# Sexual Assault, Domestic Violence, Dating Violence, and Stalking

## Policy, Procedures, Rights, and Information

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# DOMESTIC VIOLENCE VICTIM INFORMATION

Required under California Penal Code § 13701(c)(9)

## A person arrested for allegedly committing domestic violence may be released at any time.

VINE allows victims and concerned citizens nationwide to access real-time offender and inmate custody status, register for custody status alerts, access important victim resources, and more.

Use the following link to register to be notified of offender custody status or release:
https://vinelink.com/#state-selection

## For further information about a shelter, you may contact the following:

**Safe Haven – Emergency Domestic Violence Shelter**
Agency: Interface Children and Family Services (ICFS)
Website: icfs.org
24/7 Domestic Violence Hotline: 1-800-636-6738

**Domestic Violence Emergency Safe Housing**
Agency: The Coalition for Family Harmony
Website: thecoalition.org
24/7 Bilingual Crisis Hotline: 1-800-300-2181

## For information about other services in the community, you may contact the following:

**Interface 2-1-1 of Ventura County**
Website: 211ventura.org
Dial: 2-1-1

## For information about California Victims' Compensation Program, you may contact 1-800-777-9229.

To obtain information about rights of crime victims:

Ventura County District Attorney's Office
Crime Victims' Assistance Unit
800 S. Victoria Avenue
Ventura, CA 93003
(805) 654-3622

## As a victim of domestic violence, you may ask the District Attorney to file a criminal complaint.

To contact the District Attorney:

Ventura County Superior Court Criminal / Traffic Division
800 S. Victoria Avenue, Ventura, CA 93003
(805) 289-8545

# DOMESTIC VIOLENCE VICTIM INFORMATION

Required under California Penal Code § 13701(c)(9)

## You have the right to go to the superior court and file a petition requesting any of the following orders for relief:

1. An order restraining the attacker from abusing the victim and other family members.
2. An order directing the attacker to leave the household.
3. An order preventing the attacker from entering the residence, school, business, or place of employment of the victim.
4. An order awarding the victim or the other parent custody of or visitation with a minor child or children.
5. An order restraining the attacker from molesting or interfering with minor children in the custody of the victim.
6. An order directing the party not granted custody to pay support of minor children if that party has a legal obligation to do so.
7. An order directing the defendant to make specified debit payments coming due while the order is in effect.
8. An order directing that either or both parties participate in counseling.

## Protective orders and restraining orders:

Emergency Protective Orders may be issued by a judicial officer upon request by a peace officer.

Domestic Violence Temporary Restraining Orders may be issued by:

Ventura County Superior Court Family Law Division
800 S. Victoria Avenue, Ventura, CA 93003
805-289-8610.

For free comprehensive services and restraining order assistance, contact the following:

Ventura County Family Justice Center
3170 Loma Vista Road, Ventura, CA 93003
805-652-7655
vcfjc.org

## You have the right to file a civil suit for losses suffered as a result of the abuse, including medical expenses, loss of earnings, and other expenses for injuries sustained and damages to property, and any other related expenses incurred by the victim or any agency that shelters the victim.

To file a civil suit:

Ventura County Superior Court Civil Division
800 S. Victoria Avenue, Ventura, CA 93003
(805) 289-8525

# Victims of Domestic Violence Card

## Domestic Violence Shelters and Rape Counseling Centers:

**Safe Haven – Emergency Domestic Violence Shelter**
Agency: Interface Children and Family Services (ICFS)
Website: icfs.org
24/7 Domestic Violence Hotline: 1-800-636-6738

**Domestic Violence Emergency Safe Housing**
Agency: The Coalition for Family Harmony
Website: thecoalition.org
24/7 Bilingual Crisis Hotline: 1-800-300-2181

**Interface 2-1-1 of Ventura County**
Website: 211ventura.org
Dial: 2-1-1

**Rape, Abuse, and Incest National Network (RAINN):** 1-800-656-HOPE

**National Domestic Violence 24-Hour Crisis Hotline:** 1-800-799-SAFE

**National Domestic Violence & Human Trafficking 24-Hour Hotline:** 1-800-636-6738

## Recommended Procedures to Follow After a Sexual Assault:

- Get to a place of safety.
- Obtain necessary medical treatment.
- Time is a critical factor for the preservation of evidence that may be helpful for proving the criminal offense occurred or may be helpful in obtaining protection.
- Do not wash your hands, bathe yourself, use the restroom, brush your teeth, or drink anything until a medical exam can be provided and evidence collected.
- Remain in the clothing worn during the assault or put the clothing in a paper bag (not plastic) so that it can be entered into evidence.
- Do not clean or straighten up the area where the assault occurred.
- Note the names/descriptions of other people who may have witnessed, been present in the area, or have knowledge of the assault.

## Sexual assault by a person you know, including sexual assault by your spouse, is a crime.

## Domestic violence or assault by a person you know, including domestic violence or assault by your spouse, is a crime.

## Strangulation may cause internal injuries, so you are encouraged to seek medical attention if your neck was squeezed or constricted.

# Sexual Assault, Domestic Violence, Dating Violence, and Stalking Information

Required under AP 3540

## POLICY

Under Board Policy and Administrative Procedure 3540 *Sexual Assault, Domestic Violence, Dating Violence, and Stalking*, the VCCCD prohibits any sexual assault or physical abuse, including the crimes of sexual assault, domestic violence, dating violence, and stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, 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 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. These crimes are a violation of district policies and regulations, and are subject to all applicable punishment, including criminal procedures and employee or student discipline procedures.

(The full Board Policy and Administrative Procedure 3540 *Sexual Assault, Domestic Violence, Dating Violence, and Stalking* along with links to other related board policies and administrative procedures can be found at the end of this packet.)

## TERMS

***Sexual Assault***: Means any non-consensual sexual act, including those acts when the victim lacks capacity to consent.

***Consent (in reference to sexual activity)***: In California, consent means "affirmative consent." Affirmative consent means affirmative, conscious and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent's belief is not a valid defense where:

- The Respondent's belief arose from the Respondent's own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or
- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
    - asleep or unconscious;
    - unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
    - unable to communicate due to a mental or physical condition.

# Sexual Assault, Domestic Violence, Dating Violence, and Stalking Information

Required under AP 3540

***Domestic Violence:*** Means committing a battery (misdemeanor) or willfully inflicting corporal injury resulting in a traumatic condition (felony) by:

- a current or former spouse or intimate partner 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 or intimate partner
- a person who is the victim's fiancé(e),
- a person who currently has or previously had an engagement or dating relationship with the victim;

***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. (California law includes dating violence under the definition of domestic violence.)

***Stalking:*** Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress. California defines stalking as willfully, maliciously, and repeatedly following or willfully and maliciously harassing another person and making a credible threat with the intent to place that person in reasonable fear for his/her/their safety or the safety of his/her/their immediate family.

## WHERE TO REPORT THE OFFENSE

These crimes should be reported as soon as possible to the VCCCD Police Department at (805) 437-8444 or local area law enforcement by dialing 9-1-1.

You may also report the offense to a Title IX Coordinator.

The Student Health Center or Title IX Coordinator can assist you in notifying law enforcement, if you so choose, or you may also decline to notify law enforcement.

Victims have a right to have a friend, family member, sexual assault victim's advocate, or other representative present while reporting sexual assaults.

## OFF-CAMPUS SERVICES

- Ventura County Family Justice Center: (805) 652-7655; comprehensive services and restraining order assistance.
- The Coalition for Family Harmony: 1-800-300-2181; 24-hr bilingual crisis hotline; rape counseling and emergency shelter.
- Ventura County 2-1-1; referral services.
- Rape, Abuse, & Incest National Network: 1-800-656-HOPE.
- Domestic violence 24-hr crisis line: 1-800-799-SAFE.

# Sexual Assault, Domestic Violence, Dating Violence, and Stalking Information

Required under AP 3540

## ON-CAMPUS SERVICES

- Health services, mental health counseling, transportation to the hospital:
  - Moorpark College Student Health Center, Administration Building, 805-378-1413,
  - Oxnard College Student Health Center, Student Services Building, 805-678-5832
  - Ventura College Student Health Center, Creative Resources Center, 805-289-6346

- Title IX Coordinators:

**District Title IX**

Visit https://www.vcccd.edu/sexual-misconduct-title-ix-information for a list of Title IX Coordinators by campus.

## CONFIDENTIALITY

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property in confidence consistent with state and federal law, unless the alleged victim, 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 Public Information Officer (PIO), who shall work with the Title IX Coordinator or Designee to assure that all confidentiality rights are maintained consistent with state and federal law.

## PROTECTIVE ORDERS, CRIMINAL/CIVIL PROSECUTION, AND RIGHTS OF CRIME VICTIMS

Where applicable, a victim may have the right to be notified of protection orders, no contact directives, or similar lawful orders issued by a criminal, civil, or tribal court, or by the college.

- Emergency Protective Orders: issued by a judicial officer upon request by a peace officer.
- Domestic Violence Temporary Restraining Orders: issued by the Ventura County Superior Court Family Law Division, 800 S. Victoria Ave., Ventura, CA 93003; 805-289-8610.
- Criminal Prosecution: Ventura County Superior Court Criminal/Traffic Division, 800 S. Victoria Ave., Ventura, CA 93003; 805-289-8545.
- Civil Prosecution: Ventura County Superior Court Civil Division, 800 S. Victoria Ave., Ventura, CA 93003; 805-289-8525.
- Rights of Crime Victims: Information about rights of crime victims can be obtained at the Ventura County District Attorney's Crime Victims' Assistance Unit: 800 S. Victoria Ave., Ventura, CA 93003; 805-654-3622.

## PROTECTIVE MEASURES & CHANGES IN ACADEMIC/WORK SITUATION

Accommodations or protective measures may be provided if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to the VCCCD Police Department or local law enforcement. To request a reasonable accommodation, contact a college Title IX Coordinator.

Protective measures may include:

- safety escorts
- giving "no contact" directive
- preventing offending third parties from entering campus
- providing tutoring, if necessary
- adjusting class locations/schedules
- adjusting work office locations/schedules

## DISCIPLINARY PROCEDURES

The District is committed to providing a prompt, fair, and impartial process from the initial investigation to the final result for an institutional disciplinary proceeding. Disciplinary proceedings are in place for both students and employees. All proceedings, steps, and decision-making processes will conform to all relevant statutes, regulations, district policies and regulations, collective bargaining agreements, and management and confidential personnel plans. Proceedings will be conducted by officials who receive annual training on the issues related to these crimes and may not have a conflict of interest or bias for or against the accuser or the accused.

The proceedings must be conducted in a manner that:

- is consistent with the college's policies and transparent to the accuser and the accused
- includes timely notice of meetings at which the accuser or accused, or both, may be present
- provides timely and equal access to the accuser, accused, and appropriate officials to any information that will be used during informal or formal disciplinary meetings or hearings
- provides same opportunities to have others present during proceedings with no limitations on the choice of advisor for the accuser or accused
- provides simultaneous notification in writing of the result of any disciplinary proceeding that arises from an allegation, the college's procedures for the accused and the victim to appeal the result of the disciplinary proceeding, any change of the result, and when such results become final.

The standard of evidence used during a disciplinary hearing will be the "preponderance of the evidence" standard, which means that the offense "more likely than not" occurred.

Possible disciplinary sanctions for students include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employees include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

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 decision using the regulation for appealing a disciplinary decision.

## IMPORTANCE OF PRESERVING EVIDENCE

It is important to preserve physical evidence even if you do not yet know whether you want to report the incident or pursue filing a complaint. This will ensure that evidence is available if you later decide to proceed with a criminal or college investigation. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining orders of protection related to the incident more difficult.

For any crime, record the names of any witnesses and their contact information. Also try to recall details (e.g., physical description, names, license plate number, car description, things you could hear/see/smell/feel, etc.) and write as much down as you remember about the circumstances of the incident.

Below are specific suggestions for preserving evidence related to an incident of sexual assault, dating/domestic violence, or stalking. It is important to keep in mind that each suggestion may not apply in every incident.

**Sexual Assault**
Evidence of a sexual assault is best collected as soon as possible or at least within 96 hours of the incident. Physical evidence may include tissue and fluid samples, evidence of violence, sheets, towels, clothing, etc. Because evidence of sexual assault can deteriorate quickly, consider seeking a medical exam as soon as possible. Evidence collection should be completed within 120 hours of an assault, but fluids, hair samples, and DNA can be collected for a long time thereafter. Consider waiting to shower or bathe to avoid washing away important physical evidence. Even if you have washed, evidence can often still be obtained.

If you are still wearing clothes worn during the assault, wear them to the hospital and bring a change of clothes with you. If you have already changed clothes, bring the clothes worn during the assault with you in a clean paper bag or wrapped in a clean sheet. Leave any towels and/or sheets at the scene, the police will collect those. You can also preserve evidence by saving text messages, social media messages or posts, and other communications that may be useful to investigators.

If you go to an emergency department, a medical provider who has received advanced training to provide care and treatment to sexual assault victims can conduct a forensic exam and collect necessary physical evidence. Even if you do not opt for forensic evidence collection, health care professionals can treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted diseases/infections.

You will not be billed for a sexual assault forensic exam. Typically, the police will be called to the hospital to take custody of the forensic exam kit, but it is up to you whether you wish to speak with them or file a police report, unless you are a minor.

It is important to immediately notify medical staff if you believe drugs or alcohol were involved. Medical staff are specially trained to collect evidence and perform tests, including tests that can provide important evidence if drugs or alcohol were involved.

# Sexual Assault, Domestic Violence, Dating Violence, and Stalking Information

Required under AP 3540

**Stalking**
Make efforts to save relevant evidence, such as letters, notes, emails, text messages, voicemail and other phone records, photos or videos, social media interactions (e.g., TikTok, Snap Chat, Facebook, Instagram, Twitter, etc.), gifts, or other records.

To avoid losing data if your device becomes damaged or replaced, it's beneficial to save copies of relevant communications to a secure drive or the cloud, or even print them out and file the hard copies away in a safe place.

**Dating/Domestic Violence**
Not all experiences of dating/domestic violence cause visible injuries. If visible injuries are present, it can be helpful to document them with photographs, if it is safe to do so. It is also important to seek medical attention if possible and safe to do so.

## BYSTANDER INTERVENTION STRATEGIES

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

- Bystanders should notice the incident taking place and should evaluate the situation to determine whether it is an emergency.
- Determine if someone needs assistance.
- Assume responsibility. Be ready to intervene even if others do not.
- Speak up if you see someone intentionally getting someone else drunk.
- Speak up if you see a friend leaving with someone who is drunk.
- Remind friends that sexual contact with an intoxicated person is against the law.
- Attempt to help. This may include helping a person to leave the situation, confront a behavior, diffuse a situation, or call for other support/security.
- Approach everyone in a respectful manner. Avoid using violence. Be honest and direct whenever possible. Recruit help if necessary. Keep yourself safe. Call the police any time that you feel it is necessary.
- If you choose to intervene, distractions or diversions may be useful strategies that can stop aggressors from continuing their actions.

# Sexual Assault, Domestic Violence, Dating Violence, and Stalking Information

Required under AP 3540

## RISK REDUCTION

Risk reduction includes options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

- Walk with friends or with others to and from classes. Contact the VCCCD Police Department for an escort at 805-437-8444.
- Be aware of your surroundings. Do not focus/text on your cell phone while walking.
- Have your car keys ready. Do not focus your attention on searching through your purse/backpack. Check your backseat before entering your vehicle.
- Do not give a ride to or get into the vehicle of a person you don't know well.
- During the early stages of dating, consider dating with a group of those you know. Go with a friend and be responsible for each other. Have a pre-planned signal to let your friend know that you want to leave or need help.
- Consider letting a friend know whom you are going on a date with, where you are going, and what time you plan to return.
- Communicate clearly and often to your date.
- Control your alcohol; don't let it control you. Drink responsibly or not at all. Do not abuse substances that might hinder your ability to think clearly or act quickly.
- Don't be embarrassed or ashamed to say "No" or ask someone to stop. Be willing and able to say "No." It's never too late to say "No."
- Talk about your expectations/boundaries with your date.
- Trust your instincts. Guard your personal space. If someone makes you uncomfortable, remove yourself from the situation.

# Related VCCCD Board Policies and Administrative Procedures

**Board Policy 3540**
Sexual Assault, Domestic Violence, Dating Violence, and Stalking
http://go.boarddocs.com/ca/vcccd/Board.nsf/goto?open&id=CWSSTY744AC3

**Administrative Procedure 3540**
Sexual Assault, Domestic Violence, Dating Violence, and Stalking
http://go.boarddocs.com/ca/vcccd/Board.nsf/goto?open&id=CWRURW7D5F8C

**Board Policy 3430**
Prohibition of Harassment
http://go.boarddocs.com/ca/vcccd/Board.nsf/goto?open&id=CWWP4K5C73AD

**Administrative Procedure 3430**
Prohibition of Harassment
http://go.boarddocs.com/ca/vcccd/Board.nsf/goto?open&id=CWJ33K04E992

**Board Policy 3433**
Prohibition of Sexual Harassment Under Title IX & California State Law (SB 493)
http://go.boarddocs.com/ca/vcccd/Board.nsf/goto?open&id=CWXV9G7FA6F3

**Administrative Procedure 3433**
Prohibition of Sexual Harassment Under Title IX & California State Law (SB 493)
http://go.boarddocs.com/ca/vcccd/Board.nsf/goto?open&id=CWQV3Z7ED8D0

**Administrative Procedure 3434**
Responding to Harassment Based on Sex Under Title IX & California State Law (SB 493)
http://go.boarddocs.com/ca/vcccd/Board.nsf/goto?open&id=CWQVLP814C31