

BP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

References:

Education Code Sections 67382, 67385 and 67386;
20 US. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

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 and referral.

The Chancellor 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.

The procedures shall meet the criteria contained in Education Code Sections 67385 and 67385.7 and 67386, as well as 34 Code of Federal Regulations Section 668.46.

Date Adopted: May 19, 2009

Revised: November 25, 2014 (references only)

(Replaces RCCD Policy 6225)

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- Education Code Section 67382 and 67385;
- 20 U.S. Code Section 1092(f);
- 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 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 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 procedures and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.

These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information. (For physical assaults/violence, also see AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence and Safety, and AP 3515 titled Reporting of Crimes).

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 Police, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Chief of Police, or designee, is authorized to release such information.

I. Definitions

- A. "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.
- B. "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.

- C. “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
 - 1. A current or former spouse of the victim;
 - 2. A person with whom the victim shares a child in common;
 - 3. A person who is cohabitating with or has cohabitated with the victim as a spouse;
 - 4. A person similarly situated to a spouse of the victim under California law; or
 - 5. Any other person against an adult or youth victim who is protected from that person’s acts under California law.
 - D. “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.
- II. In the event of domestic violence, dating violence, reported sexual assault, or stalking on any campus, the following steps will be taken:
- A. The District Police will have an officer contact the victim and provide assistance.
 - B. The responding officer will: call the Chief of Police and the appropriate police or sheriff’s department; obtain appropriate information from the victim; contact the victim’s guardian and/or person requested by the victim; complete a District report and include the responding agency police officer’s report number.
 - C. The Chief of Police, or designee, will contact the appropriate municipal Police/Sheriff’s Department, Director of College Health Services, Dean of Student Services and the head of Facilities of the campus on which the assault occurred, who will call others as he/she deems necessary. If the assault is a rape, a call will be made to the appropriate city’s Rape Crisis Center for the victim.
 - D. If the assault occurs within the District’s jurisdiction, District Police will work with the appropriate Police/Sheriff’s Department and will assist any law enforcement agency as needed or as identified within the

Memorandum of Understanding with the local law enforcement agencies.

- III. The Chief of Police, or designee, shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking, with the following, upon request:
- A. A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
 - B. A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents, are: Chancellor, President of the campus where the assault occurred; Campus Health Services/Counseling, as well as the appropriate law enforcement agency;
 - C. 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, but are not limited to:
 - 1. Transportation to a hospital, if necessary (District Police or local ambulance service);
 - 2. Counseling or referral to a counseling center (Health Services Department);
 - 3. Notice to the appropriate City/County law enforcement agency, if desired (District Police); and
 - 4. A list of other available campus resources or appropriate off-campus resources (District Police).
 - D. A description of each of the following procedures:
 - 1. Criminal prosecution;
 - 2. Civil prosecution (i.e., lawsuit);
 - 3. District disciplinary procedures, both student and employee;
 - 4. Modification of class schedules; and
 - 5. Tutoring, if necessary.

The Director, Diversity, Equity and Compliance should be available to provide assistance to District Police regarding how to respond appropriately to reports of sexual violence.

The District will investigate all complaints alleging sexual assault under the process described in Administrative Procedure 3435, regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall

be kept informed, through the District Police 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.

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 Associate Vice Chancellor, Strategic Communications and Relations, who shall work with the District Police to assure that all confidentiality rights are maintained.

- IV. 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. Sexual Assault Response Team (SART) Information
 - B. 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;
 - C. 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;
 - D. 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;
 - E. Information for students about existing on and off-campus counseling, mental health, or other student services for victims of domestic violence, dating violence, sex offenses or stalking;
 - F. 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;

- G. Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking, including a clear statement that:
 - 1. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - 2. 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.
- H. 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.
- V. Education and Prevention - The District Police shall:
 - A. 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.
 - B. Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

Office of Primary Responsibility: Chief of Police

Administrative Approval: June 1, 2009
Revised: September 24, 2012
Revised: October 28, 2013
(Replaces RCCD Regulation 6225)