

SEXUAL AND OTHER ASSAULTS ON CAMPUS

AP No. 3540

Board Reviewed: 8/12/09; 10/9/13; 06/13/18

Page 1 of 5

This procedure is legally required.

- I. For additional information and resources on sexual assault, domestic violence, dating violence, and stalking in the educational/campus environment, the Department of Justice has established a clearinghouse of resources geared towards colleges and universities, which can be accessed at the California Attorney General's website. (CCLC)

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.

- II. "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.

It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating

SEXUAL AND OTHER ASSAULTS ON CAMPUS

**AP No.
3540**

Board Reviewed: 8/12/09; 10/9/13; 06/13/18

Page 2 of 5

relationship between them should never by itself be assumed to be an indicator of consent.

“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. (CCLC)

III. 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).

IV. 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 (Executive Director of Human Resources), 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.

V. The District Compliance Officer, or designee, shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:

- 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, Survivor Advocate, should be notified.
- Information about the importance of preserving evidence and the identification and location of witnesses; (CCLC)
- 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:

24-Hour Sexual & Domestic Violence Counseling:

- East Los Angeles Rape Hotline (bilingual) 800-585-6231
- LA Rape & Battering Hotline (bilingual) 626-793-3385
- Project Sister Sexual Assault Crisis Center Claremont 909-623-1619
- Santa Monica Rape Treatment Center 310-319-4000
- RAINN online hotline <https://hotline.rainn.org/>

Hospitals (Transportation is available to a hospital, if necessary)

- Presbyterian Intercommunity Hospital (SART available) 562-698-0811
- Whittier Hospital 562-945-3561
- Greater El Monte Hospital 626-579-7777

SEXUAL AND OTHER ASSAULTS ON CAMPUS

AP No. 3540

Board Reviewed: 8/12/09; 10/9/13; 06/13/18

Page 3 of 5

- o Queen of the Valley, West Covina 626-962-4011

VI. The District Compliance Officer, or designee, should provide survivors 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;
- Confidential Survivor Advocate, Student Union room 202 or local crisis center (see above hotline numbers);
- 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.

VII. The District Compliance Officer, should be available to provide assistance to District Security Office regarding how to respond appropriately to reports of sexual violence.

VIII. 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.

IX. A complainant or witness who participates in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District’s student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic honesty.

SEXUAL AND OTHER ASSAULTS ON CAMPUS

AP No. 3540

Board Reviewed: 8/12/09; 10/9/13; 06/13/18

Page 4 of 5

- X. In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:
- The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused;
 - The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.
- XI. In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances.
- The complainant was asleep or unconscious;
 - The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
 - The complainant was unable to communicate due to a mental or physical condition. (CCLC)
- XII. The District shall maintain the identity of any alleged victim ~~or~~witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim, ~~or~~witness, or third-party reporter 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.
- XIII. 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;

SEXUAL AND OTHER ASSAULTS ON CAMPUS

AP No. 3540

Board Reviewed: 8/12/09; 10/9/13; 06/13/18

Page 5 of 5

- 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 reporting and responding parties are entitled to the same opportunities to have one advisor, advocate, or support person present during a disciplinary proceeding; and
 - Both the reporting and responding parties 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 respondent.
- 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.

XIV. 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, and or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.
- Post sexual violence prevention and education information on the campus internet Website regarding domestic violence, dating violence, or stalking.

XV. Sources / References:

Education Code Sections 67385 and 67386;
20 U.S.C. § 1092(f);
34 C.F.R. § 668.46(b)(11)