be required

Filing a Timely Complaint

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes he/she is being harassed or discriminated against to file a complaint. The District also strongly encourages the filing of such complaints as soon as possible following an alleged incident. While all complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive or intimidating work environment, and acts of retaliation.

Communicating Unwelcome Conduct

The District encourages anyone to the extent they are comfortable doing so, to inform the offending person immediately and firmly when conduct or behavior is unwelcome, offensive, in poor taste and/or inappropriate.

Who May File a Complaint

A complaint may be filed by anyone who believes he/she has been discriminated against or harassed by a student, employee, or third party in violation of Board Policy 3410, Board Policy 3430, or this procedure. In addition, under federal civil rights laws referenced in Section I. (Purpose) complaints of unlawful discrimination or harassment may be filed by parties who have not personally suffered unlawful discrimination or harassment.

Where to File a Complaint

Anyone who believes he/she has been discriminated against or harassed in violation of Board Policy 3410, Board Policy 3430, or this procedure may make a complaint orally or in writing within one year of the date of the alleged discrimination or harassment, or the date on which the complainant knew or should have known of the facts underlying the complaint. The District Compliance Officer is located in the Student Services Building, Room SS-204, and can be reached at (562) 908-3498.

Informal/Formal Complaint Procedure

When a person brings a charge(s) of unlawful discrimination or harassment to the attention of the District's Compliance Officer, that officer will:

- (1) Undertake efforts to informally resolve the charges;
- (2) Advise the complainant that he/she need not participate in informal resolution;
- (3) Notify the person of his or her right to file a formal complaint and explain the procedure for doing so;
- (4) Assure the complainant that he/she will not be required to confront, or work out problems with the person accused of unlawful discrimination or harassment;
- (5) Advise the complainant that he/she may file a non-employment based complaint with the Office for Civil Rights of the U.S. Department of Education (OCR) where such a complaint is within that agency's jurisdiction.
- (6) If the complaint is employment-related, the complainant should also be advised that he or she may file a complaint with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair Employment and Housing (DFEH) where such a complaint is within that agency's jurisdiction.

Efforts at informal resolution need not include any investigation unless the District Compliance Officer determines that an investigation is warranted by the seriousness of the charges. Selecting an informal resolution does not extend the time limitations for filing a formal complaint. Efforts at informal resolution may continue after the filing of a formal written complaint, but after a complaint is filed an

investigation is required to be conducted pursuant to Title 5, section 59334, and will be completed unless the matter is informally resolved and the complainant dismisses the complaint in writing. Even if the complainant does dismiss the complaint, the District Compliance Officer may require the investigation to continue if he/she determines that the allegations are serious enough to warrant an investigation. Any efforts at informal resolution after the filing of a written complaint will not exceed the 90-day period for rendering the administrative determination pursuant to Title 5, section 59336.

In employment-related cases, if the complainant also files with the Department of Fair Employment and Housing or with the U.S. Equal Employment Opportunity Commission, a copy of that filing will be sent to the State Chancellor's Office requesting a determination of whether further investigation under Title 5 is required. Unless the State Chancellor's Office determines that a separate investigation is required, the District will discontinue its investigation under Title 5 and the matter will be resolved through the Department of Fair Employment and Housing or the U.S. Equal Employment Opportunity Commission.

The District will allow for representation where required by law or collective bargaining agreement and may allow for representation in other circumstances on a case-by-case basis.

Filing a Formal Written Complaint

If a complainant decides to file a formal written unlawful discrimination or harassment complaint against the District, he or she should be advised, but not required, to file the complaint on a form prescribed by the Chancellor's Office. The approved form is available from the District Compliance Officer, at the Rio Hondo College Website, and also at the State Chancellor's Office website.

The completed form must be filed with the District Compliance Officer or mailed directly to the State Chancellor's Office of the California Community Colleges.

If a complaint of unlawful discrimination or harassment is presented in another written format, such as a letter, the District may request that the complainant complete the form. Every effort should be made to have the complaint filed on this form and to obtain the complainant's signature. However, where a complainant has indicated that he or she wishes to pursue the formal complaint process, a complaint should not be rejected solely based on the failure to file the complaint on this form. If there is a delay in obtaining a completed form, or the complainant refuses to transfer the information or otherwise complete the form but wishes to pursue the formal complaint process, the District will attach the letter to the form and open a formal investigation. While a complaint filed in an improper form is still procedurally defective under Title 5 standards, the merits of the complaint itself may still be valid and must be addressed.

Once a complaint is filed, the individual(s) accused of engaging in unlawful discriminatory or harassing conduct should be advised of that filing and the general nature of the complaint. The District will take appropriate and reasonable action to ensure that the alleged behavior does not continue while the investigation is being conducted. This should occur as soon as possible and in a manner that is appropriate under the circumstances. The District will also advise the accused that an assessment of the accuracy of the allegations has not yet been made, that the complaint will be investigated, that the accused will be provided an opportunity to present his/her side of the matter, and that any conduct that could be viewed as retaliatory against the complainant or any witnesses must be avoided.

Threshold Requirements Prior to Investigation of a Formal Complaint

- When a formal written complaint is filed it will be reviewed by the District Compliance Officer to determine if the complaint meets the following requirements:

- The complaint must allege unlawful discrimination or harassment prohibited under Title 5, section 59300.
- A complaint under Title 51 must be filed by one who alleges that he or she has personally suffered unlawful discrimination or harassment or by one who has learned of such unlawful discrimination or harassment in his or her official capacity as a College employee.
 - In addition, under the federal civil rights laws referenced in Section I (Purpose), this procedure also covers complaints of discrimination or harassment filed by someone, such as a representative, a family member, or other third party, on behalf of an individual or group of individuals alleged to have suffered unlawful discrimination or harassment.
- In any complaint not involving employment, the complaint must be filed within one year of the date of the alleged unlawful discrimination or within one year of the date on which the complainant knew or should have known of the facts underlying the specific incident or incidents of alleged unlawful discrimination or harassment.

1 The portions of this procedure that pertain to communication with the State Chancellor's Office, and the appeal to that Office, do not apply unless the complainant meets the definition of complainant contained in Title 5, section 59328(a).

- In any complaint alleging unlawful discrimination or harassment in employment, the complaint shall be filed within 180 days of the date the alleged unlawful discrimination or harassment occurred, except that this period will be extended by no more than 90 days following the expiration of that 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of 180 days.

Defective Complaint

If a complaint is found to be defective, it will be immediately returned to the complainant with a complete explanation of why an investigation will not be initiated under California Code of Regulations, Title 5, section 59300, et seq. The notice will inform the complainant that the complaint does not meet the requirements of section 59328 of Title 5, and shall specify in what requirement the complaint is defective. A copy of the notice to the complainant will also be sent to the State Chancellor's Office.

Investigation of the Complaint

Rio Hondo Community College District recognizes the importance of, and is therefore committed to, completing investigations and resolving complaints as quickly as possible, consistent with the requirements for a thorough investigation.

The District shall promptly investigate every complaint of discrimination or harassment. No claim of unlawful discrimination or harassment shall remain unexamined. The District shall investigate complaints involving acts that occur off campus if they are related to an academic or work activity. This includes complaints involving activities in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, on a District bus, or at a class or training program sponsored by the District at another location. As set forth above, where the complainant opts for an informal resolution, the Compliance officer may limit the scope of the investigation, as appropriate.

- Investigation Steps. The District will fairly and objectively investigate unlawful discrimination and harassment complaints utilizing the following steps, but not limited to: interviewing the complainant(s); interviewing the accused individual(s); identifying and interviewing witnesses and evidence identified by each party, if any; identifying and interviewing any other witnesses, if

necessary; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reach a conclusion as to the allegations and take appropriate disciplinary and remedial action, if necessary; and see that all recommended action(s) are carried out in a timely fashion.

- **Timeline for Completion.** The District will undertake its investigation promptly and as swiftly as possible. To that end, the District Compliance Officer (or third party investigator) shall complete the above steps and prepare a written report within 90 calendar days of the District receiving the complaint.
- **Cooperation Encouraged.** All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment or discrimination is, or may be, occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a complaint is filed.

Administrative Determination

When the District evaluates the complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred.

In any case not involving employment discrimination or harassment, within 90 days of receiving an unlawful discrimination or harassment complaint filed under Title 5, sections 59300, et seq., the District Compliance Officer (or third party investigator) will complete the investigation and forward a copy of the investigative report to the State Chancellor, a copy of the summary of the report to the complainant, and written notice setting forth all the following to both the complainant and the State Chancellor²:

- a) the determination of the District Compliance Officer (or third party investigator) as to whether there is probable cause to believe unlawful discrimination or harassment occurred with respect to each allegation in the complaint;
- b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
- c) the proposed resolution of the complaint; and
- d) The complainant's right to appeal to the District's Board of Trustees and, for Title 5 complaints, to the State Chancellor.

2 For non-employment complaints filed under the federal civil rights statutes referenced in Section I, a copy of the summary report and written notice shall be forwarded only to the complainant.

In any case involving employment discrimination, within 90 days of receiving an unlawful discrimination or harassment complaint filed under Title 5, sections 59300, et seq., the District Compliance Officer (or third party investigator) will complete the investigation and forward a copy of the summary of the report to the complainant, and written notice setting forth all the following to the complainant:

- a) the determination of the District Compliance Officer (or third party investigator) as to whether there is probable cause to believe discrimination or harassment occurred with respect to each allegation in the complaint;
- b) a description of actions taken, if any, to prevent similar problems from occurring in the future;
- c) the proposed resolution of the complaint; and

- d) The complainant's right to appeal to the District's Board of Trustees and to file a complaint with the Department of Fair Employment and Housing or the U.S. Equal Employment Commission.

The District will keep these documents on file for a period of at least three (3) years after closing the case, and make them available to the State Chancellor upon request.

Discipline and Corrective Action

If harassment, discrimination, and/or retaliation occurred in violation of Board Policy 3410, Board Policy 3430, or this procedure, the District shall take disciplinary action against the accused and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense. Remedies for the complainant might include, but are not limited to:

- ensuring that the complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- providing counseling services;
- arranging for a student-complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record;
- reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the discrimination or harassment and the misconduct that may have resulted in the complainant being disciplined; and
- Preventing offending third parties from entering campus.

If discipline is imposed, the nature of the discipline will generally not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in discrimination or harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the harasser must stay away from the complainant. A victim of discrimination or harassment who is informed of disciplinary action must keep that information confidential.

Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination or harassment as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination of contract.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, and personnel policies and procedures, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further unlawful harassment, and/or discrimination, and to protect the complainant and witnesses from retaliation as a result of communicating the complaint and/or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, or any retaliation, or new incidents of discrimination or harassment. The District shall take reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without

Complainant's Appeal Rights

Complainants have appeal rights they may exercise if they are not satisfied with the results of the District's administrative determination. At the time the administrative determination and summary is

mailed to the complainant, the District Compliance Officer or his/her designee shall notify the complainant of his or her appeal rights as follows:

- First level of appeal: The complainant has the right to file an appeal to the District's Board of Trustees within 15 days from the date of the administrative determination. The Board will review the original complaint, the investigative report, the administrative determination, and the appeal.
- The Board will issue a final District decision in the matter within 45 days after receiving the appeal. Alternatively, the Board may elect to take no action within 45 days, in which case the original decision in the administrative determination will be deemed to be affirmed and shall become the final District decision in the matter. A copy of the final decision rendered by the Board will be forwarded to the complainant and for Title 5 complaints, to the State Chancellor's Office.
- Second level of appeal: The complainant has the right to file an appeal with the California Community College Chancellor's Office in any Title 5 case not involving employment-related unlawful discrimination or harassment within 30 days from the date that the Board issues the final District decision or permits the administrative determination to become final by taking no action within 45 days. The appeal must be accompanied by a copy of the decision by the Board or evidence showing the date on which the complainant filed an appeal with the Board, and a statement under penalty of perjury that no response was received from the Board within 45 days from that date. In any case involving employment discrimination or harassment, the complainant has the right to file a complaint with the Department of Fair Employment and Housing (DFEH) where the case is within the jurisdiction of that agency.

Complainants must submit all appeals in writing. The Title 5 process provides no corresponding appeal rights to any other parties aside from the complainants. If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the disciplinary decision using the procedure for appealing a disciplinary decision. The complainant will be notified if such an appeal is filed and will be given an opportunity to respond.

Extensions

If, for reasons beyond its control, the District is unable to comply with the 90-day or 150-day deadlines specified above for submission of materials to the complainant and the State Chancellor's Office, the District Compliance Officer will file a written request that the State Chancellor grant an extension of the deadline. Where an extension is deemed necessary by the District, it must be requested from the State Chancellor regardless of whether or not the case involves employment discrimination. The request will be submitted no later than 10 days prior to the expiration of the deadlines established by Title 5 in sections 59336 and/or 59340 and will set forth the reasons for the request and the date by which the District expects to be able to submit the required materials.

A copy of the request for an extension will be sent to the complainant, who will be advised that he or she may file written objections with the State Chancellor within five (5) days of receipt.

The State Chancellor may grant the request unless delay would be prejudicial to the investigation. If an extension of the 90-day deadline is granted by the State Chancellor, the 150-day deadline is automatically extended by an equal amount.

Confidentiality of the Process

The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged discrimination or harassment; the complainant’s age; whether there have been other discrimination or harassment complaints about the same individual; and the accused individual’s rights to receive information about the allegations if the information is maintained by the District as an “education record” under the Family Educational Rights and Privacy Act (FERPA), 20 U.S. Code Section 1232g; 34 Code Federal Regulations Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

If a complainant insists that his or her name not be revealed, the District Compliance Officer (or third party investigator) should take all reasonable steps to investigate and respond to the complaint consistent with the complainant’s request, as long as doing so does not jeopardize the rights of other students or employees.

Complainants, witnesses, and those accused of discrimination or harassment shall be informed of the possibility that they may be charged with allegations of defamation if they circulate the charges outside of the District’s process. Persons who discuss their claims with persons outside of the process may expose themselves to tort charges. Complainants, witnesses, and those accused of discrimination or harassment will be asked to sign a confidentiality acknowledgement statement.

Retaliation

It is unlawful for anyone to retaliate against someone who files an unlawful discrimination or harassment complaint, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of the District’s unlawful discrimination and harassment policy.

If an individual believes she/he has been subject to retaliation, the individual may file an additional or amended complaint with the District Compliance Officer. The District Compliance Officer (or third party investigator) shall investigate the claim of retaliation in accordance with these procedures.

If the District Compliance Officer (or third party investigator) determines that the complaint of retaliation is valid, in addition to any other remedies which may be appropriate (such as disciplinary action), the appropriate District administrator/manager shall take all necessary steps to end the retaliatory behavior as quickly as possible and shall provide counseling to the person performing the retaliation in regard to the rights of complainants to be free from retaliation.

Academic Freedom

Rio Hondo Community College District Board of Trustees reaffirms its commitment to academic freedom, as defined in BP 4030, but recognizes that academic freedom does not allow any form of unlawful discrimination. Nothing in these policies and procedures shall be interpreted to prohibit bona fide academic requirements for any specific community college program, course, or activity, including participatory/shared governance and representation of constituents.

When investigating unlawful discrimination or harassment complaints containing issues of academic freedom, the District will consult with a faculty member appointed by the Academic Senate with respect to contemporary practices and standards for course content and delivery.

Reference: *Cohen v. San Bernardino Valley College* (1995) 883 F.Supp. 1407, 1412-1414, affd. in part and revd. in part on other grounds, (1996) 92 F.3d 968; Cal. Code Regs., Title 5, § 59302

Dissemination of Policy and Procedures

All College employees will be provided with a copy of the District's written policy on unlawful discrimination and harassment at the beginning of the fall semester of each new academic year. District policy and procedures related to harassment will include information that specifically addresses sexual violence. District Policy and Procedures related to harassment will be made available in the college catalog, emailed to all students and College employees, and will be posted on the District's Website.

When hired, employees are required to sign that they have received the policy and procedures, and the signed acknowledgment of receipt is placed in each employee's personnel file.

Notice, Training, and Education for Students and Employees

Rio Hondo Community College District's Compliance Officer, or designee, shall make arrangements for, or provide training to, employees and students on the District's unlawful discrimination and harassment policy and procedures.

A workshop or informational session will be made available to all District employees at least once annually. Because of their special responsibilities under the law, supervisors will undergo mandatory training within six (6) months of assuming a supervisory position and every two (2) years thereafter. In years in which a substantive policy or procedural change has occurred, all District employees will attend a training update and/or receive a copy of the revised policies and procedures.

A workshop or informational session will be made available to all students at least once annually. The student workshop or informational session will include an explanation of the policy, how it works, and how to file a complaint. The session will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. In addition, a copy of the District's written policy on unlawful discrimination and harassment, as it pertains to students, will be distributed to all students through the student portal at the beginning of each fall semester.

The training and education required by this procedure shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of discrimination and harassment on all bases covered by this procedure, and the remedies available to victims of discrimination and harassment.

Definitions

Definitions applicable to nondiscrimination policies are as follows:

- "Accused" means the individual who allegedly unlawfully discriminated against or harassed the complainant
- "Appeal" means a request by a complainant made in writing to the Rio Hondo Community College District Board of Trustees pursuant to Title 5, section 59338, and/or to the State Chancellor's Office pursuant to Title 5, section 59339, to review the administrative determination of the District regarding a complaint of discrimination.
- "Association with a person or group with these actual or perceived characteristics" includes advocacy for or identification with people who have one or more characteristics of a protected category listed under "Unlawful Discrimination Policy" and Title 5, section 59300, participation

in a group associated with persons having such characteristics, or use of a facility associated with use by such persons.

- "Complaint" means a written and signed statement meeting the requirements of Title 5, section 593283 that alleges unlawful discrimination in violation of the nondiscrimination regulations adopted by the Board of Governors of the California Community Colleges, as set forth at Title 5, sections 59300, et seq.
- "Complainant" means anyone who alleges that he or she has personally suffered unlawful discrimination in violation of these policies and procedures, or a person who has learned of such unlawful discrimination, including a faculty member, administrator, student, family member, or other third party who files on behalf of an individual or group alleged to have suffered discrimination or harassment.
- "Days" means calendar days.
- "Gender" means sex, and includes a person's gender identity and gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- "Mental disability" includes, but is not limited to, all of the following:
 - 1) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disability, that limits a major life activity. For purposes of this section:
 - a. "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

3 See section VIII., Filing a Formal Written Complaint.

- b. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
 - c. "Major life activities" shall be broadly construed and shall include physical, mental, and social activities, as well as working.
 - 2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires specialized supportive services.
 - 3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the District.
 - 4) Being regarded or treated by the District as having, or having had, any mental condition that makes achievement of a major life activity difficult.
 - 5) Being regarded or treated by the District as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2). "Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- "Physical disability" includes, but is not limited to, all of the following:
 - 1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - a. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

- b. Limits a major life activity. For purposes of this section:
 - I. "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
 - II. A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
 - III. "Major life activities" shall be broadly construed and include physical, mental, and social activities and working.
- 2) Any other health impairment not described in paragraph (1) that requires specialized supportive services.
- 3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the District.
- 4) Being regarded or treated by the District as having, or having had, any physical condition that makes achievement of a major life activity difficult.
- 5) Being regarded or treated by the District as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).
- 6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.
- "District" means Rio Hondo Community College District or any District program or activity that is funded directly by the state or receives financial assistance from the state. This includes the District Personnel Commission and any other organization associated with the District or its College that receives state funding or financial assistance through the District.
- "Respondent" means the individual who allegedly unlawfully discriminated or sexually harassed the complainant.
- "Responsible District Officer" means the officer identified by the District to the State Chancellor's Office as the person responsible for receiving complaints filed pursuant to Title 5, section 59328, and coordinating their investigation.
- "Sex" includes, but is not limited to, pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. "Sex" also includes, but is not limited to, a person's gender, as defined in section 422.56 of the Penal Code. Discrimination on the basis of sex or gender also includes sexual harassment.
- "Sexual harassment" is unlawful discrimination in the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, and includes but is not limited to:
 - 1) Making unsolicited written, verbal, physical, and/or visual contacts with sexual overtones. (Examples of possible sexual harassment that appear in a written form include, but are not limited to: suggestive or obscene letters, notes, or invitations. Examples of possible visual sexual harassment include, but are not limited to: leering, gestures, display of sexually aggressive objects or pictures, cartoons, or posters.)
 - 2) Continuing to express sexual interest after being informed that the interest is unwelcomed.

- 3) Making reprisals, threats of reprisal, or implied threats of reprisal following a rebuff of harassing behavior. The following are examples of conduct in an academic environment that might be found to be sexual harassment: threatening to withhold, or actually withholding, grades earned or deserved; suggesting a poor performance evaluation will be prepared; or suggesting a scholarship recommendation or college application will be denied.
 - 4) Engaging in explicit or implicit coercive sexual behavior within the work environment which is used to control, influence, or affect the employee's career, salary, and/or work environment.
 - 5) Engaging in explicit or implicit coercive sexual behavior within the educational environment that is used to control, influence, or affect the educational opportunities, grades, and/or learning environment of a student.
 - 6) Offering favors or educational or employment benefits, such as grades or promotions, favorable performance evaluations, favorable assignments, favorable duties or shifts, recommendations, reclassifications, etc., in exchange for sexual favors.
 - 7) Awarding educational or employment benefits, such as grades or duties or shifts, recommendations, reclassifications, etc., to any student or employee with whom the decision maker has a sexual relationship and denying such benefits to other students or employees.
- "Sexual orientation" means heterosexuality, homosexuality, or bisexuality.
 - "Unlawful discrimination" means discrimination based on a category protected under Title 5, section 59300, including retaliation and sexual harassment.

Record/Retention

Unlawful discrimination and harassment records that are part of an employee's employment records may be classified as permanent records and retained indefinitely in accordance with Title 5, California Code of Regulations, section 59022.

Source /Reference:

In so providing, Rio Hondo Community College District hereby implements the provisions of California Government Code § 11135 through 11139.5, the Sex Equity in Education Act (Ed. Code, § 66250 et seq.), Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d), Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), § 508 of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12100, et seq.), and the Age Discrimination Act (42 U.S.C. § 6101).

Education Code § 66281.5; Government Code § 12950.1; Title 5, § 59320, 59324, 59326, 59328, and 59300 et seq.; 34 C.F.R. § 106.8(b).

II. REPORTS OF SEXUAL MISCONDUCT INVOLVING STUDENTS

References:

Board Policy 3540, Board: 5/13/09; and Administrative Procedure 3540, Board Reviewed: 8/12/09;
10/9/13

Education Code § 66281.5, 67382 and 67385;
California Penal Code § 242, 243, 245, and 261 et seq.;
California SB 967;
20 U.S. Code § 1092(f);
34 Code of Federal Regulations § 668.46(b)(11);

Government Code Section 12950.1;
Title 5 § 59320, 59324, 59326, 59328, and 59300 et seq.;
34 Code of Federal Regulations § 106.8(b)
U.S. Department of Education, "Dear Colleague Letter:"
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

Procedures for Handling Reports of Sexual Misconduct Involving Students

Introduction

The Rio Hondo College District does not tolerate sexual misconduct under any circumstances. Any individual who sexually harasses or sexually assaults another is subject to the sexual misconduct disciplinary procedures of the College and such civil and criminal laws as may pertain. The College expects its faculty, staff, and student to read the policies and procedures and to be vigilant in protecting the right to an environment free of sexual harassment and assault. Anyone who is the victim of sexual assault is encouraged to seek to seek immediate medical and emotional support. The College strongly encourages students who believe they have been sexually harassed or assaulted to report the incident to the appropriate office even if they do not plan to take any further action. If uncertain about a specific situation, students are encouraged to contact a member of the college Title IX Team (Behavioral Intervention Team—B.I.T.) for resources.

Allegations of any act that has the purpose or effect of unreasonably or substantially interfering with an individual's safety, security, or educational opportunities, will be investigated. If a respondent is found responsible for acts of sexual misconduct or violence, serious sanctions will be used to ensure that such actions are not repeated.

Board Policy 3540

- 1) Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on district property, is a violation of district policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance. The President/Superintendent shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.
- 2) See Administrative Procedures 3540

Reference: Education Code Section 67382, 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b)(11) (CCLC)

Administrative Procedure 3540

- 1) Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with any of the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained

by a student organization, is a violation of District policies, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.

- 2) "Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault. The following definitions should be applied in the context of this administrative procedure:
 - "Dating violence" means 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 a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
 - A current or former spouse of the victim;
 - A person with whom the victim shares a child in common;
 - A person who is cohabitating with or has cohabitated with the victim as a spouse;
 - A person similarly situated to a spouse of the victim under California law; or
 - Any other person against an adult or youth victim who is protected from that person's acts under California law.
 - "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.
- 3) These written procedures and protocols are designed to ensure that victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515).
- 4) All students, faculty members, or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the District Compliance Officer, who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the District Compliance Officer or designee is authorized to release such information.
- 5) The District Compliance Officer, or designee, shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:
 - A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault, or stalking;
 - A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents; District Compliance Officer, Director of Facilities Services, Evening College Supervisor, Security Office, and Weekend College Coordinator should be notified.
 - A description of available services and the persons on campus available to provide those services, if requested. Services and those responsible for providing or arranging them include the following (Sexual Assault Response Team [SART] Centers; transportation is available):
 - Pomona Valley Medical Center (909) 865-9500
 - Presbyterian Intercommunity Hospital (562) 698-0811
 - Queen of the Valley, West Covina (626) 962-4011
 - San Gabriel Valley Medical Center (626) 289-5454
 - The District Compliance Officer, or designee, should provide victims with information about the victim assistance resources:

- Some financial assistance may be available to victims through the Los Angeles County District Attorney's Office. Under California law, some victims of crime may receive financial assistance for unreimbursed medical and income losses as a result of the crime. For information on this program, call Los Angeles County Victim/Witness Assistance Program, 562-807-7212;
- Counseling by District Psychological Services, Student Services Building 562-463-7302, or referral to a counseling center;
- Notice to the police, if desired;
- Other available campus resources or appropriate off-campus resources.

A description of each of the following procedures may be provided upon request:

- Criminal prosecution;
 - Civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - Modification of class schedules;
 - Tutoring, if necessary.
- 6) The District Compliance Officer should be available to provide assistance to District Security Office regarding how to respond appropriately to reports of sexual violence.
- 7) The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of sexual assault on District property shall be kept informed, through the District Compliance Officer, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

- 8) The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's Director of Marketing and Communications, who shall work with the District Compliance Officer to ensure that all confidentiality rights are maintained.
- 9) Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:
- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses;
 - Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
 - Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
 - Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;

- Notice to students that the campus will change a victim’s academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking including a clear statement that:
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense.

Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

10) Education and Prevention Information

The District Compliance Officer or designee shall:

- Provide, as part of each campus’ established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet Website regarding domestic violence, dating violence, or stalking.

Reference: Education Code Section 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b)(11)

Sexual Misconduct (Harassment and/or Assault) is:

- Unwelcome, sexual or gender-based verbal, written or physical conduct that is,
- Sufficiently severe, persistent or pervasive, and objectively offensive that it,
- Has the effect of unreasonably interfering with, denying or limiting employment opportunities or the ability to participate in or benefit from the college’s educational and/or social and/or programs, and is based on real or reasonably perceived power differentials (quid pro quo), the creation of a hostile environment, or retaliation.

Non-Consensual Sexual Intercourse is:

- Any sexual penetration or intercourse (anal, oral or vaginal),
- However slight,
- With any object,
- By a person upon another person,
- That is without consent and/or by force.

“Sexual penetration” includes vaginal or anal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Non-Consensual Sexual Contact is: Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force.

“Sexual touching” includes any bodily contact with the breasts, groin, genitals, mouth or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes or attempts to take non-consensual or abusive sexual advantage of another and situations in which the conduct does not fall within the definitions of Sexual Harassment, Non-Consensual Sexual Intercourse, or Non-Consensual Sexual Contact. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaged in sexual acts without the consent of the person observed).
- Taking pictures, video, or audio recording another in a sexual act or in any other private activity without the consent of all involved in the activity or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person’s consent).
- Prostitution.
- Sexual Exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection, and further includes administering alcohol or drugs (such as “date rape” drugs) to another person without his or her knowledge or consent.

Statement of Consent

Consent is knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person physically or mentally incapacitated has violated this policy. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint, and/or from the taking of incapacitating drugs.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the

context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent.

Consent is **revocable** at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue and, if that happens, the other person must stop immediately.

A minor below the age of consent according to the state law cannot consent to sexual activity. This means that sexual contact by an adult with a person below the age of consent is a crime as well as a violation of this policy, even if the minor appeared to have wanted to engage in the act.

Jurisdiction

The District has jurisdiction over student conduct that occurs on District property, or in connection with official District functions whether on or off District property—BP 3540. Although the District will not routinely invoke its disciplinary processes over student conduct that occurs off campus except in connection with an official District function, the District has discretion to exercise jurisdiction over conduct that occurs off campus and that would violate student conduct and discipline policies or regulations if the conduct had occurred on campus when:

- 1) The alleged misconduct indicates the student poses a threat to the safety or security of any member(s) of the District community or
- 2) The alleged misconduct involves academic work or the forgery, alteration, or misuse of any District document, record, key, electronic device, or identification.

Specifically, the District may choose to exercise jurisdiction over off-campus incidents under item 1 above where the alleged misconduct involves:

- Physical abuse, including but not limited to rape, sexual assault, sex offenses, and other physical assault; threats of violence; or conduct that threatens the health or safety of any person;
- Stalking;
- Sexual harassment;
- Hazing

In determining whether or not to exercise off-campus jurisdiction in cases under item 1 above, the District will consider the seriousness of the alleged misconduct; whether the alleged victim is a member of the campus community; the ability of the District to gather evidence, including the testimony of witnesses; or whether the off-campus conduct is part of a series of actions that occurred both on and off campus.

Assignment of Responsibility

Responsibility for implementing the provisions of the Rio Hondo College District Policy on sexual misconduct is shared by the Title IX Coordinator, Human Resources Director, and other campus officials, including managers and supervisors, as noted above.

Title IX Coordinator

In accordance with Rio Hondo College District Policy, the duties and responsibilities of the campus Title IX Coordinator include, but are not limited to:

- Planning and managing the local sexual misconduct education and training programs. The programs should include wide dissemination of policy to the Rio Hondo College District

constituents; providing educational materials to promote compliance with the District policy and familiarity with local reporting procedures; and training District employees responsible for reporting or responding to reports of sexual harassment.

- Maintaining records of reports of sexual harassment involving students at the location and actions taken in response to reports, including records of investigations, voluntary resolutions, and disciplinary action as appropriate, in coordination with the appropriate offices that have responsibility for responding to reports of sexual harassment.
- Preparing and submitting an annual report the Office of the President, for submission to the Rio Hondo College District Board, on sexual harassment complaint activity during the preceding calendar year.

Additionally, the Title IX Coordinator shall participate with other campus officials in the development and implementation of local procedures for prompt and effective response to reports of sexual misconduct, and shall revise such procedures accordingly in response to related directives from the Office of the President, District Risk Management, or other authoritative entities which may be issued from time to time.

Complaint Resolution Officer

Certain Complaint Resolution Officers (CRO) have been designated to review and investigate sexual harassment complaints when a report of sexual harassment is received. The responsibilities of CRO's include:

- Advising complainants of available complaint resolution options, timeframes, and confidentiality.
- Providing notification to individuals accused of violating the policy on sexual harassment.
- Conducting fact-finding investigations.
- Compiling reports at the conclusion of the investigation.

Reports of sexual misconduct should be directed to the appropriate CRO based on the status of the person accused of sexual misconduct. All reports of sexual misconduct involving students and subsequent investigations shall be coordinated through the Title IX Coordinator's Office to ensure appropriate procedures and documentation.

Advocate

The District is aware and sensitive to all parties involved in a sexual harassment case; therefore, an impartial advocate maybe assigned to a case to offer support, clarify student rights and responsibilities, and the adjudication process.

Reporting, and Responding to Reports of Sexual Misconduct

Making Reports of Sexual Misconduct

All members of the College community are encouraged to contact the Title IX Coordinator if they observe or encounter conduct that may be subject to Rio Hondo College District Policy on sexual misconduct.

- 1) Reports of sexual misconduct may be brought to the appropriate Complaint Resolution Officer, the Title IX Coordinator, to the Human Resources Director, or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual misconduct.

- 2) A detailed incident report form on the facts of the incident is submitted on the alleged violation to the appropriate Complaint Resolution Officer, the Title IX Coordinator, to the Human Resources Director, or to any manager, supervisor, or other designated employee responsible for responding to reports of sexual misconduct.
- 3) If the person to whom harassment normally would be reported is the individual accused of misconduct, reports may be made to another manager, supervisor, Human Resources Director or other designated employee. Managers, supervisors, and designated employees are required to notify the Title IX Coordinator, a Complaint Resolution Officer, or other appropriate official designated to review and investigate sexual misconduct complaints when a report is received.

Reports of sexual misconduct shall be brought as soon as possible after the alleged conduct occurs, optimally within one year. Prompt reporting will enable the District to investigate the facts, determine the issues, and provide an appropriate remedy or disciplinary action. For reports of sexual harassment brought after one year, the campus shall respond to reports sexual misconduct to the greatest extent possible, taking into account the amount of time that has passed since the alleged conduct occurred.

Options for Resolution

Individuals making reports of sexual misconduct shall be informed about options for resolving potential violations of the Rio Hondo College District Policy on sexual misconduct. These options shall include early resolution, formal investigation, and filing complaints or grievances under applicable College complaint resolution or grievance procedures.

Individuals making reports also shall be informed about policies applying to confidentiality of reports under this policy. Rio Hondo College District shall respond to the greatest extent possible to reports of sexual misconduct brought anonymously or brought by third parties not directly involved in the harassment/assault. However, the response to such reports may be limited if information contained in the report cannot be verified by independent facts.

Individuals bringing reports of sexual misconduct shall be informed about the range of possible outcomes of the report, including interim protections, remedies for the individual harmed by the harassment/assault, and disciplinary actions that might be taken against the accused as a result of the report, including information about the procedures leading to such outcomes.

An individual who is subjected to retaliation (e.g., threats, intimidation, reprisals, or adverse employment or educational actions) for having made a report of sexual misconduct in good faith, who assisted someone with a report of misconduct, or who participated in any manner in an investigation or resolution of a report of sexual misconduct, may make a report of retaliation under these procedures. The report of retaliation shall be treated as a report of sexual misconduct and will be subject to the same procedures.

Early Resolution

The goal of early resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. The campus will explore options for early resolution when the parties desire to resolve the situation cooperatively and/or when a formal investigation is not likely to lead to a satisfactory outcome. Early resolution may include an inquiry into the facts, but typically does not include a formal

investigation. Means for early resolution shall be flexible and encompass a full range of possible appropriate outcomes.

Early resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or providing remedies for the parties, making recommendations for resolution, and conducting a follow-up review after a period of time to assure that the resolution has been implemented effectively. Early resolution may be appropriate for responding to anonymous report and/or third party reports. Steps taken to encourage early resolution and agreements reached through early resolution efforts should be documented.

While the campus encourages early resolution of a complaint, the campus does not require that parties participate in early resolution prior to the campus's decision to initiate a formal investigation. Some reports of sexual misconduct may not be appropriate for early resolution, but may require a formal investigation at the discretion of the Complaint Resolution Officer, Title IX Coordinator, or other appropriate official designated to review and investigate sexual harassment complaints.

Administrative Procedures for early resolution:

- a. Inform a Complaint Resolution Officer or any campus official that an alleged violation of sexual misconduct had occurred (see _____) and/or
- b. Provide a written report detailing the incident (name(s)/dates/times/location), describe the impact it had on you, and submit to a Complaint Resolution Officer or any campus official.
- c. The Complaint Resolution Officer will endeavor to resolve a case within thirty (30) days of the date of the written report.
- d. An official letter will be sent to each party involved in the resolution detailing the outcome of the agreement.

Formal Investigation

In response to reports of sexual misconduct in cases where early resolution is inappropriate (such as when the facts are in dispute in reports of serious misconduct, or when reports involve individuals with a pattern of inappropriate or allege criminal acts such as stalking, sexual assault or physical assault) or in cases where early resolution is unsuccessful, the campus may conduct a formal investigation.

The wishes of the individual making the request shall be considered, but are not determinative, in the decision to initiate a formal investigation of a report of sexual misconduct. In cases where there is no written request, the Title IX Coordinator, Complaint Resolution Officer, Human Resources Director, or appropriate official designated to review and investigate sexual misconduct complaints, in consultation with the administration, may initiate a formal investigation after making a preliminary inquiry into the facts. Formal investigation of reports of sexual harassment shall incorporate the standards listed below, including reports of sexual misconduct filed by a student against a District employee(s).

Administrative Procedures for Formal Investigation

When a student is accused of sexual harassment, regardless of the status of the alleged victim (i.e., another student, a faculty member, etc.), the relevant student disciplinary procedures set forth in the Rio Hondo College District Student Code of Conduct (Board Policy 5500) shall constitute the formal

investigation. However, the student conduct proceedings shall incorporate relevant elements from the standards listed below, and other specifications as noted.

- a. The individual(s) accused of violating the policy on sexual misconduct shall be provided a copy of the written request for formal investigation or otherwise given a full and complete written statement of the allegations and a copy of the Rio Hondo College District Policy on Sexual Misconduct Policy.
- b. An investigation and student conduct proceedings generally shall include interviews with or testimony from the parties if available, interviews with or testimony from other witnesses as needed, and review of relevant documents as appropriate. Disclosure of facts to parties and witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation. Participants in an investigation shall be advised that maintaining confidentiality is essential to protect the integrity of the investigation.
- c. Upon request, the complainant and the accused may each have a representative present when he or she is interviewed. Other witnesses may have a representative present at the discretion of the investigator or judicial panel chair, as appropriate, or as required by applicable District policy or collective bargaining agreements.
- d. At any time during an investigation, the investigator, as appropriate, may recommend that interim protections or remedies for the complainant or witnesses be provided by appropriate College officials. These protections or remedies may include separating the parties, placing limitations on contact between the parties, or making alternative working or student scheduling arrangements. Failure to comply with the terms of interim protections may be considered a separate violation of the Rio Hondo College District Policy.
- e. Investigations shall be completed as promptly as possible and in most cases within (60) working days of the date the request for formal investigation was filed. This deadline may be extended on approval by the Title IX Coordinator. For example, the investigation may undertake a short delay (10-14 days, to allow for evidence collection) when criminal charges on the basis of the same behaviors that initiated the process are being investigated. The findings are based on preponderance of evidence, which means “more likely than not.”
- f. Generally, an investigation should result in a written report that at a minimum includes a statement of the allegations and issues, the positions of the parties, a summary of the evidence, findings of fact, and a determination by the investigator as to whether District policy has been violated. The report shall be submitted to the Title IX Coordinator and campus officials with authority to implement the actions necessary to resolve the complaint. The report may be used as evidence in other related procedures, such as subsequent complaints, grievances and/or disciplinary actions.
- g. The complainant and the accused shall be informed promptly in writing when the investigation or student disciplinary proceeding is completed. The complainant shall be informed if there were findings made that the Rio Hondo College District Policy was or was not violated and of actions taken to resolve the complaint, if any, that are directly related to the complainant, such as an order that the accused not contact the complainant. In accordance with the Violence Against Women Act (VAWA), the complainant may be notified with the outcomes of the case and/or disciplinary action taken without the consent of the accused.
- h. The complainant and the accused may request a copy of investigative or judicial panel report, as appropriate, pursuant to District policy governing privacy and access to personal inform. However, the report provided shall be redacted to protect the privacy of personal and confidential information regarding all individuals other than the individual requesting the report

in accordance with District policy. The request will receive the report within fifteen (15) working days of the date of the written request is received.

Appeal Procedures

Established to afford the responding student an additional level of due process, a review is centered on whether or not the original decision is sound enough to withstand the examination of an impartial review. This process is initiated by the student. The District appeal procedures are found in the Rio Hondo College Student Conduct Procedures (Administrative Procedure 5520).

Either the complainant or the respondent or both may appeal the determination of the judicial panel and/or sanctions. Disagreeing with the finding of the sanction is not, by itself, grounds for appeals.

Students are allowed one appeal. The decision of the appeal panel is final.

Remedies and Referral to Disciplinary Procedures

Findings of violations of the Rio Hondo College District policy may be considered in determining remedies for individuals harmed by the sexual misconduct and shall be referred to applicable local disciplinary procedures. Procedures shall be coordinated with applicable complaint resolution, grievance, and disciplinary procedures to avoid duplication in the fact-finding process whenever possible. Violations of the Rio Hondo College District policy may include engaging in sexual misconduct, retaliating against a complainant reporting sexual misconduct, violating interim protections, and filing intentionally false charges of sexual harassment. Investigative reports made pursuant to the Rio Hondo College District policy may be used as evidence in subsequent complaint resolution, grievance, and disciplinary proceedings as permitted by the applicable procedures.

The investigator, along with administrator who has been designated to approve this action, may require parties to an interim restriction as a remedy. These restrictions may include, but are not limited to: restricted access to facilities, events, no-contact orders with specific individuals, etc. or any other restrictions deemed by the Student Discipline Officer, or designee, to be necessary to achieve the goals stated above.

Reluctant Victim

Sexual assault victims may be hesitant to report a sexual harassment or a sexual assault to campus safety or campus officials for many reasons. A victim may be afraid no one will believe them, or that they will be blamed for the assault. They might feel embarrassed of that it's too personal to share with strangers. Some victims believe they will bring shame to their family and never report the incident. A trained Victim's Advocate provided by the District can help you talk about these issues and decide what the best course of action is for you.

If a victim decides not to continue, a Reluctant Victim Form must be completed and submitted to the Title IX Coordinator.

Privacy

The District shall protect the privacy of individuals involved in a report of sexual misconduct to the extent required by law and District policy. A report of sexual misconduct may result in the gathering of extremely sensitive information about individuals in the District community. While such information is considered confidential, District policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual misconduct. In

such cases, every effort shall be made to redact the records in order to protect the privacy of individuals.

An individual who has made a report of sexual misconduct may be advised of sanctions imposed against the accused when the individual needs to be aware of the sanction in order for it to be fully effective (such as restrictions on communication or contact with the individual who made the report). However, information regarding disciplinary action taken against the accused shall not be disclosed without the accused's consent, unless it is necessary to ensure compliance with the action or the safety of individuals.

Confidentiality

Confidential Resources

In addition to the offices responsible for receiving and responding to reports of sexual misconduct, Rio Hondo College District offers several confidential resources designed to assist individuals with concerns about sexual misconduct. Individuals may discuss their concerns with these confidential resources and learn about their options, including making a report of sexual misconduct, and the procedures and potential outcomes involved. Individuals who consult with confidential resources are advised that their discussions in these settings are not considered reports of sexual misconduct and that without additional action by the individual, the discussions will not result in any action by the District to resolve their concerns. The following are designated campus confidential resources:

- Student Health Center Personnel (nurses and psychological services): (562) 908-3438
- Community Resources for Victims of Sexual Assault
 - Hospitals (Sexual Assault Response Team [SART] Centers; transportation is available)
 - Pomona Valley Medical Center (909) 865-9500
 - Presbyterian Intercommunity Hospital (562) 698-0811
 - Queen of the Valley, West Covina (626) 962-4011
 - San Gabriel Valley Medical Center (626) 289-5454
 - Penal Code § 1035-1036.2 provides a client confidentiality privilege or "confidential communication" between the sexual assault counselor and the victim. The victim is the holder of the privilege. Eligibility to participate in the client confidentiality privilege is conferred upon those who work in a rape crisis center, have completed 40 hours of training, and have received a certificate evidencing completion of the required training program.
 -
 - Peace Over Violence. Rape/Battery Hotlines: (626) 793-3385; (310) 392-8381; (213) 626-3393
- National Resources
 - RAINN (Rape, Abuse & Incest National Network) Hotline: (800) 656-HOPE (4673)

Confidentiality in the Context of Making a Report of Sexual Misconduct

Certain District employees, such as the Title IX Coordinator, managers, supervisors, and other designated employees, have an obligation to respond to reports of sexual misconduct, even if the individual making the report requests that no action be taken. An individual's request regarding the confidentiality of reports of sexual misconduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the District's legal obligation

to ensure a working and learning environment free from sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the District will comply with requests for confidentiality to the extent possible.

Retention of Records

The Title IX Coordinator and Complaint Resolution Officers are responsible for maintaining records relating to sexual misconduct reports, investigations, and resolutions. Records shall be maintained as Class II in accordance with District records policies, (Board Policy 3310), after the date the complaint is resolved. Records may be maintained longer at the discretion of the Title IX Coordinator or Complaint Resolution Officers in cases where the parties have a continuing affiliation with the District.

When a subsequent report concerns the subject of a previous complaint or is made by a previous complainant, all records or prior and subsequent reports shall be maintained after the resolution of the latest report.

All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from legal counsel.

Confidential Resources

The College must comply with the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, a Federal law also commonly known as the Clery Act. The Clery Act¹ requires colleges and universities to:

Publish and Annual Security Report (ASR) by October 1, documenting three calendar years of select campus crime statistics including security policies and procedures and information on the basic rights guaranteed victims of sexual assault. The law requires schools make the report available to all current students and employees, and prospective students and employees must be notified of its existence and given a copy upon request. Schools may comply with this requirement via the Internet if required recipients are notified and provided exact information regarding the online location of the report. Paper copies of the ASR should be available upon request. All crime statistics must be provided to the U.S. Department of Education.

¹Clery Center for Security on Campus available at <http://clerycenter.org/summary-jeanne-clery-act>

To have a public crime log. Institutions with a police or security department are required to maintain a public crime log documenting the “nature, date, time, and general location of each crime” and its disposition, if known. Incidents must be entered into the log within two business days. The log should be accessible to the public during normal business hours; remain open for 60 days and, subsequently, made available within two business days upon request.

Disclose crime statistics for incidents that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus and at certain non-campus facilities including Greek housing and remote classrooms. The statistics must be gathered from campus police or security, local law enforcement and other school officials who have “significant responsibility for student and campus activities.” The Clery Act requires reporting of crimes in seven major categories, some with significant sub-categories and conditions:

1. Criminal Homicide
 - a. Murder and non-negligent manslaughter
 - b. Negligent manslaughter
2. Sex Offenses

- a. *Forcible*
 - b. *Non-forcible*
3. *Robbery*
4. *Aggravated Assault*
5. *Burglary, Where:*
 - a. *There is evidence of unlawful entry (trespass), which may be either forcible or not involve force.*
 - b. *Unlawful entry must be of a structure—having four walls, a roof, and a door.*
 - c. *There is evidence that the entry was made in order to commit a felony or theft.*
6. *Motor Vehicle Theft*
7. *Arson*

Schools are also required to report statistics for the following categories of arrests or referrals for campus disciplinary action (if an arrest was not made):

1. *Liquor Law Violations*
2. *Drug Law Violations*
3. *Illegal Weapons Possession*

Hate crimes must be reported by category of prejudice, including race, gender, religion, sexual orientation, ethnicity, and disability. Statistics are also required for four additional crime categories if the crime committed is classified as a hate crime:

1. *Larceny/Theft*
2. *Simple Assault*
3. *Intimidation*
4. *Destruction/Damage/Vandalism of Property*

Colleges are required to maintain a public crime log documenting the “nature, date, time, and general location of each crime” and its disposition. The college is to provide detailed information about the incident to the media and/or third parties, especially if the incident report involves sexual violence. If an incident leads to an investigation of sexual misconduct, it is important that the college make every effort to maintain confidentiality to protect the victim and the alleged perpetrator as well as to protect the overall integrity of the investigation. However, reports of sexual assault are aggregately reported through the Rio Hondo College Campus Security Office, and access to this information is public.

The College’s priorities are to protect:

1. The public and campus community
2. The victim and the alleged perpetrator
3. The investigative process (to keep it unbiased, fair, and confidential)
4. The college/district liability
5. The college’s public image

Recommendation: If an investigation of sexual assault of sexual misconduct is under investigation through the Title IX Office, details of the incident report (circumstances, parties involved, etc.) will be kept in confidence and will only be released to those college officials who have a legitimate need to know for the purposes of the investigation. Aggregate data from the Title IX investigations will be shared with Campus Security for the purposes of reporting under the Clery Act. If it is determined that the campus and/or general community may be at risk due to information reported to the College, the institution will make every effort to inform students, staff, faculty, and the community in a timely manner.

Media and/or third parties seeking detailed information about incidents being investigated under Title IX should be informed that details (beyond those on the public crime log) will not be disclosed so as to protect the integrity of the investigation and the privacy of those involved. Reporters and/or third parties may be referred to the Title IX Coordinator or the Director of Marketing and Communications.

DEFINITIONS

Accused/Respondent

“Accused/Respondent” means the person(s) who are alleged to have violated the Student Code of Conduct.

Complainant

“Complainant” means the person(s) reporting alleged violations of this Student Code of Conduct.

Complaint Officer

The person assigned to objectively investigate the facts of the complaint, to document the findings, and to provide a written response to the complainant.

Complaint Resolution Officer

A member of the Title IX Team designated as the primary investigator for claims of sexual harassment and/or assault.

District

Rio Hondo College District and its educational centers.

Respondent

“Respondent” means the person(s) who are alleged to have violated the Student Code of Conduct.

Formal Process

Initiated after the informal process when a Complaint Form is submitted to the appropriate office.

Informal Process

The first step in the complaint process when a complainant meets informally with the supervisor/administrator of the appropriate department.

Report of Sexual Misconduct

A report from a student, employee, or community member of sexual misconduct, which may include sexual violence, sexual harassment, non-consensual sexual contact, and/or sexual exploitation.

Respondent

“Respondent” means the person(s) who are alleged to have violated the Student Code of Conduct.

Response

A written response to the complainant.

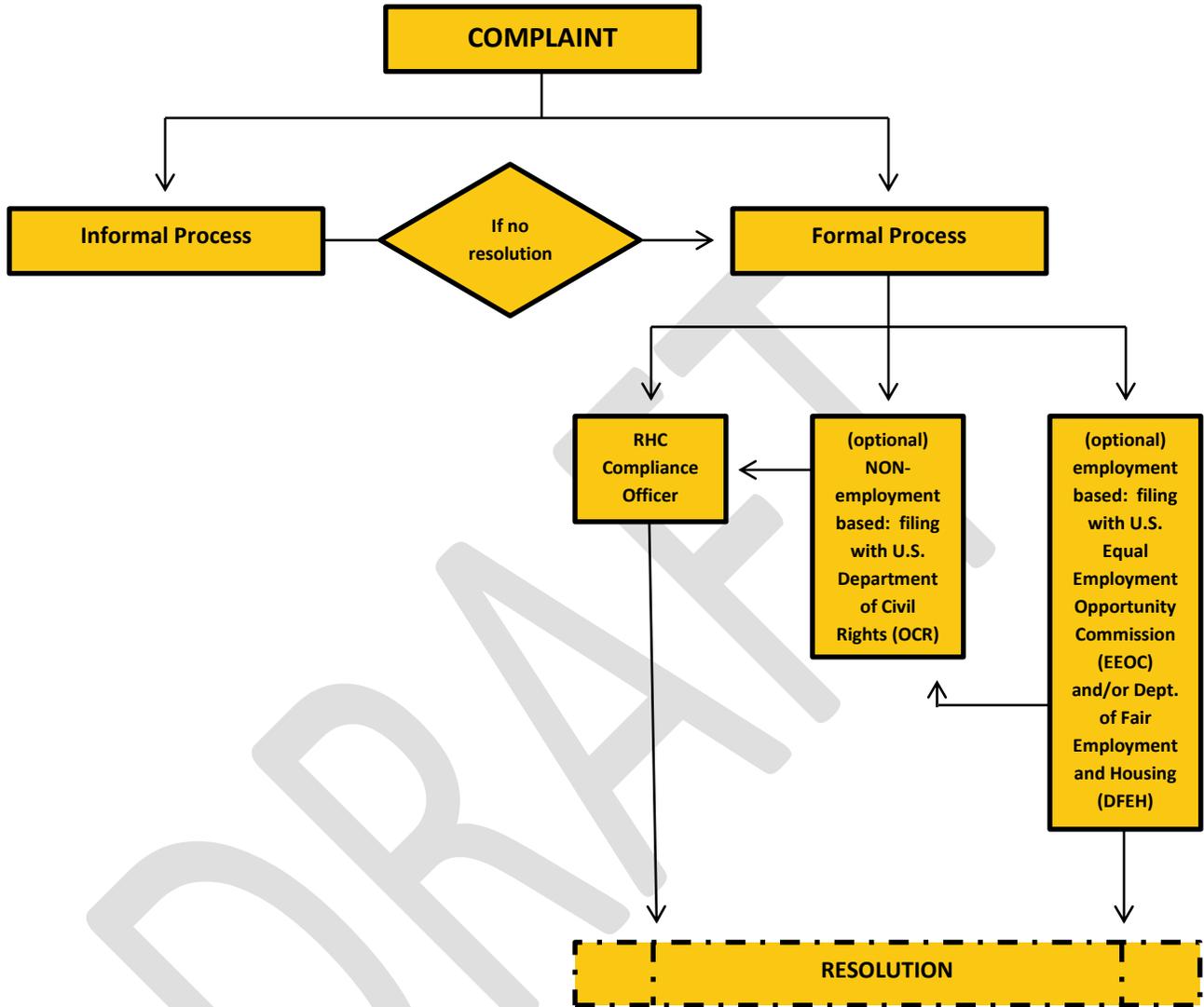
Title IX Coordinator

A trained district employee with primary responsibility for coordinating the college's Title IX compliance efforts. The Title IX Coordinator's responsibilities are critical to the development, implementation, and monitoring of meaningful efforts to comply with Title IX legislation, regulation, and case law.

DRAFT

Appendix 1

Discrimination Investigation Flow Chart



Appendix 2



Unlawful Discrimination Complaint Form

Name: _____
Last First

Address: _____
Street or P.O. Box City State Zip

Phone: Day (_____) Evening (_____)

I Am A: Student Employee Other: _____

I Wish To Complain Against: _____

District: _____ **College:** _____

Date of Most Recent Incident of Alleged Discrimination: _____
(Nonemployment complaints must be filed within one year of the date of the alleged unlawful discrimination. Employment complaints must be filed within six months of the date of the alleged unlawful discrimination.)

I Allege Discrimination Based on the Following Category Protected under Title 5 (you must select at least one):

<input type="checkbox"/> Age	<input type="checkbox"/> Ethnic Group Identification	<input type="checkbox"/> Physical Disability	<input type="checkbox"/> Retaliation**
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Mental Disability	<input type="checkbox"/> Race	<input type="checkbox"/> Sex/Gender (includes Harassment)
<input type="checkbox"/> Color	<input type="checkbox"/> National Origin	<input type="checkbox"/> Religion	<input type="checkbox"/> Sexual Orientation

Perceived to be in protected category or associated with those in protected category

Clearly state your complaint. Describe each incident of alleged discrimination separately. For each incident provide the following information: 1) date(s) the discriminatory action occurred; 2) name of individual(s) who discriminated; 3) what happened; 4) witnesses (if any); and 5) why you believe the discrimination was because of your religion, age, race, sex or whatever basis you indicated above. **If applicable, explain why you believe you were retaliated against for filing a complaint or asserting your right to be free from discrimination on any of the above grounds. (Attach additional pages as necessary.)

What would you like the District to do as a result of your complaint -- what remedy are you seeking? _____

I certify that this information is correct to the best of my knowledge.

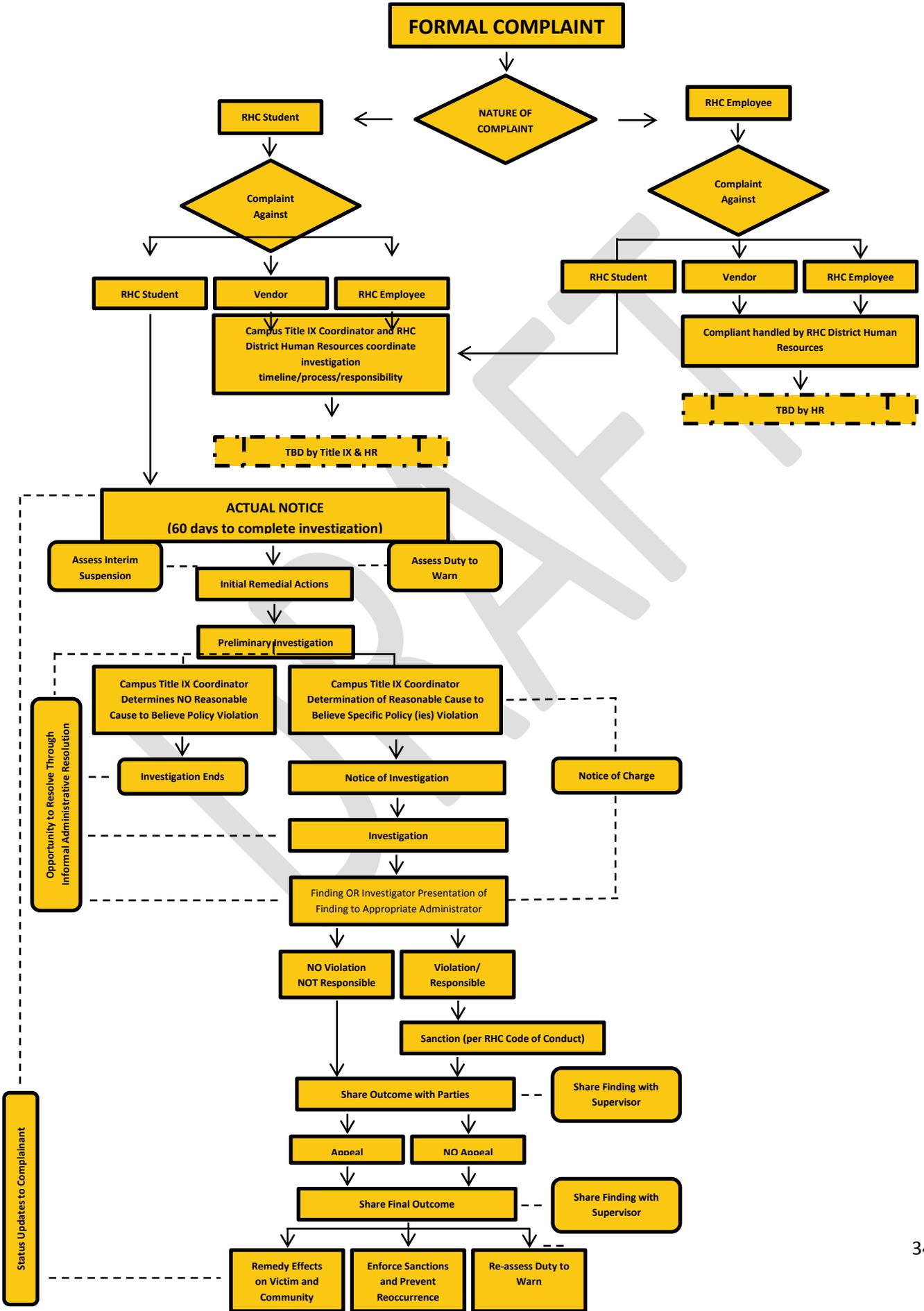
Signature of Complainant Date

Send **Original** to the **Coast Community College District**, or: Chancellor's Office, California Community Colleges
 1102 Q Street, Sacramento, California 95811-6549
 Attention: Legal Affairs Division

(Revised 02/08)

Appendix 3

Title IX Investigation Flow Chart



Appendix 4



Sexual Misconduct

Incident and Complaint Report Form

Complainant General Information

Faculty Staff Student I.D. #: _____ Date of Birth: ____ / ____ / ____

- 1 Complainant's Name: _____
- 2 Address: _____
- 3 Phone: () _____
- 4 Email: _____

Alleged Offender's General Information (if known)

Faculty Staff Student I.D. #: _____ Date of Birth: ____ / ____ / ____

- 1 Alleged Offender is: Unknown Affiliated with Rio Hondo College
- 2 Offender's Name: _____
- 3 Address: _____
- 4 Phone: _____
- 5 Email: _____

Witness(es) General Information (if any)

Witness 1

Faculty Staff Student I.D. #: _____

- 1 Name: _____
- 2 Phone: () _____
- 3 Email: _____

Witness 1

Faculty Staff Student I.D. #: _____

- 1 Name: _____
- 2 Phone: () _____
- 3 Email: _____

Incident Information (you may attach additional sheets of paper if needed).

Please describe (in detail) the incident(s) that occurred. Include a full description of the event(s), verbal statements, location of the incident(s) and the physical contact that was involved.

This complaint is based on my honest account that an alleged violation of Rio Hondo College District Policies on sexual misconduct has occurred. I hereby certify that the information I have provided in this incident and complaint form is true, correct, and complete to the best of my knowledge.

Complainant's Signature

Date

Instructions: This form may be submitted in various ways.

- 1 Email this document to the Title IX Coordinator, lnashua@riohondo.edu, or
- 2 Turn this document in at the Rio Hondo College campus, to the Title IX Coordinator, in SS204.

Confidentiality: Certain District employees, such as the Title IX Coordinator and officers, managers, supervisors, and other designated employees, have an obligation to respond to reports of sexual misconduct, even if the individual making the report requests that no action be taken. An individual's request regarding the confidentiality of reports of sexual misconduct will be considered in determining an appropriate response; however, such requests will be considered in the dual contexts of the District's legal obligation to ensure a working and learning environment free from sexual misconduct and the due process rights of the accused to be informed of the allegations and their source. Some level of disclosure may be necessary to ensure a complete and fair investigation, although the College will comply with requests for confidentiality to the extent possible.

Duty of Care: To ensure that you are receiving the necessary care, the College may assign a trained victims advocate to you to assist in your understanding of your student rights and responsibilities and to provide resources and other remedies to help you in this process.

OFFICE USE ONLY:

Received on:

Received by:

I want... I need...

Medical

To get medical attention, go to the nearest emergency room, medical provider or the Student Health Center on campus. A Sexual Assault Nurse Examiner (SANE) at the local hospital will help ensure that you are healthy, provide options to prevent pregnancy or sexually transmitted infections, and collect valuable evidence that may be useful in the future, even if you are unsure about pursuing legal action now. Physical evidence can only be collected up to 72 hours after an assault.

Report a Concern and Get Support

You may report a concern and seek assistance from staff/faculty. However, they cannot guarantee you confidentiality, as they must notify the Title IX coordinator. They also will explain your options and resources and attend to your immediate needs for safety and interim measures (e.g., no contact orders and academic accommodations).

Talk to Someone, Confidentially

You may not be ready to take action but want to speak with someone confidentially. Psychologists at the Student Health Services are permitted by the nature of their profession to maintain your confidentiality.

Understanding the College's Disciplinary Process

You are encouraged to contact the Dean of Student Affairs (also the Title IX Coordinator), who is responsible for investigating all reports of sexual assault and relationship violence, including the provision of interim measures and final administrative remedies.

Reporting a Criminal Concern

Sexual assault and relationship violence also are crimes. The District encourages you to contact local law enforcement to report a crime—Pico Rivera Sheriffs: (562) 949-2421.

Family and Friends

Remember that family and friends can offer support too.

IMPORTANT PHONE NUMBERS

Police

- **Emergency, call 911, from any campus phone.**
- **Pico Rivera Sheriffs (562) 949-2421.**

Campus Security, A117

- (562) 949-2421

Dean of Student Affairs (Title IX Officer)

- (562) 908-3498
- lnashua@riohondo.edu

Psychological Services (Student Health Services, SS 230)

- (562) 908-3438

Sexual Assault Counseling

- East Los Angeles Rape Hotline (bilingual) 800-585-6231
- Peace Over Violence (bilingual & TTY) 626-793-3385
- Project Sister Sexual Assault Crisis Center Claremont 909-623-1619
- Santa Monica Rape Treatment Center 310-319-4000

Hospitals (Sexual Assault Response Team [SART] Centers; transportation is available)

- Pomona Valley Medical Center (909) 865-9500
- Presbyterian Intercommunity Hospital (562) 698-0811
- Queen of the Valley, West Covina (626) 962-4011
- San Gabriel Valley Medical Center (626) 289-5454

National Resources

- RAINN (Rape, Abuse & Incest National Network)
 - ◆ (800) 656-HOPE (4673)
 - ◆ <https://www.rainn.org>

Rio Hondo College 



Rio Hondo College



Office of Student Affairs

Sexual Assault and Relationship Violence Reporting and Resources

Get to a Safe Place
Call 911 if you are in an emergency

Get Medical Attention
Treat injuries and collect assault evidence

Obtain Emotional Care and Support
Do not try to deal with the situation alone

Tell Someone
Report the incident to the Police, Campus Security, or the Dean of Student Affairs (Title IX Officer): (562) 908-3498





I think I have experienced some type of sexual assault, but I am not sure...

What

hat you need to know

Sexual Violence

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

Sexual Assault

Sexual assault occurs when physical sexual activity is engaged without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).

Dating Violence

Controlling, abusive, and aggressive behavior, which can include verbal, emotional, physical, or sexual abuse, or a combination of these during the dating process, in either heterosexual or same sex relationships. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

Domestic Violence

Domestic violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse 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;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts under California law.

Stalking

Stalking is behavior in which a person willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family.

Rape

Under California Penal Code 261, rape is summarized as sexual intercourse against an individual's will accomplished by force or threats of bodily injury; or fear that the victim or another will be injured if the victim does not submit to the intercourse; or where the victim is incapable of giving consent or prevented from resisting due to being intoxicated, drugged, or unconscious or asleep.

*It's NOT your fault
You Are NOT Alone*

Consent

Consent is **informed**. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity.

Consent is **voluntary**. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

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

Consent cannot be given when a person is incapacitated. A person cannot consent if she/he is unconscious or coming in and out of consciousness. A person cannot consent if she/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if her/his understanding of the act is affected by a physical or mental impairment.

**If You Feel Unsafe
CALL 911
Or Campus Security
3490**



OFFICE OF THE PRESIDENT

REVISED

May 11, 2015

TO: President's Council
Administrative Council
Planning Fiscal Council

FROM: Sandy Sandello

SUBJECT: Revision of BPs / APs

Attached is the revision to the following Board Policy:

BP 7211 Faculty Service Area, minimum Qualifications and Equivalency

Attached are the revision to the following Administrative Procedures:

AP 4100 Graduation Requirements

AP 5013 Students in the Military

This will begin the review process for the above policy and procedures.

/SS

**FACULTY SERVICE AREA, MINIMUM QUALIFICATIONS
AND EQUIVALENCY**

BP No. 7211

Board Adopted: 3-16-77; Rev. 2-8-78; 1-10-79; 5-4-82, 6-8-94; 4-13-05

Page 1 of 1

- I. ~~Any~~ **All** General Secondary Credentials and all Faculty Service Areas for which an academic employee is qualified ~~for~~ shall be registered with the Office of Human Resources upon hire, or upon qualifying for it **them**. After initial employment, a faculty member may apply to the District to add Faculty Service Areas for which the faculty member qualifies. This should be done prior to February 15 of any academic year in order to be considered in any proceeding during **following** the academic year in which the application is received.
- II. Only those registered and on file will be considered as a basis for reassignment in the event of staff reductions pursuant to Education Code Section 87743.
- III. Education Code Section 87359 and Title 5, Section 53430 provide for the development of the process, criteria, and standards for determining "equivalency" jointly by representatives of the ~~Governing Board~~ **of Trustees** and the Academic Senate, and approval by the ~~Governing Board~~ **of Trustees**.
- IV. Responsibility for developing the process, criteria, and standards for determining equivalency is assigned to the Academic Senate. The process, criteria, and standards shall be approved by the ~~Governing Board~~ **of Trustees** prior to implementation.
- V. The process shall include procedures to ensure that the ~~Governing Board~~ relies upon the advice and judgment of the Academic Senate to determine that each individual employed under the authority granted by the regulations possesses qualifications that are at least equivalent to the applicable minimum standards specified in Title 5, Section ~~53420~~ **53430**.
- VI. Source/Reference
EC 87359, 87743, ~~87743.3~~ and Title 5, Section 53430 ~~BP 1115~~

GRADUATION REQUIREMENTSAP No.
4100

Board Reviewed: 8/15/07; 12/12/12; 5/14/14

Page 1 of 3

- I. **At the Academic Senate's final meeting of the academic year, the Academic Senate on behalf of the faculty of Rio Hondo College will recommend that students who have completed the requirements for a degree be conferred that degree with all rights, privileges, and responsibilities thereunto appertaining.**
- II. The degree of Associate in Arts or Associate in Science will be conferred upon any student satisfactorily completing the following requirements:
 - A. A two-year prescribed departmental college curriculum of 60 units for the Associate in Arts degree or the Associate in Science degree (2.0 average or better) with at least twelve (12) units in residence.
- III. The degree of Associate in Arts or Associate in Science will be conferred with a major consisting of a minimum of eighteen (18) units in an area of emphasis (or major). A listing of all majors can be found in the degree listing in the college catalog. Major course criteria:
 - A. A minimum "C" grade for all course work within the major
 - B. No non-degree applicable course work can be included in the total number of units earned towards a major.
 - C. Two physical education activity courses.
 - D. American Institutions Requirements – successful completion of one of the following courses: HIST 143, HIST 143H, HIST 144, 144H, HIST 158, HIST 159, 159H, POLS 110 or POLS 110H or Advanced Placement examination scores of 3, 4, or 5 on either of the following exams: U.S. Government and Politics or U.S. History.
 - E. Competence in reading and written expression that may be met by:
 1. The reading requirement may be met by one of the following:
 - a. Credit ("P" grade) earned in READ 023 or higher level reading course
 - b. Appropriate score on the reading assessment test
 - c. 2 or 4 year degree from a regionally accredited U.S. institution
 2. The written expression requirement may be met by one of the following:

GRADUATION REQUIREMENTS

AP No. 4100

Board Reviewed: 8/15/07; 12/12/12; 5/14/14

Page 2 of 3

- a. Credit earned (grade of "C" or better) in ENGL 101(College Composition and Research)
 - b. A satisfactory score on the CSU English Equivalency Exam (to be determined by the Division of Communications and Languages)
 - c. Students earning a "C" or better in freshman composition courses (three (3) or more semester units/four (4) or more quarter units) from regionally accredited colleges and universities
 - d. Advanced Placement examination scores of 3, 4, or 5 on either of the following exams: AP English Language & Composition or English Literature & Composition
 - e. CLEP examination scores of 50 or higher on the following exams: College Composition, College Composition Modular, English Composition (if taken before July 2010)
- F. Competence in mathematics that may be met by one of the following:
1. Credit ("C" grade or better) in MATH 060 (Geometry), MATH 070 (Intermediate Algebra), or MATH 072 (The Mathematics of Money) or a higher level math course
 2. A satisfactory score on the Rio Hondo College Math Proficiency Exam
 3. Advanced Placement examination scores of 3, 4 or 5 on any of the following exams: AP Calculus AB or AP Calculus BC or AP Statistics
- G. Completion of general education requirements of course work in each of four (4) areas, in addition to the major(s) requirement. The four (4) area requirements and courses from which a student may choose are as follows:
1. Natural Sciences with Lab (a lab must be included) – minimum of three (3) units
 2. Social and Behavioral Sciences – minimum of three (3) units
 3. Humanities – select one course from each of:
Fine Arts - minimum of three (3) units
Humanities - minimum of three (3) units
 4. Language and Rationality – select one (1) course from each of:
English Composition - minimum of three (3) units

GRADUATION REQUIREMENTS

AP No. 4100

Board Reviewed: 8/15/07; 12/12/12; 5/14/14

Page 3 of 3

Communication and Analytical Thinking - minimum of three (3) units

- III. The Degree of Associate in Arts for Transfer or Associate in Science for Transfer will be conferred with a major consisting of a minimum of eighteen (18) units in an area of emphasis (or major). A listing of all AA-T or AS-T degrees can be found in the degree listing in the college catalog. Major course criteria:
- A. Completion of a minimum of sixty (60) CSU transferable semester units
 - B. Minimum GPA of 2.0 in all CSU-transferable coursework (some majors may require a higher GPA)
 - C. Completion of the major units with a grade of "C" or better or a "P" if the course is taken on a Pass-No Pass basis
 - D. Certified completion of the California State University General Education Breadth (CSUGE) pattern; or the Intersegmental General Education Transfer Curriculum (IGETC) pattern.
- IV. District policies and procedures regarding general education and degree requirements are published in the college catalog and are filed with the State Chancellor's Office.
- V. Reference:
- Title 5, Section 55060; Accreditation Standard II.A.

STUDENTS IN THE MILITARYAP No.
5013

Board Reviewed: 6/11/14

Page 1 of 2

- I. Residence Determinations for Military Personnel and Dependents
- A. A student who is a member of the armed forces of the United States stationed in California on active duty, except a member of the armed forces assigned for educational purposes to a state-supported institution of higher education, is entitled to resident classification. Such student shall retain resident classification in the event that the member of the armed forces is thereafter transferred on military orders to a place outside of California or thereafter retires from active duty, so long as the student remains continuously enrolled in the District.
- B. An undergraduate student who is a natural or adopted child, stepchild, or spouse who is a dependent of a member of the armed forces of the United States stationed in California on active duty shall be entitled to resident classification. Such student shall retain resident classification if he/she is thereafter transferred on military orders to a place outside of California, so long as the student remains continuously enrolled in the District.
- C. ***A veteran who was discharged or released from at least 90 days of active service less than three years before the date of enrollment in a course commencing on or after July 1, 2015, and his/her dependents, regardless of the veteran's state of residence, is entitled to resident classification. (CCLC)*** ~~A student who was a member of the armed forces of the United States stationed in California on active duty for more than one year immediately prior to being discharged from the armed forces is entitled to resident classification for the length of time he or she lives in California after being discharged up to the minimum time necessary to become a resident.~~
- D. A parent who is a federal civil service employee and his/her natural or adopted dependent children are entitled to resident classification if the parent has moved to California as a result of a military mission realignment action that involves the relocation of at least 100 employees. This classification shall continue until the student is entitled to be classified as a resident, so long as the student continuously attends an institution of public higher education.
- E. A student claiming the residence classifications provided for in this procedure must provide a statement from the student's commanding officer or personnel officer providing evidence of the date of the assignment to California, and that the assignment to active duty in California is not for educational purposes. A student claiming the residence classifications provided for here for the dependent of military personnel shall provide a statement from the military person's commanding officer or personnel officer that the military person's duty station is in California on active duty as of the residence determination date, or has been transferred outside of California on active duty after the residence determination date, or that the military person

STUDENTS IN THE MILITARY

AP No. 5013

Board Reviewed: 6/11/14

Page 2 of 2

has retired from active duty after the residence determination date. (Title 5 Sections 54041 and 54042)

II. Withdrawal Policies for Members of the Military

A. Students who are members of the military may be assigned an "MW" grade as referenced in AP 4220.

B. See AP 5075

III. Source / References:

Education Code Sections 68074, 68075, and 68075.5; Title 5 Sections 55023, 55024, 54041, 54042, 54050, and 58620; Military and Veterans Code Section 824