

**Coast Community College District
ADMINISTRATIVE PROCEDURE**

Chapter 3
General Institution

**AP 3540 SEXUAL AND OTHER ASSAULTS ON DISTRICT
PROPERTY**

References:

Education Code Sections 67385 and 67385.7;
Penal Code Sections 242, 243, 245, and 261 et seq.;
20 U.S. Code Section 1092(f) (The Clery Act);
34 Code of Federal Regulations Section 668.46(b)(11)

Any sexual assault or physical abuse, including, but not limited to, rape, domestic violence, dating violence, sexual assaults, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property is a violation of state law, Board policies, and administrative procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (Also see AP 5500 titled Standards of Student Conduct)

“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.

“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/her safety or the safety of others, or to suffer substantial emotional distress.

These procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information.

Any student or employee who alleges he/she is a victim of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available. Information shall be available from the Campus Public Safety Department, the Health Services Offices on each campus, and if he/she is an employee, through the Human Resources Department, if desired. The identity and other information about alleged sexual assault victims shall remain confidential unless and until the release of such information is authorized by the victim and/or required by law.

The Campus Public Safety Departments, Health Services Offices on each campus, and if employees, the Human Resources Department, shall provide all victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

- A copy of the BP 3540 titled Sexual and Other Assaults on Campus and this administrative 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;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
 - Transportation to a hospital, if necessary;
 - Counseling by College Health Center, or a referral to a counseling center;
 - Notice to local law enforcement, if desired;
 - A list of other available campus resources or appropriate off-campus resources.
- A description of each of the following procedures:
 - Criminal prosecution;
 - Civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - Modification of class schedules;
 - Tutoring, if necessary.

District Risk Services and the College Health Centers shall provide assistance to Campus Public Safety Department employees to assist them in responding appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 3435 titled Discrimination and Harassment Investigations, regardless of whether a complaint is filed with local law enforcement.

All alleged victims of rape, domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Campus Public Safety Department of any ongoing investigation. Information shall include the a general 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.

The District shall maintain the identity of any alleged victim or witness of rape, 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 rape, domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's Public Affairs/Information Office, which shall work with the college to assure that all confidentiality rights are maintained.

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, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a rape, 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 the victim that the college may consider changing a victim's academic status after an alleged rape, domestic violence, dating violence, sex offense, or stalking, and of the options for those changes, if such changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged rape, domestic violence, dating violence, sex offense, or stalking sex offense, including clear statements that:
 - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding.
 - The accuser shall not be required to be present during any disciplinary action or proceeding in which the accused is present.

- 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 procedure shall not violate the Family Educational Rights and Privacy Act. The outcome of a disciplinary proceeding means the final determination with respect to the alleged rape, domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

A description of the sanctions the District 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, are published in BP/AP 5500 Standards of Student Conduct.

Education and Prevention Information

Each College shall:

- Make available information, including education and prevention information about rape, domestic violence, dating violence, sexual assault, or stalking, to the college community. This information may 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 rape, domestic violence, dating violence, sexual assault, and stalking.

Also see AP 3500 to Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 titled Reporting of Crimes

Ratified December 2, 2013
