

VENTURA COUNTY
COMMUNITY COLLEGE DISTRICT

ANNUAL SECURITY REPORT

2026



Including Crime Statistics
for 2023, 2024, & 2025



ANNUAL SECURITY REPORT

2026

This report has been produced in accordance with the Jeanne Clery Campus Safety Act. Published by October 1, 2026.

The VCCCD does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities.
For more information regarding District policies and procedures, please visit: [VCCCD.edu](https://vcccd.edu).

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WELCOME MESSAGE

The Ventura County Community College District (VCCCD) provides students, in its diverse community, with access to comprehensive quality educational opportunities that support student learning and student success. The VCCCD Police Department supports the VCCCD mission and strives to promote a safe campus environment conducive to academic achievement through the cooperation of students, faculty, and staff.

Campus safety and security are a shared responsibility. All campus community members and visitors should be situationally aware of their surroundings while studying, working, or attending events on our campuses. Being alert to one's surroundings and using reason and caution during daily activities provides a degree of personal protection from crime. Community members who are aware of and prepared to alert the VCCCD Police Department to crime or suspicious activity strengthen the district-wide safety net. The VCCCD encourages all crimes to be reported to the VCCCD Police Department at [\(805\) 437-8444](tel:8054378444).

We remain committed to providing the highest levels of service and safety. On behalf of the District, the colleges, and our police officers, thank you for helping to make our campuses safe. If you have questions, please feel free to contact the VCCCD Police Services office at [\(805\) 652-7752](tel:8056527752).

Sincerely,



Dr. Rick MacLennan

Chancellor



Robert Davidson

Chief of Police

ABOUT THE DISTRICT

The Ventura County Community College District (VCCCD) is a public community college district serving residents in Ventura County. The District's three colleges – Moorpark College, Oxnard College, and Ventura College – offer programs for transfer to four-year colleges and universities, occupational and vocational training, basic skills instruction, as well as economic development and continuing education for cultural growth, life enrichment, and skills improvement. Each of the colleges provides a wide range of general programs and services to students, as well as focusing on its own unique and specialty areas. In 2025, the VCCCD served over 35,000 students.

DISTRICTWIDE VISION STATEMENT

Elevating community hope and opportunity, one student at a time.

DISTRICTWIDE MISSION STATEMENT

We unite to fulfill our promise of equitable access to excellent education. Through collaboration with community and education partners, we empower students to improve their lives and drive Ventura County's economic growth and civic vitality.

DISTRICTWIDE VALUES

- **EQUITY, DIVERSITY, INCLUSION:** We value and foster an environment where all individuals are respected and have equitable opportunities.
- **TRUST, INTEGRITY, HONESTY:** We value a culture built on the highest standards of trust, integrity, and honesty.
- **WELL-BEING, SUPPORT, DEVELOPMENT:** We value individuals' holistic well-being, and support them with resources and opportunities for personal, academic, and professional growth.
- **COLLABORATION, COMMUNITY, BELONGING:** We value caring, collaborative relationships that foster a sense of unity and belonging within the district and with community partners.
- **STEWARDSHIP, SUSTAINABILITY, RESPONSIBILITY:** We value sustainable practices with ethical stewardship of resources and community investments.
- **EXCELLENCE, INNOVATION, GROWTH:** We value innovative, strategic risk-taking to create new opportunities and foster continuous personal, professional, and organizational growth mindset.

MOORPARK COLLEGE MISSION STATEMENT

Moorpark College's student-first philosophy embraces equity, social justice, anti-racism, and intersectionality. We empower learners from local, national, and global backgrounds to achieve their certificate, associate and baccalaureate degree, and transfer and career education goals. Through the integration of innovative instruction and holistic student support, our programs are designed to foster equitable student outcomes.

OXNARD COLLEGE MISSION STATEMENT

Oxnard College amplifies our students' ability to pursue their educational, career, and personal ambitions. Our caring culture promotes engaged learning through equitable environments and services. We value the rich backgrounds, lived experiences, and talents of those we serve and advocate for opportunities in partnership with the community.

VENTURA COLLEGE MISSION STATEMENT

Ventura College places students at the center of their learning experiences, supporting them in achieving their personal, academic, and career goals in an anti-racist, liberating, and inclusive environment. The College is an open access educational institution that supports our diverse community, helping them transform their own lives by offering degrees, certificates, transfer, and workforce preparation opportunities.

ABOUT THE POLICE DEPARTMENT

The VCCCD Police Department was founded in 1962 with the establishment of the District and has been charged with providing law enforcement, security, investigations, and parking/traffic control for students, faculty, staff, and visitors on all properties owned and operated by the VCCCD.

VCCCD police officers work in full uniform and may drive marked or unmarked police vehicles or patrol on foot, police utility cart, or bicycle. They provide a full range of police services, including but not limited to, emergency response, preventative patrols, criminal investigations, enforcement of all applicable laws and administrative regulations, crime prevention, special event security, traffic enforcement, traffic crash investigations, parking enforcement, and safety escorts for students, employees, and visitors. Persons arrested by the VCCCD Police Department are processed in accordance with prevailing practices in Ventura County, which can include a citation and release or booking at the Ventura County Pretrial Detention Facility. Criminal investigations are submitted to the Ventura County District Attorney's Office for filing consideration.

Additionally, the Police Department employs non-sworn campus safety officers (CSOs), who assist police officers with visibility in the field. CSOs may also take reports, such as non-injury traffic crashes or vandalisms with no suspect information. The Police Department also employs student workers as police cadets, who observe and report suspected criminal activity and assist with parking, traffic control, vehicle jump starts, and safety escorts.

The VCCCD Police Department currently contracts with the California State University Channel Islands (CSUCI) Police Department for dispatch services for each of our campuses. These services are available 24 hours per day, 7 days per week, 365 days per year. The CSUCI Police Department employs trained, professional dispatchers who can be reached by calling [\(805\) 437-8444](tel:8054378444).

During normal operation, each of the three college police stations operate from 7:00 A.M. to 10:00 P.M., Monday through Thursday, and from 7:00 A.M. to 5:00 P.M. on Fridays. The Department also has an on-call supervisor available for calls for service 24/7.

Enforcement Authority (BP 7600 & AP 3520)

Under authority of VCCCD Board Policy 7600, the VCCCD has established a police department that employs sworn police officers who are vested with full arrest authority in the State of California pursuant to California Penal Code Section 830.32 and California Education Code Section 72330. The VCCCD Police Department strictly adheres to the State of California Commission on Peace Officer Standards and Training (POST) guidelines.

Working Relationships with Local Law Enforcement (AP 3520)

The VCCCD Police Department cooperates fully with our state and local partner law enforcement agencies; the VCCCD only works with federal agencies within the framework established by the State of California. This cooperation enables the Department to address regarding potential threats, as well as to stay informed regarding criminal activity perpetrated in the neighborhoods around the campuses. In some cases, the nature of certain crimes exceeds the Department's resources to properly investigate; therefore, the Department maintains memoranda of

understanding with each of its four neighboring police agencies: the Oxnard Police Department, the Santa Paula Police Department, the Ventura Police Department, and the Ventura County Sheriff's Office.

The written agreements, which have been established pursuant to VCCCD Administrative Procedure 3520, designate which law enforcement agency has operational responsibility for violent Part I crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault. The agreements also delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary. The agreements are public records and are made available for inspection upon request through the VCCCD Police Services office by calling [\(805\) 652-7752](tel:8056527752).

The VCCCD Police Department is regularly involved in meetings with other local law enforcement leaders on both formal and informal bases. The Police Department and local law enforcement agencies communicate regularly on the scene of incidents that occur on and around the campuses. When incidents arise that require joint investigative efforts, resources, crime-related reports, and exchange of information, the VCCCD Police Department will work closely with the appropriate neighboring law enforcement agency.

In response to a call for service, the VCCCD Police Department will take appropriate enforcement action. If necessary, follow-up investigation for incidents will be conducted by the VCCCD Police Department with the assistance from local law enforcement agencies, as appropriate, and as outlined in our memoranda of understanding. Incidents involving VCCCD students may also be forwarded to the deans of student services and the offices of the vice presidents of student affairs.

The VCCCD Police Department does not provide any law enforcement service to off-campus student organizations nor are off-campus activities of student organizations recognized by District authority (AP 5510).

College Locations, Jurisdiction, and Agency Contact Numbers

The VCCCD Police Department's primary jurisdiction includes all properties owned and operated by the VCCCD, including adjacent public streets. However, its authority may extend to any place in the State of California. The following provides information on which local law enforcement agencies share jurisdiction with the VCCCD Police Department for each college campus and satellite property.

Moorpark College

7075 Campus Road
Moorpark, CA 93021

At Moorpark College, the VCCCD Police Department shares jurisdiction with the Ventura County Sheriff's Office Moorpark Station (contracted as the Moorpark Police Department) for incidents requiring criminal investigation. All crimes in progress and suspicious activity should be reported to the VCCCD Police Department at [\(805\) 437-8444](tel:8054378444). For emergencies, call the VCCCD Police Department at [\(805\) 437-8444](tel:8054378444) or the Ventura County Sheriff's Office at 9-1-1 or [\(805\) 654-9511](tel:8056549511).

Oxnard College

4000 South Rose Avenue
Oxnard, CA 93033

At Oxnard College, the VCCCD Police Department shares jurisdiction with the Oxnard Police Department for incidents requiring criminal investigation. All crimes in progress and suspicious activity should be reported to the VCCCD Police Department at (805) 437-8444. For emergencies, call the VCCCD Police Department at [\(805\) 437-8444](tel:(805)437-8444) or the Oxnard Police Department at 9-1-1 or [\(805\) 385-7740](tel:(805)385-7740).

Ventura College

4667 Telegraph Road
Ventura, CA 93003

At Ventura College, the VCCCD Police Department shares jurisdiction with the Ventura Police Department for incidents requiring criminal investigation. All crimes in progress and suspicious activity should be reported to the VCCCD Police Department at (805) 437-8444. For emergencies, call the VCCCD Police Department at [\(805\) 437-8444](tel:(805)437-8444) or the Ventura Police Department at 9-1-1 or [\(805\) 339-4400](tel:(805)339-4400).

Ventura College East Campus

957 Faulkner Road #106
Santa Paula, CA 93060

At Ventura College East Campus, the VCCCD Police Department shares jurisdiction with the Santa Paula Police Department for incidents requiring criminal investigation. All crimes in progress and suspicious activity should be reported to the Santa Paula Police Department at [\(805\) 525-4474](tel:(805)525-4474). For emergencies, call the Santa Paula Police Department at 9-1-1 or [\(805\) 525-4474](tel:(805)525-4474).

Oxnard College Fire Technology Academy

104 Durley Avenue
Camarillo, CA 93010

At the Oxnard College Fire Technology Academy, the VCCCD Police Department shares jurisdiction with the Ventura County Sheriff's Office Camarillo Station (contracted as the Camarillo Police Department) for incidents requiring criminal investigation. All crimes in progress and suspicious activity should be reported to the VCCCD Police Department at (805) 437-8444. For emergencies, call the VCCCD Police Department at [\(805\) 437-8444](tel:(805)437-8444) or the Ventura County Sheriff's Office at 9-1-1 or [\(805\) 388-5100](tel:(805)388-5100).

For general inquiries, each VCCCD Police Department station can be reached at the following:

Moorpark College Station

7075 Campus Road
Moorpark, CA 93021
[\(805\) 378-1455](tel:(805)378-1455)

Oxnard College Station

4000 South Rose Avenue
Oxnard, CA 93033
[\(805\) 678-5805](tel:(805)678-5805)

Ventura College Station

71 Day Road
Ventura, CA 93003
[\(805\) 289-6486](tel:(805)289-6486)

The Chief of Police may be reached at the following:

Office of the Chief of Police

761 East Daily Drive, Suite 200
Camarillo, CA 93010
[\(805\) 652-7752](tel:(805)652-7752)
VCCCDPolice@vcccd.edu

JEANNE CLERY CAMPUS SAFETY ACT

The *Jeanne Clery Campus Safety Act* (20 U.S.C. § 1092(f); also referred to as “*Clery Act*” or “*Clery*”) is a federal law, formerly known as *The Student Right-to-Know and Campus Security Act*, which requires colleges and universities across the United States that receive federal funding to disclose reported instances of criminal activity on their campuses. The law specifically requires the reporting of homicides, robbery, aggravated assault, burglary, motor vehicle theft, and arson, as well as a summary of arrests and disciplinary referrals for liquor law, drug abuse, and weapons violations. The *Violence Against Women Act* amended the *Clery Act* reporting requirements to include stalking, intimidation, dating violence, domestic violence, sexual assault, and hate crimes and added the requirement for campuses to provide education and awareness programs. The *Stop Campus Hazing Act* further amended the *Clery Act* reporting requirements to include incidents of hazing.

COMPILING THE ANNUAL SECURITY REPORT

The VCCCD Police Department prepares the Annual Security Report to comply with the *Clery Act* and publishes the report on or before October 1 of each year.

Crime statistics for the Annual Security Report are collected from the VCCCD Police Department records management system and Campus Security Authorities across all VCCCD colleges and locations. Crime statistics are also solicited from all local law enforcement agencies that have or share law enforcement jurisdiction with the VCCCD Police Department. Such agencies include the Oxnard Police Department, the Ventura Police Department, the Santa Paula Police Department, and the Ventura County Sheriff’s Office.

The vice presidents of student affairs provide disciplinary statistics regarding alcohol, drug, and weapon violations. The Title IX coordinators provide statistics regarding reported incidents of dating violence, domestic violence, sexual assault, and stalking alleged to have occurred within VCCCD’s Clery geography.

Each year on or before October 1, an email notification is sent to all students, faculty, and staff providing the website URL to the Annual Security Report. The report is also made available via the District’s website at [VCCCD.edu/ASR](https://vcccd.edu/ASR). Additionally, members of the public, including the media, may obtain paper copies upon request through the VCCCD Police Services office by calling [\(805\) 652-7752](tel:8056527752) or emailing VCCCDPolice@vcccd.edu.

SAFETY POLICY (AP 6800)

Definitions – Prevention activities increase awareness and minimize the potential for crisis in the workplace. Training is essential for all staff to learn how to recognize early warning signs, so that appropriate intervention can be provided for identified areas of conflict in the workplace.

Crisis or conflict constitutes any inappropriate or unreasonable disruption that interferes with the normal functioning of your work.

Acts of violence include any physical action, whether intentional or reckless, that harms or threatens the safety of self, another individual or property.

A threat of violence includes any behavior that by its very nature could be interpreted by a reasonable person as intent to cause physical harm to self, another individual or property.

Workplace includes off-campus locations as well as college-sponsored activities where faculty, staff, or student employees are engaged in college business or locations where incidents occur as a result of the person's relationship to the college community.

Emergencies – Any employee shall immediately report any situation that threatens life or property and demands an immediate response of police, fire, or medical personnel by first dialing 911 and then notifying Ventura County Community College Campus Police.

Equipment and Sanitation – Should the duties of an employee require the use of equipment to ensure the safety of the employee, the District shall furnish such equipment. Complaints related to health safety, sanitation and working conditions shall be forwarded to Risk Manager for review and recommendation.

Crisis and Conflict Intervention – Any employee experiencing an unsafe work condition should immediately contact his/her supervisor or the Risk Manager. The supervisor shall immediately notify the Ventura County Community College Campus Police about any acts or threats of violence. The employee will be provided consultation regarding resources available to resolve the unsafe work condition.

It is the responsibility of all employees immediately to report threats, acts of violence or any other behavior which deliberately hurts or harms another person at the college to their immediate supervisor and the VCCCD Police Department. Such reports will be promptly and thoroughly investigated.

REPORTING OF CRIMES (AP 3515)

All members of the college community are encouraged to report all crimes and emergencies accurately and promptly, including medical emergencies, to the VCCCD Police Department. Reports may also be made to the appropriate local law enforcement agency when the victim elects to or is unable to make such a report to the VCCCD Police Department. Any person may contact the VCCCD Police Department to report any perceived or actual threat or suspicious circumstance.

When the VCCCD Police Department is called, officers are dispatched immediately to the scene of the complaint and have the authority to take police action if necessary, including investigating an incident or crime, completing an incident or crime report, providing counseling resources, or making an arrest. Calls to 9-1-1 are answered by the nearest local law enforcement agency dispatch center, which will relay the information to the VCCCD Police Department.

All crimes should be reported to the VCCCD Police Department or to a Campus Security Authority, to ensure inclusion in the crime statistics and to aid in providing timely warning notices to the community when appropriate.

VCCCD has established the following steps to take when a crime has been committed on college property:

- FIRST:** Call the VCCCD Police Department at [\(805\) 437-8444](tel:(805)437-8444) or 9-1-1.
- THEN:**
1. Give your name, telephone number, and location (e.g., parking lot, building/room number, vehicle information, etc.).
 2. Give clear and accurate information.
 3. Be prepared to supply suspect or vehicle description and direction of travel.
 4. DO NOT HANG UP! Follow the instructions from the dispatcher.

Report all incidents immediately. If you witness a crime, note a description of the individuals involved, vehicle information if applicable, direction of travel, and any other important information. Do not approach or attempt to apprehend any persons involved in the crime. Provide accurate details to the VCCCD Police Department as soon as possible. For more information regarding crime tips and prevention, please visit the VCCCD Police Department website at VCCCD.edu/Police.

VCCCD Police Department incident reports may be forwarded to the deans of student services for review and potential action by the vice presidents of student affairs. Additional information obtained via investigation will also be forwarded to the deans of student services. If assistance is required from local law enforcement, the VCCCD Police Department will contact the appropriate department.

If a sexual assault or rape should occur, staff on the scene, including the VCCCD Police Department, will offer the victim information about available on-campus and off-campus resources and services.

Campus Security Authorities

The VCCCD recognizes that some students, faculty, and staff may be hesitant about reporting crimes to the VCCCD Police Department and may be more comfortable reporting crimes to college staff and administrators instead. Crime victims who do not wish to report to law enforcement may report to a Campus Security Authority (CSA). Crime victims maintain the right to decline to report an incident to law enforcement if an offer to do so is made by a CSA. Each person designated as a CSA must submit reportable offenses to the VCCCD Police Department as they occur throughout the year for statistical purposes.

The *Clery Act* defines a Campus Security Authority as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.” In addition to VCCCD Police Department personnel, CSAs include the following VCCCD officials:

- Coaches and Athletic Directors
- Club Advisors
- Deans
- Student Affairs
- Student Health Center Coordinators
- Title IX Coordinators
- College Presidents
- Board Members

The above list of CSAs is subject to modification and is not intended to be all-inclusive, due to changes in responsibilities within the District and varying job titles across colleges. Faculty members and clerical staff are unlikely to have significant responsibility for student and campus activities, except when serving as an advisor to a registered student group, and as such may not be designated as a CSA.

CSAs are charged with reporting to the VCCCD Police Department those allegations of *Clery Act* crimes occurring on Clery geography that the CSA concludes are made in good faith. A CSA is not responsible for determining whether a crime took place, as that is the function of law enforcement and its investigatory process. CSAs may submit reports directly to the VCCCD Police Department using the District’s [Campus Security Authority Incident Report](#) form.

Common CSA Contact Information

In addition to the VCCCD Police Department, crimes may also be reported to the following CSAs and their offices:

Moorpark College

Student Support

Vice President

[\(805\) 553-4136](tel:(805)553-4136)

Student Health & Wellness

Coordinator

[\(805\) 378-1413](tel:(805)378-1413)

Director of Athletics

[\(805\) 378-1448](tel:(805)378-1448)

Oxnard College

Student Development

Vice President

[\(805\) 678-5305](tel:(805)678-5305)

Student Health & Wellness

Coordinator

[\(805\) 678-5832](tel:(805)678-5832)

Director of Athletics

[\(805\) 678-5870](tel:(805)678-5870)

Ventura College

Student Affairs

Vice President

[\(805\) 289-6131](tel:(805)289-6131)

Student Health & Wellness

Coordinator

[\(805\) 289-6346](tel:(805)289-6346)

Director of Athletics

[\(805\) 289-6121](tel:(805)289-6121)

Confidential Reporting (AP 3515)

CSAs are required to report allegations to law enforcement personnel, even if the CSA was told of a crime in the context of providing emotional support or health care support. The allegations will be reported whether or not the victim chooses to file a report with law enforcement. A CSA may also provide a victim or witness with assistance in reporting a crime to the VCCCD Police Department or local law enforcement or to any official or office that should be informed of the crime.

In accordance with AP 3515, a victim of crime who does not wish to pursue action through the VCCCD Police Department or the criminal justice system may consider making a confidential report to a CSA. A CSA can file a report on the details of the incident without revealing the victim's identity. The purpose of a confidential report is to comply with the victim's wish to keep the matter confidential while taking steps to ensure the future safety of others. With such information, the VCCCD Police Department can keep an accurate record of the number of incidents involving students; determine where there is a pattern of crime regarding a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the Annual Security Report.

Professional mental health and pastoral counselors are not designated as CSAs and therefore are exempt from disclosing or reporting allegations of crimes unless a person's life is in danger. However, to be exempt from the *Clergy Act* reporting requirements, the counselor must be acting within the scope of their license and employment as a mental health counselor. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform the person being counseled of the procedures to report crimes on a voluntary basis for inclusion in the Annual Security Report.

A **pastoral counselor** is a person who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

A **professional counselor** is an employee of the District whose official responsibilities include providing psychological counseling to members of the District's community and who is functioning within the scope of their license or certification.

Required Reports to Local Law Enforcement Agencies

California Penal Code Section 11160 requires prompt, mandatory reporting to local law enforcement agencies by health care practitioners when they provide medical services to a person that they know, or reasonably suspect, is suffering from wounds inflicted by a firearm or as a result of assaultive or abusive conduct. There are additional mandatory reporting requirements regarding suspected child abuse incidents, violent crimes, and threats.

Any report of willful homicide, forcible rape, robbery, aggravated assault, sexual assault, or hate crime, committed on or off campus, which is received by a CSA and made by the victim for the purposes of notifying the institution or law enforcement, must be immediately, or as soon as practicably possible, disclosed to the local law enforcement agency. The report shall not identify the victim, unless the victim consents to being identified after the victim has been informed of their right to have their personal identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency unless the institution determines that both of the following apply, in which case the institution shall disclose the identity of the alleged assailant to the local law enforcement agency and notify the victim of the disclosure:

- The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and,
- The immediate assistance of the local law enforcement agency is necessary to contact or detain the assailant.

TIMELY WARNINGS (AP 3515)

Timely Warnings are issued in response to reported occurrences of crimes specified by the *Clery Act*. The intent of a Timely Warning is to enable people to protect themselves and/or their property.

Pursuant to AP 3515, the District and the VCCCD Police Department shall publish Timely Warnings to the college community about the following crimes reported to the VCCCD Police Department that have occurred on campus, in a college building, or on public property located on or adjacent to the college and are considered to represent a serious and continuing threat to students and employees:

Clery Crimes

- Murder and Non-Negligent Manslaughter
- Negligent Manslaughter
- Sex Offenses
 - Rape, Sodomy, Penetration by a Foreign Object
 - Fondling / Sexual Battery
 - Incest
 - Statutory Rape
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson (fires investigated by law enforcement and deemed to be arson)
- Hazing

Hate Crimes

- Any of the above crimes motivated by bias, plus the following crimes motivated by bias:
 - Simple Assault
 - Larceny / Theft
 - Intimidation
 - Damage, Destruction, Vandalism of Property

Violence Against Women Act

- Stalking
- Dating Violence
- Domestic Violence
- Sexual Assault

Arrests or Disciplinary Referrals

- Liquor Violations
- Drug Violations
- Weapons Violations

Other dangers that pose a serious or continuing threat to the college community, such as a kidnapping on campus or patterns of larcenies or vandalism, may be instead addressed through a Crime Bulletin.

The VCCCD Police Department Chief of Police or designee will determine the content and broadcast a Timely Warning in a manner this is “timely” and will aid in the prevention of similar crimes, unless issuing the warning will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the threat. Timely Warnings will withhold as confidential the names and personal identifying information of all victims.

Any or all the following may be used to issue Timely Warnings and notifications about serious emergencies on campus:

- Broadcast via the Emergency Notification System, which includes:
 - Wall-Mounted Speaker Displays
 - On-Campus Siren Systems
 - Marquee Boards
- Prominent postings on the District and colleges Alerts webpages (VCCCD.edu/Alerts, MoorparkCollege.edu/Alerts, OxnardCollege.edu/Alerts, & VenturaCollege.edu/Alerts);
- Social media postings;
- Email and voicemail dissemination; and,
- Broadcast via emergency vehicle public address systems.

Crime Bulletins and other informational materials may also be posted on college bulletin boards and buildings to inform students, faculty, and staff of ongoing safety concerns.

The decision whether to issue a Timely Warning will be made by the Chief of Police or designee on a case-by-case basis considering all available facts surrounding the reported crime. The factors used when analyzing whether a reported crime presents a serious or continuing threat to the campus community include, but are not limited to, the following:

- How much time has passed between the incident and the report?
- Has the perpetrator been apprehended?
- Were there multiple perpetrators working together?
- Was the incident violent in nature?
- Were date rape drugs or other substances used to facilitate the crime?
- Was a weapon used during the commission of the crime?
- Does the incident appear to be an isolated incident with specifically targeted victims?

- Is there a pattern of similar incidents (e.g., the same or similar crimes occurring in a short period of time, a particular group being targeted on multiple occasions, etc.)?
- Are there other aggravating circumstances or predatory behaviors at issue suggesting that a threat/ongoing danger exists?
- Are there enough details available to determine whether a threat/ongoing danger exists?

Generally, a Timely Warning will specify the type of reported crime, the time and location that the reported crime occurred, a clear description of what occurred, and information to the college community regarding the steps to take to protect oneself and avoid becoming a victim. The Timely Warning will not identify the victim by name or identifying information. A description of a subject in a criminal incident will only be included if there is enough detail to describe the individual. If the only known descriptors are sex and race, those descriptors will not be included.

A Timely Warning will not be issued if the suspect has been apprehended and the threat of imminent danger to the campus community has thus been mitigated. Further, a Timely Warning may not be issued if the report was not filed with the VCCCD Police Department, a CSA, or local law enforcement in a manner that would allow the issuance of a “timely” notice to the college community.

After a Timely Warning has been issued, the VCCCD Police Department Chief of Police or designee will consider whether a follow-up warning needs to be communicated to the college community about the situation. If it is determined that a follow-up warning is necessary, it will be made in the manner described above.

In the event the District decides to issue, or not issue, a Timely Warning, the decision will be documented and placed on file with the VCCCD Police Department.

The District shall not be required to provide a Timely Warning with respect to crimes reported to a professional or pastoral counselor.

EMERGENCY NOTIFICATIONS (AP 3515)

If there is an immediate threat to the health or safety of students or employees occurring on campus, the District shall follow its emergency notification procedures described below.

An Emergency Notification is a mass notification that is utilized for significant emergency or dangerous situations involving an immediate threat to the health or safety of students or employees occurring at all VCCCD colleges and properties. Emergency Notifications are triggered by an event that is currently occurring at a college or imminently threatening the college community. The VCCCD will initiate Emergency Notification procedures upon the confirmation of any significant emergency or dangerous situation occurring on campus that represents an immediate threat to the health or safety of students or employees. Possible examples of incidents which could trigger an Emergency Notification include, but are not limited to:

- Building Fire or Approaching Wildfire
- Earthquake
- Approaching Tornado or other Extreme Weather
- Armed Intruder
- Bomb Threat
- Outbreak of Disease or other Serious Illness
- Gas Leak
- Terrorist Incident
- Explosion
- Civil Unrest or Rioting
- Nearby Chemical or Hazardous Waste Spill

The college president or designee will, without delay and considering the safety of the community, determine the content of the notification and broadcast the notification to the entire campus community, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond, or otherwise mitigate the emergency. Emergency Notifications will include a description of the emergency and instructions to the college community for taking protective action. When the threat no longer exists, an “all clear” alert will be broadcasted. If an Emergency Notification is issued, there is no need to issue a Timely Warning.

In the event of a serious incident that poses an immediate threat to members of the college community, the District has various systems in place for communicating information quickly. Some or all these methods of communication may be activated in the event of an immediate threat to the campus community.

Any or all the following may be used to issue Emergency Notifications about serious emergencies on campus:

- Broadcast via the Emergency Notification System, which includes:
 - Wall-Mounted Speaker Displays
 - On-Campus Siren Systems
 - Marquee Boards
- Prominent postings on the District and colleges Alerts webpages (VCCCD.edu/Alerts, MoorparkCollege.edu/Alerts, OxnardCollege.edu/Alerts, & VenturaCollege.edu/Alerts);
- Social media postings;
- Email and voicemail dissemination; and,
- Broadcast via emergency vehicle public address systems.

The District's Public Information Officer will be responsible for the dissemination of emergency information to the larger community. In absence of this person, an Emergency Operations Center administrator will designate an individual responsible for this function.

Members of the VCCCD Police Department, college administrators, and maintenance and operations departments are tasked with emergency response and management responsibilities for events occurring at any VCCCD college. Response and management responsibilities include determining the scope and nature of a crisis response, overseeing evacuations, coordinating with local emergency response agencies, and communicating information about the crisis including, but not limited to, the content of an Emergency Notification.

Local emergency response agencies may be consulted to determine the extent of the danger to the campus community. Examples include but are not limited to consulting with:

- Local fire officials regarding building fires or wildfires;
- Local hazardous materials teams regarding chemical or hazardous waste spills; and,
- Ventura County Public Health regarding serious illnesses or outbreaks.

In the event the VCCCD chooses to issue an Emergency Notification, the decision will be documented and placed on file with the VCCCD Police Department. Anyone with information about any incident that may warrant an Emergency Notification should contact the VCCCD Police Department at [\(805\) 437-8444](tel:8054378444).

EMERGENCY PREPAREDNESS (AP 3505)

The VCCCD colleges maintain Emergency Operations Plans (EOPs) that contain provisions to provide immediate emergency response and evacuation in an emergency, in accordance with AP 3505. In the event of an emergency, natural disaster, or hazardous conditions, the District will ensure the activation of these plans to protect and govern employees, students, visitors, and children in childcare programs on its campuses and facilities. The EOPs provide directions on emergency response, evacuation, and notification of the college community. The EOPs have adopted California's Standardized Management System (SEMS) and the National Incident Management System (NIMS).

Preparedness

The District's Emergency Response Plan provides information on preparedness, prevention, response, recovery, and mitigation policies and procedures and provides information on coordinating with the appropriate local, state, and federal government authorities, and non-governmental entities on comprehensive emergency management and preparedness activities.

Standardized Management System

There are five designated levels in the SEMS organization:

- Field Response
- Local Government
- Operational Areas
- Regions
- State

Each level is activated as needed.

Standardized Management System Training

The District shall provide SEMS training for each of its Emergency Response teams no less than annually. The training will ensure that the emergency response personnel can demonstrate and maintain the minimum SEMS performance objectives, at the appropriate level, required by the District's training programs. In addition, the District will test its emergency notification systems no less than annually.

Compliance with SEMS

The Emergency Response Plan includes the following functions:

- Management
- Operations
- Logistics
- Planning and Intelligence, and
- Finance/Administration

Local governments use SEMS in order to be eligible for state funding for response-related personnel costs which occur in response to an incident. The District shall use SEMS to coordinate multiple jurisdiction or multiple agency emergency and disaster operations.

In the event that a local emergency occurs and the Governor of California declares a state of emergency, if the District responds to the emergency, the District shall complete and transmit an after-action report to the California Office of Emergency Services (OES) within 90 days of the close of the incident period. The after-action report shall include a review of the response actions taken, the application of SEMS, the identified training needs, suggested modifications to SEMS, necessary modifications to the SEMS plans and procedures, and an up-to-date recall of the recovery actions.

National Incident Management System

The District must also be in compliance with the federal requirements for emergency preparedness using NIMS.

Compliance with NIMS

The District will ensure that its employees receive the appropriate NIMS training. NIMS compliance is measured by a performance-based “metrics” system. In addition to the training requirements, the District must also comply with state and federal preparedness laws for public institutions.

Testing Emergency Response and Evacuation Procedures

Each VCCCD college has an Emergency Team consisting of members whose training complies with Federal Emergency Management Agency (FEMA) guidelines. Teams perform yearly exercises and recreate possible emergencies that could affect each campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. All notification systems are tested on a regular basis, typically once during spring break and again in conjunction with the Great California Shakeout, which occurs in October.

Emergency Operations Centers (EOCs)

Each VCCCD college has an Emergency Operations Center (EOC), which will be activated during emergency situations. The college incident commander will activate the EOC, which may be staffed by one or more key administrators depending on the situation and response. The EOC staff will direct the college’s response to the emergency situation, coordinate with outside agencies, and request outside support.

The EOCs are composed of trained, pre-determined District employees, as defined in the colleges’ Emergency Operations Plans. As part of their designated responsibilities, the EOC members may:

- Declare a major emergency in the event of earthquake, explosion, flood, etc.
- Implement the Emergency Operations Plan by organizing, staffing, supporting, and operating the emergency operations center.
- Collect, evaluate, analyze, and disseminate damage assessment and other essential information.
- Initiate the emergency notification chain (including call back of employees).
- Mobilize employees and resources to heavily damaged areas for triage, treatment, etc.

- Monitor the emergency situation and evaluate the effectiveness of operations.
- Communicate information, warnings, and guidance to the campus community.
- Maintain information on the status of resources, services, and operations.
- Provide status and other reports to the local jurisdictions' emergency management organization.

MAINTENANCE AND SECURITY OF, AND ACCESS TO, COLLEGE FACILITIES (BP 6520)

The facilities, maintenance, and operations (FM&O) departments and the VCCCD Police Department combine efforts to enhance the District's maintenance and security programs. Exterior doors on the college campuses are checked by FM&O personnel to ensure they are properly secured. Building alarms are activated and monitored by the VCCCD Police Department and private alarm companies. FM&O grounds staff routinely trim trees and bushes to reduce potential safety hazards.

Students and staff members may be asked to produce positive identification to prove authorization to be in a specific area. Employees who need to be in campus buildings or areas not during normal operating hours should notify the VCCCD Police Department of their presence.

It is the responsibility of those who use the classrooms, offices, and other areas to close and lock doors, turn off lights, and close windows. The VCCCD Police Department may check many of the areas of the colleges during off hours, but the primary responsibility for security of the buildings lies with the user.

During business hours, the District will be open to students, employees, contractors, guests, and invitees. During non-business hours, access to all District facilities is by key, if issued, or by admittance via the VCCCD Police Department or maintenance and operations personnel. In the case of periods of extended closing, access to appropriate facilities will be provided to authorized employees.

The college facilities are maintained by the maintenance and operations departments and are patrolled by members of the VCCCD Police Department. Police personnel often report the need for replacement of lights and any other physical hazards they notice to the maintenance and operations departments for repair.

Hours of Access

The hours of operation for District property are 6:00 A.M. to 11:00 P.M. daily. Expressive activities are not permitted outside hours of operation (see BP 3900 & AP 3900 on Speech: Time, Place, and Manner). Overnight use or sleeping on any VCCCD college is not permitted, nor is use of the campus areas for sleeping, camping, laying down of bedding, and use of facilities for similar purposes authorized during hours of operation.

No person shall enter, loiter, or remain at any District facility at any time between 11:00 P.M. and 6:00 A.M. of the following day. When District facilities are closed, the use, presence, or occupation of any areas on District property is prohibited without authorization from the college president or authorized representative, or unless the person is a participant in an activity approved or sponsored by the District.

District Property Closure

A duly authorized District representative may close a District facility or college at any time there is an apparent danger to the persons using the property, or for any cause which would provide for the safety and protection of the public. This section may be enforced without concurrence of those individuals or groups involved in the use of the facility.

Remaining in an area closed by an authorized representative is prohibited. Refusing or failing to leave immediately upon being requested by the authorized representative is a violation of California Penal Code Section 602(m).

District facilities and grounds are for the use of District-authorized activities and events. The college maintenance and operations departments are responsible for administering the process for issuance, use, and return, including monitoring, of keys. All issued keys are the property of the VCCCD. As such, they are subject to recall at any time.

SECURITY AWARENESS PROGRAMS

The VCCCD Police Department may conduct training and orientation sessions for students and employees as needed, along with periodic security awareness events.

The VCCCD Police Department offers two safety presentations aimed at providing students, faculty, and staff the knowledge to respond to emergencies on campus, as well as general campus safety and security tips. The safety presentations may be requested by faculty and staff to be provided in classrooms for students, individual department trainings, committee meetings, flex training, or any other similar venue. To learn more and request a presentation, please visit the VCCCD Police Department's webpage at [VCCCD.edu/Police](https://vcccd.edu/Police).

In addition to periodic safety and security awareness trainings, safety information is regularly disseminated to the college community through brochures, the public websites, emails, and public service announcements.

CRIME PREVENTION PROGRAMS

The VCCCD Police Department's primary responsibility is the safety and security of all members of the college community. The Police Department makes every effort to inform students and staff of criminal activity or any other concern which may be of an immediate threat to the safety and security of the District. Crime prevention workshops are offered during the academic year to students and staff. It is the responsibility of every member of the campus community to act in ways that promote the safety of self, others, and the protection of District property.

The Police Department participates in both student- and staff-related functions, such as student government meetings, college club events, and District safety meetings. The Police Department also offers and participates in various presentations throughout the year, with topics including emergency preparedness, campus safety orientations, and sex crime awareness and prevention.

In addition to periodic crime prevention trainings, crime information is regularly disseminated to the college community through crime bulletins, crime statistics, and the Daily Crime Log, which is available for review on the VCCCD Police Department's webpage at [VCCCD.edu/Police](https://vcccd.edu/Police).

ALCOHOL AND DRUG POLICIES

The VCCCD is committed to maintain a safe and healthy environment for the college community. Alcohol and other drugs must not interfere with the District's educational mission. All VCCCD students, faculty, staff, and administrators are subject to local state and federal laws regarding the unlawful possession, distribution, or use of alcohol or illegal drugs. Counseling services and support groups for students are available through each college's Student Health Center. The student health centers also publish information about alcohol and treatment programs on their websites.

Drug Free Environment and Prevention Program (BP 3550)

The District shall be free from all illegal drugs and from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees.

The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in all facilities under the control and use of the District.

Any student or employee who violates this policy will be subject to disciplinary action, (consistent with local, state, or federal law), which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion or dismissal.

The Chancellor shall assure that the District distributes annually to each student the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act.

The District shall provide educational and preventive information about opioid overdose and information about the use and location of fentanyl test strips and opioid overdose reversal medication to students at all campuses. The Chancellor or designee shall establish administrative procedures to assure that each campus health center stocks drug testing devices, distributes a federally approved opioid overdose reversal medication, and participates in the Naloxone Distribution Project.

The Chancellor or designee shall establish administrative procedures to assure that the District provides opioid overdose reversal medication in on-campus housing. The Chancellor or designee shall establish administrative procedures to assure that students who live in on-campus housing, resident advisors, and housing managers, or the equivalent positions, receive information and training regarding controlled substances consistent with the law.

Alcoholic Beverages (BP 3560)

The possession, sale, or the furnishing of alcohol on campus is governed by California state law and these procedures. The possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on-campus is the primary responsibility of the VCCCD Police Department. The campuses have been designated "drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the VCCCD Police

Department. Violators are subject to disciplinary action, criminal prosecution, fines, and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21 years. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation for anyone to consume or possess alcohol in any public or private area of the College without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the VCCCD.

Alcoholic beverages on campus are permitted under the following circumstances:

- The alcoholic beverage is for use during a fundraiser held to benefit College Foundation(s), or by groups or organizations that rent college facilities, that has/have obtained a license under the provisions of the California Business and Professions Code, to do so provided that no alcoholic beverage can be acquired, possessed, or used at a football game or other athletic contest sponsored by the District and its colleges. Any fundraising event requesting to serve alcoholic beverages requires advanced approval of the Chancellor or designee.
- The alcoholic beverage is acquired, possessed, or used in connection with a college academic program, a course of instruction, or a sponsored dinner.

Referral for prosecution may result in conviction and criminal penalties under local, state, and federal laws that may include substantial fines and/or incarceration. For example:

- Under California law:
 - Possession of any amount of certain controlled substances is punishable by up to one year of imprisonment in a county jail (H&S §§ 11054 & 11350);
 - Unlawful possession of marijuana or cannabis is punishable based upon the amount involved, ranging up to a fine of \$500 and six months of imprisonment in a county jail (H&S § 11357);
 - The sale, or purchase with the intent to sell, of certain controlled substances is punishable by up to four years of imprisonment (H&S § 11351); and,
 - The sale, or purchase with the intent to sell, of marijuana is punishable by a term of imprisonment in a county jail of up to three years (H&S § 11359 & PC § 1170(h)).
- Under Federal law:
 - Possession of a “controlled substance” is punishable by up to three years of imprisonment (21 U.S.C. §§ 802 & 844(a)); and,
 - Penalties for unlawful distribution of controlled substances are complex but are summarized in the publication by Brian T. Yeh (2015).¹

¹ U.S. Congressional Research Service. Drug Offenses: Maximum Fines and Terms of Imprisonment for Violation of the Federal Controlled Substances Act and Related Laws (RL30722; January 20, 2015), by Brian T. Yeh. Available online: <https://sgp.fas.org/crs/misc/RL30722.pdf>.

WEAPONS ON CAMPUS (BP 3530 & AP 3530)

Firearms or other weapons shall be prohibited on any college or District center, or in any facility of the District, except for activities conducted under the direction of District officials or as authorized by an official law enforcement agency.

Firearms, knives, and other dangerous weapons of any kind are not permitted on District property. Intentional use, possession, or sale of firearms, knives or any other dangerous weapon is strictly prohibited on a school campus by state law. The VCCCD Police Department strictly enforces state laws, as well as the VCCCD's zero-tolerance policy for the possession or use of any weapon on campus.

Firearms, knives, explosives, or any other dangerous objects, including but not limited to any facsimile firearm, knife or explosives, are prohibited on any District campus or at any District center, or in any facility of the District.

Activities involving firearms or any other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the VCCCD Police Department Chief of Police before taking place.

Any person who believes that he/she/they may properly possess a firearm or other weapon on campus or in a District center or other facility of the District must promptly notify the VCCCD Police Department Chief of Police located in the Police Services office.

Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed or locking blade longer than 2-1/2 inches, taser, or stun gun, upon the grounds, unless the person is authorized to possess such a weapon in the course of his/her/their employment, has been authorized by a District administrator, or is a duly appointed peace officer, who is engaged in the performance of his/her/their duties.

Violators of BP 3530 and AP 3530 are subject to college discipline and/or criminal prosecution. Students found in violation of the VCCCD's weapons policy may be subject to academic probation, suspension, or expulsion. Parents or guardians may be notified about any disciplinary violation involving a weapon which has been committed by a student who is under the age of 18.

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING POLICY STATEMENTS (BP & AP 3540)

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

BP 3540 dictates that the Chancellor or designee 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 California Education Code Sections 67385, 67385.7, and 67386, and Title 34 of the Code of Federal Regulations Section 668.46.

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 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, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures (see also AP 5500 on Standards of Conduct).

Relevant Definitions Related to Sexual Assault, Domestic Violence, Dating Violence, and Stalking

The following are definitions from AP 3433 on Prohibition of Sexual Harassment under Title IX:

- **Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:
 - **Quid pro quo harassment:** A District employee conditions the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
 - **Hostile environment harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity;
 - **Sexual assault:** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent or unlawful sexual intercourse. Sexual assault includes sexual exploitation and the following:

- **Rape:** Sexual intercourse between two people, and may include oral or anal intercourse, without the consent of the victim.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
- **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim.
- **Sexual Contact/Fondling:** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation or the forced touching by the victim of the actor's clothed or unclothed body parts, without the consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees prohibited by law.
- **Dating Violence:** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence:** Violence committed:
 - By a current or former spouse or intimate partner 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 or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking:** 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.

It is the responsibility of each person involved in 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 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 relationship between the persons involved, or the fact of past sexual relations 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.

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

All students, faculty members or staff members who allege they are the victims of sexual assault, domestic violence, dating violence, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the designated Title IX Coordinator or Designee and/or District Police Department, which shall maintain the identity and other information about alleged sexual assault, domestic violence, dating violence or stalking victims as confidential unless and until the Title IX Coordinator and/or Chief of Police or Designee is authorized to release such information.

The Title IX Coordinator or Designee and/or District Police Department shall provide all alleged victims of sexual assault, domestic violence, dating violence, or stalking with the following:

- A copy of the District's policy and procedure regarding sexual assault, domestic violence, dating violence, or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents.
 - District Police
 - Student Health Center
 - Chancellor or Designee
- Information about the importance of preserving evidence and the identification and location of witnesses;
- 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 (Student Health Center);
 - counseling or referral to a counseling center (Student Health Center);
 - A list of other available college resources or appropriate off-campus resources (Student Health Center, Title IX Coordinator or Designee).
- The victim's option to:
 - notify proper law enforcement authorities, including District and local police;
 - be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - decline to notify such authorities;
- Information about the participation of victim advocates and other supporting people;
- The rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
- Information about how the District will protect the confidentiality of victims; and

- Written notification to victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to college police or local law enforcement.
- A description of each of the following options:
 - Counselors and support services for victims
 - criminal prosecution;
 - civil prosecution (i.e., lawsuit);
 - District disciplinary procedures, both student and employee;
 - modification of class schedules, if applicable;
 - tutoring, if necessary.
 - alternative dispute resolution or other accountability processes; and
 - academic assistance alternatives.

The Title IX Coordinator or Designee should be available to provide assistance to District police employees regarding how to respond 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 3434 Responding to Sexual Harassment under Title IX, regardless of whether a complaint is filed with local law enforcement.

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

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 dishonesty.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to allege 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.

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.

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of sexual assault, domestic violence, dating violence, or stalking on District property, as defined above, 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 sexual assault, domestic violence, dating violence, or stalking on District property, shall be referred to the District's Executive Director of Operations, who shall work with the Title IX Coordinator or Designee and District Police Department to ensure that all confidentiality rights are maintained consistent with state and federal law.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sexual assault, domestic violence, dating violence, and stalking and procedures that should be followed after an incident of such offenses has been reported, including a statement of the standard of evidence that will be used during any District proceeding arising from such a report. 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 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 District and local police, and a statement that college personnel will assist the student in notifying these authorities, if the student so requests, and the right to decline to notify these authorities.
- Information about how the District will protect the confidentiality of victims;
- Information for students about existing on and off-campus counseling, mental health, victim advocacy, legal assistance, or other student services for victims;
- Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- Procedures for college disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking including a clear statement that:
 - Such proceedings shall provide prompt, fair, and impartial resolution;

- Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- 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 alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceeding, of any changes to the results that occur prior to the time that such results become final, and when such results become final. 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 college may impose following a final determination by a college disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.

Sexual Assault and Domestic Violence Counselors

Sexual assault and domestic violence counselors shall be independent from the Title IX office, and shall, at a minimum, meet the qualifications defined in Sections 1035.2 and 1037.1 of the Evidence Code, respectively.

Services provided by sexual assault and domestic violence counselors, including, but not limited to, securing alternative housing assignments and academic assistance alternatives, shall not be contingent on a victim's decision to report to the Title IX office or law enforcement.

A sexual assault or domestic violence counselor shall obtain specific permission from the victim before disclosing the identity of the victim, or any information that could reasonably be expected to reveal the identity of the victim, to the District or any other authority, including law enforcement, unless otherwise required to do so by applicable state or federal law.

Education and Prevention Information

The Associate Vice Chancellor, Human Resources and Compliance or Designee shall:

- Provide, as part of each college's established on-campus orientation program, education, prevention and outreach information about domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with college-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.

The outreach programming included as part of an incoming student's orientation must include, at minimum, all of the following:

- The warning signs of intimate partner and dating violence.
 - Campus policies and resources relating to intimate partner and dating violence.
 - Off-campus resources and centers relating to intimate partner and dating violence.
 - A focus on prevention and bystander intervention training as it relates to intimate partner and dating violence.
- Post sexual violence prevention and education information on the college internet website regarding sexual assault, domestic violence, dating violence, and stalking.

Prohibition of Sexual Harassment Under Title IX (AP 3433)

The District is committed to providing an academic and work environment free of unlawful sexual harassment under Title IX. This procedure defines sexual harassment.

This procedure and the related policy protect students, employees, applicants for admission or employment, and other individuals participating or attempting to participate in the District's education program or activity.

Prohibition of Harassment (AP 3430)

The District is committed to providing an academic and work environment free of unlawful harassment. This procedure defines harassment. AP 3435 Discrimination and Harassment Complaints and Investigations sets forth a procedure for the investigation and resolution of complaints of harassment by or against any students, employees, interns, or volunteers within the District.

This procedure and the related policy protects students, employees, interns, and volunteers 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, a District bus, online, or at a class or training program sponsored by the District facilities, a District bus, or at a class or training program sponsored by the District at another location.

For information on the District's prohibition of sexual harassment under Title IX see BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Sexual Harassment under Title IX. For other forms of harassment, Complainants should use this procedure.

Definitions

General Harassment: Harassment based on race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where a reasonable person with the same characteristics as the victim of the harassing conduct would be adversely affected to a degree that interferes with his/her/their ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based Harassment: Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

Verbal: Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical appearance, attire, sexual prowess, marital status or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats or intimidation; or sexist, patronizing or ridiculing statements that convey derogatory attitudes based on gender, race nationality, sexual orientation or other protected status.

Physical: Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against, or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, national origin, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

Visual or Written: The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

Environmental: A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected status that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from an unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment. It can also be created by an unwarranted focus on, or stereotyping of, particular racial or ethnic groups, sexual orientations, genders, or other protected statuses. An environment may also be hostile toward anyone who merely witnesses unlawful harassment in his/her/their immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work.

Sexual Harassment: In addition to the above, sexual harassment consists 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 work or educational setting when:

- submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;
- submission to, or rejection of, the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
- the conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile or offensive work or educational environment (as more fully described below); or
- submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the community college.

This definition encompasses two kinds of sexual harassment:

- **"Quid pro quo"** sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
- **"Hostile environment"** sexual harassment occurs when unwelcome conduct based on a person's gender alters the conditions of an individual's learning or work environment, unreasonably interferes with an individual's academic or work performance, or creates an intimidating, hostile, or abusive learning or work environment. The victim must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it unreasonably interfered with the person's academic or work performance, or created an intimidating, hostile, or offensive learning or working environment.

Acts of sexual harassment can be committed by any person. Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender identity as the victim would perceive the conduct as harassment based on sex.

Consensual Relationships: Romantic or sexual relationships between supervisors and employees, or between administrators, faculty members, or staff members and students are discouraged. There is an inherent imbalance of power and potential for exploitation in such relationships. A conflict of interest may arise if the administrator, faculty members, or staff member must evaluate the student's or employee's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing. In the event that such relationships do occur, the District has the authority to transfer any involved employee, to eliminate or attenuate the supervisory authority of one over the other, or of a teacher over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

Academic Freedom: No provision of this Administrative Procedure shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this procedure will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

Responding to Sexual Harassment (AP 3434)

The District encourages members of the District community to report sexual harassment. This procedure and the related policy protects students, employees, applicants for employment, and applicants for admission. This procedure only applies to conduct defined as sexual harassment under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. The District will respond to sexual harassment that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the district will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

Title IX Coordinator

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is listed on the Ventura County Community College District website.

The Title IX Coordinator or designee(s) is/are required to respond to reports of sexual harassment. The Title IX Coordinator or designee(s) will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator or designee(s) may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

Jurisdictional Requirements

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States.
- The conduct took place in a District “education program or activity.” This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off- campus property and buildings the District owns or controls or that student organizations officially recognized by the district own or control.
- The conduct meets the definition of Title IX “sexual harassment.”

Reporting Options

Any individual may report sexual harassment to one of the Title IX Coordinators or designee(s). Reports may be made via the [Reporting Form](#).

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the district will inform individuals that the primary concern is for student and employee safety, and that use of alcohol or drugs never makes a Complainant at fault for sexual harassment. An individual who participates as a Complainant or witness 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 dishonesty.

Individuals have the opportunity to decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator or designee(s) does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the recurrence of the conduct. A Complainant or the Title IX Coordinator or designee(s) filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the *Clery Act*, a federal law requiring data collection of crime within the campus geography. Under the *Clery Act*, the District does not document personal information; the District reports the type of conduct, and the time, date, and location (Also see BP/AP 3540 Sexual Assault, Domestic Violence, Dating Violence, and Stalking).

Obligations of Employees

District employees who have authority to institute corrective measures on behalf of the District are not "confidential resources" and are required to report allegations of sexual harassment to the Title IX Coordinator or designee(s) promptly when they have information about conduct that may reasonably constitute sexual harassment. The District has designated all employees who are not listed as "confidential resources" below as employees with this authority and therefore, have an obligation to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

Confidential Resource Options at the District

Students, faculty, and staff may wish to seek confidential assistance in dealing with an incident of sexual harassment. The District has identified specific employees who will maintain confidentiality under the professional license or professional ethics necessary for their employed role at the District. Please see the [District's Title IX webpage](#) for a list of District employees who may keep information regarding an incident of sexual harassment confidential.

In most cases, Confidential Resources at the District will not share the substance of any such communications or that such communications occurred without consent. Individuals who wish to talk confidentially about issues related to sexual harassment, with the understanding that the District will not take any action based on such confidential communications, are encouraged to contact one of these Confidential Resources.

Confidential Resources may, however, have an obligation to disclose otherwise- privileged information where they perceive an immediate or serious threat to a person or property. This is a limited exception to the privileged nature of communications with Confidential Resources. Reports or records maintained by the District (including Counseling Service records), and other confidential, non-privileged records may, however, be subject to a subpoena if civil or criminal charges are filed in court.

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Confidential Resources will not report Clery crimes they learn about through confidential communications for purposes of the District's compilation of campus crime statistics. In addition, when appropriate and legally permissible, the District shall conduct record-keeping on reports of dating violence, domestic violence, stalking and sexual assault, such as that collected for legally required disclosures, that excludes personally-identifiable information of any Complainants.

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he/she/they provides medical services for a physical condition to a person who he/she/they knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including sexual assault, dating violence, and domestic violence). This requirement does not apply to sexual assault and domestic violence counselors and advocates.

Definitions

- **Advisor:** Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party with an Advisor of the District's choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings if they apply equally to both Parties.

District appointed advisors will not craft legal arguments and will not provide legal advice or legal representation. Their role is limited to providing non-legal, procedural support to facilitate the student's meaningful participation in the process.

Advisors must comply with any equitable rules or restrictions the District applies to all advisors.

Parties have the right to consult with an attorney, at his/her/their own expense, at any stage of the grievance process if he/she/they wish to do so. An attorney may serve as an advisor.

- **Business Day:** Business day means a day the District office is open. Business days do not include Saturdays, Sundays, or days on which the District office is closed.

- **Complainant:** A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment.
- **Consent:** Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to 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.
- **Decision-Maker:** The person(s) who will oversee the live hearing and make a determination of responsibility. The Decision-Maker cannot be the Title IX Coordinator or the investigator.
- **Disciplinary Sanctions:** Consequences imposed on a Respondent following a determination under the District's Title IX policies and procedures that the Respondent violated the District's prohibition on sexual harassment.
- **Formal Complaint:** A written complaint signed by the Complainant or Title IX Coordinator, alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint.
- **Parties:** As used in this procedure, this means the Complainant and Respondent.
- **Relevant:** Related to the allegations of sexual harassment under investigation as part of these grievance procedures. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation. Questions are relevant when the question seeks evidence that may aid in showing whether the alleged sexual harassment occurred.
- **Remedies:** Measures provided, as appropriate, to a complainant or any other person the District identifies as having had their equal access to the District's education program or activity limited or denied by sexual

harassment. These measures are provided to restore or preserve that person's access to the District's education program or activity after the District determines that sexual harassment occurred.

- **Respondent:** A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.
- **Retaliation:** Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by this procedure, or because the individual has reported information, made a Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this procedure.
- **Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:
 - **Quid pro quo harassment:** A District employee conditions the provision of an aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct;
 - **Hostile environment harassment:** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district's education program or activity;
 - **Sexual assault:** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent or unlawful sexual intercourse. Sexual assault includes sexual exploitation and the following:
 - **Rape:** Sexual intercourse between two people, and may include oral or anal intercourse, without the consent of the victim.
 - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
 - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim.
 - **Sexual Contact/Fondling:** The intentional touching of the clothed or unclothed body parts without consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation or the forced touching by the victim of the actor's clothed or unclothed body parts, without the consent of the victim for the purpose of sexual degradation, sexual gratification, or sexual humiliation.
 - **Incest:** Sexual intercourse between persons who are related to each other within the degrees prohibited by law.
 - **Dating Violence:** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
 - **Domestic Violence:** Violence committed:
 - By a current or former spouse or intimate partner 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 or intimate partner;
 - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or
 - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- **Stalking:** 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.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant and the Respondent regardless of whether a formal complaint has been filed.

RESPONSE TO REPORTS OF SEXUAL HARASSMENT

Timeframe for Reporting

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon as possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

Receipt of Report

After receiving a report of sexual harassment, the Title IX Coordinator or designee(s) will contact the Complainant and reporting party to explain rights under this policy and procedure and invite the Complainant to an in-person meeting. The Title IX Coordinator or designee(s) will discuss supportive measures with the Parties.

Student Complainant Requests for Confidentiality

If a student Complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, if found responsible, or that no investigation or disciplinary sanctions could be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;

- There is a power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed, or an investigation is conducted; and
- The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of the Complainant's cooperation.

If the District determines that it can honor the student-Complainant's request for confidentiality, it shall still take reasonable steps to respond to the formal complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating an investigation or revealing the identity of the Complainant. The District shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall notify the Complainant that the request for confidentiality will limit the steps the District will take to respond to the report of sexual harassment.

If the District determines that it must disclose the student-Complainant's identity to the Respondent or proceed with a Formal Complaint, it shall inform the Complainant prior to making this disclosure or initiating the response to a formal complaint. The District shall also take immediate steps to provide for the Complainant's safety where appropriate. In the event the Complainant requests that the District inform the Respondent that the Complainant asked the District not to investigate or seek discipline, the District shall honor this request.

Implementation of Supportive Measures

The District will offer and coordinate measures as appropriate for the Complainant and Respondent to restore or preserve that person's access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all Parties or the District's educational environment, or deter sexual harassment.

The Title IX Coordinator or designee(s) is/are responsible for coordinating the effective implementation of supportive measures. The Title IX Coordinator or designee(s) should record and retain records regarding requests and provision of supportive measure in accordance with the requirements set out in this procedure. A Party may request supportive measures from the Title IX Coordinator or designee(s).

Supportive measures may include, but are not limited to: counseling, extensions of deadlines, other course related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact applied to one or more Parties, changes in work or District-provided housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures.

The District shall not disclose information about any supportive measures to persons other than the person to whom they apply, including informing one Party of supportive measures provided to another Party, unless necessary to provide the supportive measure or restore or preserve a Party's access to the education program or activity, or as required by law.

Sexual Assault and Domestic Violence Counselors

For further information about services provided by sexual assault and domestic violence counselors on campus, see AP 3540 Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Emergency Removal

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The Title IX Coordinator or designee will conduct individualized safety and risk analysis.

If the Title IX Coordinator or designee(s) determines emergency removal is appropriate, he/she/they or designee will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The Title IX Coordinator or designee(s) will determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

Administrative leave

The District may place a non-student employee Respondent on administrative leave during the pendency of a grievance process described in the formal complaint process. The District will follow any relevant policies, procedures, collective bargaining agreements, and state law in placing an employee on administrative leave.

No-Contact Order in Reports of Sexual Harassment Involving Students

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue an interim no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the investigation. The District shall not issue an interim mutual no-contact directive automatically but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect a Party's safety or well-being, or to respond to interference with an investigation. If the District issues any no-contact directive, the District shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action. If the District issues a mutual no-contact directive, the District shall also provide the Parties with a written justification for the directive.

Response to Formal Complaints of Sexual Harassment

In addition to the response discussed in the Response to Reports of Sexual Harassment section, above, the District's response to a formal complaint will include the steps described below.

Consolidation of Formal Complaints

The District may consolidate formal complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of sexual harassment arise out of the same facts or circumstances. When more than one Complainant or more than one Respondent is involved, references below to a Party, Complainant, or Respondent include the plural, as applicable.

Dismissal of a Formal Complaint

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure;
- If the conduct alleged did not occur in the District's education program or activity;
- If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator or designee(s) in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- If the Respondent is no longer enrolled or employed by the District; or
- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the District dismissed the formal complaint or any allegations, the Title IX Coordinator or designee(s) shall simultaneously provide the Parties with written notice of the dismissal and reason. The District will also notify the Parties of their right to appeal. See the section on appeals for more information.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

Equitable Treatment of the Parties

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will not discipline a Respondent unless it determines the Respondent was responsible for sexual harassment at the conclusion of the grievance process.

Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes a determination regarding responsibility at the conclusion of the grievance process.

Role of Advisor

The role of the Advisor is to provide support and assistance in understanding and navigating the grievance process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator or designee(s) has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge, to any Party without an Advisor in order to conduct cross examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

Privacy

The District will take reasonable steps to protect the privacy of the Parties and Witnesses during its grievance procedures. These steps will not restrict the ability of the Parties to discuss the allegations under investigation or to gather and present relevant evidence.

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts unauthorized disclosure of information and evidence obtained solely through the grievance procedure. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

Consistent with the requirements of this procedure, the District shall keep confidential the identity of any individual who has made a report or Complaint of sexual harassment, any Complainant, any Respondent, and any witness, except as may be permitted by law, or to carry out the purposes of this procedure. This means that the District will protect the Party's privacy consistent with this procedure but may disclose information to those who have a legitimate need to know and in order to process Complaints under this policy.

Confidentiality is not absolute, however. Where criminal conduct has occurred or where the health and/or safety of others in the community may be in danger, it may be necessary for the District to take appropriate steps to protect the safety of its students and employees, including the person who has reported the misconduct.

Prohibition Against Bias or Conflict of Interest

The District's Title IX Coordinator or designees(s), investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential or actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally. Actual bias is an articulated prejudice in favor of or against one Party or position; it is not a generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Maker in the process. The District will ensure that the Title IX Coordinator or designee(s), investigator, Decision-Maker, and facilitator receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue, conflicts of interest, and bias.

Timeline and Extensions

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within 270- calendar days.

When appropriate, the Title IX Coordinator or designee(s) may determine that good cause exists to extend the 270- calendar day period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator or designee(s) in writing by explaining the reason for the delay and the length of the continuance requested. The Title IX Coordinator or designee(s) will notify the Parties and document the grant or denial of a request for extension or delay as part of the case recordkeeping. The District shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator or designee(s) will provide the following notice in writing, to the Parties:

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- Notice that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source;
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and

- For student Parties, notice regarding appropriate counseling resources the District has developed and maintains.

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator or designee(s) will provide notice in writing of the additional allegations to the Parties.

Informal Resolution

At its discretion, the District may offer the Parties informal resolution in lieu of resolving a Complaint through the District's grievance procedures. The District may not offer or facilitate an informal resolution process unless a formal complaint is filed. The District does not offer informal resolution, including settlement, to resolve allegations that an employee engaged in sexual harassment of a student, to resolve allegations that an employee engaged in sexual assault, sexual violence, or sexual battery, or to resolve allegations of sexual violence involving a student Party.

The District shall not require the Parties to participate in an informal resolution process. The District does not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. The District must obtain the Parties' voluntary, written consent to the informal resolution process.

The District will inform the Parties in writing of any informal resolution process it offers and determined is appropriate, if any. Before the initiation of any informal resolution process, the District will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations; and
- What information the District will maintain and whether and how the District could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Investigations

The Title IX Coordinator or designee(s) is/are responsible for overseeing investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting or proceeding described in this section.

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment, how the District's grievance procedures operate, and trauma-informed investigation techniques. The District will also ensure that investigators

receive training on issues relevant to create an investigative report that summarizes relevant evidence and complies with this procedure.

Notice of Investigative Interview

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

Evidence

The burden is on the District—not on the Parties—to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred. The District will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and otherwise permissible.

The District will objectively evaluate all evidence that is relevant and otherwise permissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or Witness.

Use of Privileged Information

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

Evidence of Past Sexual History

An investigator or Decision-Maker shall not consider the past sexual history of a Party except in the limited circumstances described below:

- The investigator or Decision-Maker shall not consider the prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual; or
- The investigator or Decision-Maker shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations.
 - Where the investigator or Decision-Maker allows consideration of questions or evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or Decision-Maker shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

Evidence Review

Prior to the investigator preparing an investigative report, the District will provide all Parties an equal opportunity to engage in evidence review. Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

The District will make available to each Party and the Party's Advisor, if any, the evidence subject to evidence review in an electronic format or a hard copy. The District will allow Parties at least ten days to submit a written response. The investigator must consider this written response prior to completing the investigative report.

Investigative Report

The results of the investigation of a formal complaint will be set forth in a written report that will include at least all the following information:

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness with information relevant to the allegations;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A description of recommended findings;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they does not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator or designee(s). The Title IX Coordinator or designee(s) will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

The District will send the investigative report to each Party and their Advisors, if any, at least ten (10) days prior to the live hearing. The District will provide the final investigative report in an electronic format or a hard copy. Parties may review the investigation report and provide a written response. The District will allow Parties at least ten days to submit a written response.

Live Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Parties an opportunity to respond to the evidence gathered before a Decision-Maker.

Notice of Hearing

If the District proceeds to a hearing, the District will provide all Parties with written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate. The District will also notify the Parties of the name of the Decision-Maker and how to challenge participation by the Decision-Maker for bias or conflict of interest. The Title IX Coordinator will resolve any challenge in his/her/their sole discretion.

Attendance and Participation of Parties

All Parties have a right to attend the live hearing. Parties may be accompanied by an Advisor of his/her/their choice and must provide the name of the Advisor to the Title IX Coordinator or designee(s) at least three business days prior to the hearing. If a Party's Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the Party with the non-appearing Advisor.

Neither Party may choose to waive the right to a live hearing, but the Parties can choose whether to participate in the hearing or answer some or all cross-examination questions. The District must proceed with the live hearing in the absence of a Party or witness(es) and will reach a determination of responsibility in their absence. If a Party does not attend the live hearing, the Party's Advisor may appear and conduct cross-examination on their behalf. A Party does not have a right to self-representation at the hearing; an Advisor must conduct all cross-examination.

Attendance and Participation of Witnesses

The District will provide the Parties an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

The Parties may submit to the Title IX Coordinator or designee(s) a list of witnesses they believe have relevant information to the allegations of sexual harassment. The Decision-Maker will review the Parties' requested witnesses and consider any other witnesses. The Decision-Maker may exclude witnesses that are deemed irrelevant. Witnesses will only be permitted to attend the hearing during their own testimony.

Hearing Format

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time. The hearing may occur over multiple sessions. At its discretion, the District may delay or adjourn a live hearing based on technological errors outside of a Party's control.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review. This will be the sole recording of the hearing; no Party, Advisor, or witness is

permitted to record the hearing or any portion of the hearing. Any unauthorized recording may result in disciplinary action.

Hearing Procedures

The hearing may include a statement from the Decision-Maker outlining the procedures and expectations for the hearing. The Decision-Maker shall provide an explanation of the meaning of the preponderance of the evidence standard and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

The hearing may also include brief opening remarks by the Parties, questions posed by the Decision-Maker, Parties and witnesses presenting information with questioning from the Decision-Maker and cross-examination from the Parties' Advisors, and brief concluding remarks by the Parties.

Expectations of Decorum

The District expects the Parties, Advisors, and witnesses to observe the following Expectations of Decorum during the live hearing. The Decision-Maker has the authority to remove from the hearing a Party, Advisor, or witness who does not comply with the Expectations of Decorum.

- Questions must be conveyed in a neutral tone.
- All individuals will refer to other individuals using the name and gender used by the individual and shall not intentionally misname or misgender that individual in communication or questioning.
- No party may act abusively or disrespectfully during the hearing toward any other individual.
- While an Advisor may be an attorney, no duty of zealous advocacy should be inferred or enforced within this forum.
- The Advisor may not yell, badger, or physically "lean in" to a Party or witness' personal space. Advisors may not approach the other Party or witnesses without obtaining permission from the Decision-Maker.
- The Advisor may not use profanity or make irrelevant ad hominem attacks upon a party or witness. Questions are meant to be interrogative statements used to test knowledge or understand a fact, they may not include accusations within the text of the question.
- The Parties may not ask repetitive questions. When the Decision-Maker determines a question has been "asked and answered" or is otherwise not relevant, the Parties must move on.
- Parties and Advisors may take no action at the hearing that a reasonable person in the shoes of the affected party would see as intended to intimidate that person (whether Party, witness, or official) into not participating in the process or meaningfully modifying their participation in the process.

Hearing Decision-Maker

The Decision-Maker will be free from conflict of interest or bias, including bias for or against Complainants or Respondents.

The Decision-Maker may ask the Parties and the witnesses questions during the hearing. The Decision-Maker must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

Presenting Witnesses and Evidence

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the Decision-Maker has discretion to accept for good cause, or exclude, such new evidence offered at the hearing. If a Party identifies new evidence or witnesses that were not reasonably available during the investigation, the Party may request that such evidence or witnesses be considered at the live hearing. The Decision-Maker will determine:

- Whether the evidence or witness testimony was not reasonably available despite due diligence prior to the hearing, and
- Whether the new information could materially affect the outcome of the case.

If the Decision-Maker finds both criteria are met, the hearing will pause for a reasonable period to allow the Parties to review the new material and prepare for any related questioning. If the Decision-Maker determines that the new evidence warrants further investigation, they may remand the matter to the investigator. The investigator will conduct any necessary fact-gathering and issue an amended investigative report, which will be shared with the Parties and their Advisors. The Parties will be given an opportunity to respond to the amended report. The Title IX Coordinator may, as appropriate, shorten the review and response period based on the nature and volume of new evidence. The amended report and any responses will be provided to the Decision-Maker and included in the hearing record.

Cross-Examination

The District will permit each Party's Advisor to ask the other Party and any witnesses all relevant questions and follow-up questions, including those questions challenging credibility. The Party's Advisor must conduct cross examination directly, orally, and in real time. A Party may never personally conduct cross-examination. The other Party shall have an opportunity to object to a question posed. The District may limit such objections to written form, and neither the Decision-Maker nor the District are obligated to respond, other than to include any objection in the record. The Decision Maker shall have the authority and obligation to discard or rephrase any question that the Decision-Maker deems to be irrelevant. In making these determinations, the Decision-Maker is not bound by, but may take guidance

from, the formal rules of evidence. Cross-examination questions that are duplicative of those already asked, including by the Decision-Maker may be deemed irrelevant if they have been asked and answered.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision Maker's determination and answering the question or (2) refusing to answer the question.

If a Party or the party's Advisor choose not to cross-examine a party or witness, the Party shall affirmatively waive cross-examination through a written or oral statement to the Decision-Maker.

The Decision-Maker may require that advisors submit cross-examination questions in writing (e.g., via chat or email) immediately prior to posing them, in order to facilitate the Decision-Maker's real-time determination of relevance. This process must not interfere with the requirement that all cross-examination be conducted directly, orally, and in real time by the party's advisor, and shall be applied equally to both parties.

If a Party or witness does not submit to cross-examination at the live hearing, the Decision-Maker may admit any statement of that Party or witness in reaching a determination regarding responsibility. The Decision-Maker will give the statements whatever weight the Decision-Maker determines appropriate, bearing in mind that the statements have not been tested by cross-examination. In doing so, the Decision-Maker should consider, and if possible determine, whether the witness or Party made the statement and what the statement proves.

The Decision Maker cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross examination or to answer any question.

The Decision-Maker may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

Determinations of Responsibility

The Decision- Maker will issue a written determination regarding responsibility, no later than 30 business days after the conclusion of the live hearing.

The Decision-Maker will objectively evaluate all relevant evidence, including inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Maker will use the 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 sexual harassment occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator interviewed the Parties and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;
- Findings of fact supporting the determination. In making these findings, the Decision-Maker will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;
- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent. The District will inform the Complainant of the sanctions against the Respondent;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity. The district need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant.;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District will provide the written determination to the Parties simultaneously. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be considered timely.

Appeal of Dismissal of a Formal Complaint or of the Determination of Responsibility

A Complainant or Respondent may appeal the District's dismissal of a formal complaint or any allegations or the determination regarding responsibility.

Grounds for Appeal

A Party may appeal based on the following grounds:

- A procedural irregularity affected the outcome;
- New evidence was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or

- The District's Title IX Coordinator or designees, investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

Appeal Procedure

- A Party may submit a written appeal no later than ten (10) business days from the date of the District's notice of dismissal of a formal complaint or any allegations or from the date of the notice of determination regarding responsibility. The Party appealing must state the grounds for appeal and a statement of facts supporting those grounds.
- The Title IX Appeal Officer will serve as the Decision-Maker on Appeal. The Title IX Appeal Officer shall not be the same person as the Title IX Coordinator, the investigator, or the original Decision-Maker.
- If the District receives an appeal, the District will notify the other Party in writing within five (5) business days of receiving a Party's appeal.
- The non-appealing Party may submit a written statement in support of, or challenging, the District's decision to dismiss the formal complaint or allegations or the District's decision in the determination regarding responsibility. The District will allow the non-appealing Party at least ten (10) business days from the date of receipt of the appeal to submit a written statement.
- The appeal Decision-Maker will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Decision-Maker on appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

The Decision-Maker on appeal may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the appeal Decision-Maker explaining the need for the extension and the proposed length of the extension. The Decision-Maker will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

Disciplinary Sanctions and Remedies

Following a determination that sexual harassment occurred, the District may impose disciplinary sanctions on the Respondent. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, nonacademic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

The District may also issue a no-contact directive against the Respondent.

The District may also provide remedies for the Complainant, which may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, 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; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

Within five (5) business days of a decision of disciplinary action against a Respondent in response to a complaint of sexual harassment, the District will provide a notification of the disciplinary action to the Respondent and Complainant.

Retaliation Prohibited

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above. The District must keep confidential the identity of any individual who has made a report or complaint, or have participated as a witness, unless disclosure is required by law or necessary to carry out the grievance process.

Training

The District will ensure that its Title IX Coordinator(s), investigators, Decision-Makers, facilitators of an informal resolution process, and other persons who are responsible for implementing the District's grievance procedures or have the authority to modify or terminate supportive measures have training on topics required by the Title IX regulations and State law and regulations including training regarding his/her/their obligation to report sexual harassment and instruction on how to report sexual harassment to the Title IX Coordinator (or designees).

The District will provide its students annual training on sexual violence and sexual harassment including related topics required by State law.

File Retention

The District will retain on file for a period of at least seven years after closing the case copies of:

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;

- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials are used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

Compliance Reporting

The Chancellor shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to this procedure. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

The Chancellor shall prepare and submit to the Board of Trustees a report on the activities undertaken by the District to ensure campus programs and activities are free from sex discrimination including sexual harassment. The report shall include information required by law. The District shall post the annual report on its internet website and shall present each report during a public meeting of the governing board. The Board of Trustees will submit this report to the Chancellor of the California Community Colleges by September 1 of each year.

Discrimination and Harassment Complaints and Investigations (AP 3435)

For sexual harassment related to Title IX, Complainants must proceed under BP 3433 Prohibition of Sexual Harassment under Title IX, AP 3433 Prohibition of Sexual Harassment under Title IX, and AP 3434 Responding to Sexual Harassment under Title IX. For other forms of discrimination and harassment, Complainants should use this procedure.

Reporting and Filing Complaints

The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered harassment, discrimination, or retaliation or who has learned of harassment, discrimination, or retaliation may report harassment, discrimination, or retaliation. Complainants may have the option of filing a Complaint.

All Responsible Employees are required to report all actual or suspected sexual harassment to the Deputy Title IX/Intake Coordinator at their respective college or to the Vice Chancellor of Human Resources or designee immediately. A Responsible Employee is any employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has been given the duty of reporting incidents of sexual harassment to an appropriate District official who has the authority. Specifically, all District employees not listed below under “Confidential Reporting” are considered Responsible Employees who must report allegations of sexual harassment promptly.

Confidential Reporting

An employee who is a therapist, physician, psychotherapist, member of the clergy, sexual assault counselor, domestic violence counselor, or other individual acting in a professional capacity for which confidentiality is mandated by law is exempt from having to report sexual harassment concerns to the Deputy Title IX/Intake Coordinator or other designated Human Resources employee, unless otherwise required by law.

The District shall designate an employee at each campus as a point of contact for the needs of lesbian, gay, bisexual, asexual, pansexual, transgender, gender-nonconforming, intersex, and two-spirit faculty, staff, and students at the campus. This employee is a confidential resource.

An employee who is not considered a Responsible Employee must inform each student who provides him/her/them with information regarding sexual harassment of the student’s ability to report to a Responsible Employee and direct the student to those specific reporting resources.

Outreach

When a Responsible Employee reports actual or suspected sexual harassment involving students to the Deputy Title IX/Intake Coordinator or Vice Chancellor of Human Resources or designee, they will assess the report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct. The outreach shall include all of the following information:

- The District received a report that the student may have been a victim of sexual harassment;
- A statement that the retaliation for filing a complaint or participating in the complaint process, or both, under this procedure is prohibited;
- Counseling resources within the District or in the community;
- Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement;
- The District’s complaint and investigation procedures established pursuant to this procedure;
- Potential interim measures, such as no-contact directives, housing changes, and academic schedule changes, where applicable;
- The importance of preserving evidence;
- A request for the student to meet with the Title IX coordinator or other designated employee to discuss options for responding to the report; and

- The manner in which the District responds to reports of sexual harassment and a description of potential disciplinary consequences.

The District shall consider and respond to requests for accommodations relating to prior incidents of student sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request, subject to the District's policies.

Complaints

A Complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's Board Policies, Administrative Procedures, or in violation of state or federal law. Complaints must be filed with the Deputy Title IX/Intake Coordinator or Vice Chancellor of Human Resources or designee, unless the Party submitting the Complaint alleges discrimination, harassment, or retaliation against the responsible district officer, in which case it should be submitted directly to the Chancellor or designee.

The District may request, but shall not require, the Complainant to submit a Complaint on the form prescribed by the Chancellor of the California Community Colleges. A copy of the [Complaint Form](#) will be available at the District Human Resources Department and on the District's Human Resources website. A Complainant shall report a verbal Complaint to the Vice Chancellor of Human Resources or designee. The Vice Chancellor of Human Resources or designee shall record the verbal Complaint in writing. The Vice Chancellor of Human Resources or designee will take steps to ensure the writing accurately reflects the facts alleged by the Complainant.

A Complaint must meet **each of the following** criteria:

- It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or procedures or state or federal law prohibiting discrimination, harassment, or retaliation;
- The Complainant must file any Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the Complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation; and
- The Complainant must file any Complaint alleging discrimination, harassment, or retaliation in employment within three years of the date of the alleged discriminatory, harassing, or retaliatory conduct.

If the Complaint does not meet the requirements set forth above, the Vice Chancellor of Human Resources, or designee, will notify the Complainant within 14 days that the complaint does not contain allegations of unlawful discrimination that are sufficient under this procedure to trigger an investigation. The Vice Chancellor of Human Resources, or designee, will specify why the complaint is defective.

If the defect is based on the Complainant's failure to state sufficient facts to support a claim of unlawful discrimination, the Vice Chancellor of Human Resources, or designee, shall offer the Complainant an opportunity to offer additional facts to support his/her/their claims through an intake interview, which shall be scheduled as soon as reasonably convenient for the Complainant and Vice Chancellor of Human Resources, or designee.

If, after the intake interview, the Vice Chancellor of Human Resources, or designee, determines that the Complainant has still not stated sufficient facts to support a claim of unlawful discrimination, the Vice Chancellor of Human Resources, or designee, shall provide the Complainant with a written determination explaining the basis for dismissing the complaint within 14 days of the intake interview. The Vice Chancellor of Human Resources, or designee, must also notify the Complainant of his/her/their right to appeal this determination directly to the Chancellor of the California Community Colleges within 30 days from the date of the notice of dismissal.

Where a complaint of discrimination, harassment, or retaliation is submitted after the one-year period established under Title 5 but within the three-year statute of limitations applicable under the California Fair Employment and Housing Act (FEHA), the District will investigate and respond to the complaint. Such investigations are not governed by Title 5, and the complainant will not be entitled to an administrative determination, nor any rights of appeal to the Chancellor of the California Community Colleges. Any investigation or resolution conducted under this provision will be managed consistent with the District's internal policies and applicable legal requirements.

Oversight of Complaint Procedure: The Vice Chancellor of Human Resources or designee is the "responsible District officer" charged with receiving complaints of discrimination or harassment and coordinating their investigation.

The investigation of complaints must be assigned by the Vice Chancellor of Human Resources or designee to a neutral investigator. A neutral investigator means an outside investigator or an internal investigator who is not in the chain of command of the respondent, not substantially implicated by the allegations in the complaint, and who is otherwise impartial. Neutral investigators must be properly trained to conduct such investigations.

Who May File a Complaint: Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed by a student, employee, or third party in violation of this procedure and the related policy.

Where an allegation of discrimination, harassment, or retaliation is submitted by a third-party vendor, contractor, or other individual who is not a student, employee, parent of a minor student, or individual with legal authority on behalf of a student or employee, the District may review and respond to the allegation to the extent it implicates the District's students, employees, or educational programs or activities. Such complaints are not governed by Title 5, and the complainant will not be entitled to an administrative determination under Title 5 or any rights of appeal to the Chancellor of the California Community Colleges. Any review, investigation, or resolution conducted under this provision will be managed consistent with the District's internal policies and applicable legal requirements.

Where to File a Complaint: A student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes the student or employee has been discriminated against or harassed in violation of these policy and procedures may make a Complaint orally or in writing directed to the Vice Chancellor of Human Resources or designee. Complainants may but are not required to use the form prescribed by the California Community Colleges Chancellor's Office. These forms are available from the Vice Chancellor Human Resources and at the California Community Colleges Chancellor's Office website.

Advisors in Complaints Involving Students

Student Parties in Complaints involving sexual harassment are permitted to have a support person or adviser accompany him/her/them during any stage of the Complaint process described in this procedure. Student Parties in Complaints involving sexual harassment have the right to consult with an attorney, at his/her/their own expense, at any stage of the Complaint process if he/she/they wishes to do so. An attorney may serve as a support person or advisor.

Employment-Related Complaints

Complainants filing employment-related complaints shall be notified that they may file employment discrimination complaints with the U.S. Equal Employment Opportunity Commission (EEOC) or the California Civil Rights Department (CRD).

Any District employee who receives a harassment or discrimination complaint shall notify the Vice Chancellor of Human Resources or designee immediately.

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 they are being harassed or discriminated against to file a complaint. The District also strongly encourages the filing of such complaints within 30 days of the 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.

The District will investigate complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from the school's programs or activities.

Communicating that the Conduct is Unwelcome: The District further encourages students and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate.

Intake and Processing of the Complaint: Upon receiving notification of a harassment or discrimination complaint, the Vice Chancellor of Human Resources or designee shall:

- Consider whether the District can undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules, obtaining apologies, providing informal counseling, training, etc.
- Advise all Parties that he/she/they need not participate in an informal resolution of the Complaint, as described above, and they have the right to end the informal resolution process at any time. NOTE: *Districts cannot allow mediation, even on a voluntary basis, to resolve allegations of sexual violence.*

- Advise a student Complainant that he/she/they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee Complainants may file a complaint with the California Civil Rights Department (CRD). All Complainants should be advised that they have a right to file a complaint with local law enforcement, if the act complained of is also a criminal act. The District must investigate even if the Complainant files a complaint with local law enforcement. In addition, the District should ensure that Complainants are aware of any available resources, such as counseling, health, and mental health services.
- In matters involving student sexual harassment, provide student Parties notice regarding appropriate counseling resources developed and maintained by the District.
- Take interim steps to protect a Complainant from coming into contact with the Respondent, especially if the Complainant is a victim of sexual violence. The Vice Chancellor of Human Resources or designee should notify the Complainant of his/her/their options to avoid contact with the Respondent and allow students to change academic situations as appropriate. For instance, the District may prohibit the Respondent from having any contact with the Complainant pending the results of the investigation. When taking steps to separate the Complainant and Respondent, the District shall minimize the burden on the Complainant. For example, it is not appropriate to remove Complainants from classes or housing while allowing the Respondent to remain.

Regardless of whether a Complaint has been filed under this procedure, if the District knows, or reasonably should know, about possible sexual harassment involving individuals subject to the District's policies at the time, the District shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the District determines that an investigation is not required.

Informal Resolutions and Settlements

At its discretion, the District may offer the Parties an opportunity to resolve a Complaint through an informal resolution process rather than proceeding through the District's grievance procedures.

The District shall not require either Party to participate in an alternative resolution process; a Party's participation is completely voluntary. The District does not require anyone to give up the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, or employment or continuing employment, or exercise of any other right. The District must obtain each Party's voluntary written consent before starting the informal resolution process.

If the District decides to offer informal resolution, it will inform the Parties in writing. Before the process begins, the District will also provide a written explanation to the Parties that includes:

- The allegations;
- The requirements of the informal resolution process;
- That any Party has the right to withdraw from the informal resolution process and resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations; and

- What information the District will maintain and whether and how the District could disclose such information for use in grievance procedures if such procedures are initiated or resumed.

Additional Legal Requirements When the Respondent Is a District Employee: Informal resolution and settlement may be available in some sexual harassment cases. However, when the Respondent is a District employee, the following additional legal requirements apply:

- The District will not offer or enter into informal resolution or settlement if
 - An employee respondent is accused of committing sexual assault, sexual violence, or sexual battery; or
 - The complainant of a sexual harassment complaint filed against an employee respondent is a student; or
 - The settlement or informal resolution includes a nondisclosure agreement (an agreement that limits someone's ability to discuss the complaint or its outcome).

The Chancellor must approve all sexual harassment informal resolutions involving employee respondents. The governing board must provide final approval of proposed sexual harassment settlements that have been preliminarily approved by the Chancellor.

Student Complainant Requests for Confidentiality

If a student Complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the Respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the Complainant. The District shall normally grant the request when possible. In determining whether to disclose a Complainant's identity or proceed to an investigation over the objection of the Complainant, the District may consider whether any of the following apply:

- There are multiple or prior reports of sexual misconduct against the Respondent;
- The Respondent reportedly used a weapon, physical restraints, or engaged in battery;
- The Respondent is a faculty or staff member with oversight of students;
- There is power imbalance between the Complainant and Respondent;
- The Complainant believes that the Complainant will be less safe if the Complainant's name is disclosed or an investigation is conducted; and
- The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of Complainant's cooperation.

If the District determines that it can honor the student Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against Respondent or revealing the identity

of the Complainant. The District shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall notify the Complainant that the steps the District will take to respond to the Complaint will be limited by the Complainant's request for confidentiality.

If the District determines that it must disclose the student Complainant's identity to the Respondent or proceed with an investigation, it shall inform the Complainant prior to making this disclosure or initiating the investigation. The District shall also take immediate steps to provide for the safety of the Complainant where appropriate. In the event the Complainant requests that the District inform the Respondent that the Complainant asked the District not to investigate or seek discipline, the District shall honor this request.

Investigation

The Vice Chancellor of Human Resources or designee shall:

- Provide notice to student Parties to a sexual harassment complaint that the District is conducting an investigation. The notice shall include the allegations against the Respondent and the alleged District policy violations under review. If new allegations that arise during the course of the District's investigation that could subject either student Party to new or additional discipline or corrective action, the Vice Chancellor of Human Resources or designee shall provide a supplemental notice to the student Parties.
- Authorize the investigation of the Complaint, and supervise or conduct a thorough, prompt, and impartial investigation of the Complaint, as set forth below. Where the Parties opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined below as appropriate. The investigation will include interviews with the Complainant, the Respondent, and any other persons who may have relevant knowledge concerning the Complaint. This may include victims of similar conduct.
- Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.

Investigation of the Complaint: The District shall promptly investigate every Complaint. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes Complaints involving activities that occur off campus and 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. The District shall promptly investigate complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus. The District shall notify the Complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the Complaint.

As set forth above, where the Parties opt for an informal resolution, the Vice Chancellor of Human Resources or designee may limit the scope of the investigation, as appropriate. 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 harassment; the Complainant's age; whether there have been other harassment complaints about the same individual; and the Respondent'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.

Investigation Steps: The District will fairly and objectively investigate harassment and discrimination complaints. Employees designated to serve as investigators under this procedure shall have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the District's grievance procedures operate. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially using trauma-informed investigation techniques.

The investigation and adjudication of alleged misconduct under this procedure is not an adversarial process between the Complainant, the Respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

Investigators will use the following steps: interviewing the Complainant(s); interviewing the Respondent(s); identifying and interviewing witnesses and evidence identified by each Party; identifying and interviewing any other witnesses, if needed; 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 any appropriate disciplinary and remedial action; and see that all recommended action is carried out in a timely fashion. 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. Student Complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is required under this procedure.

Timeline for Completion: The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, and prepare a written report, and the District shall notify the Complainant and Respondent of the outcome within 90 days of the District receiving the Complaint. The District will toll the timeline while the Parties are engaged in good faith efforts at informal resolution.

The District will provide, upon request of the Complainant or Respondent, and every 30 days until the outcome of a complaint is determined, and only to the extent permissible under state and federal law, status updates on complaints of sex discrimination, including, but not limited to, complaints of sexual harassment, to complainants and respondents.

Cooperation Expected: 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 is, or may be occurring, with or without the cooperation of the alleged victim(s) and regardless of whether a Complaint is filed. No employee will be retaliated against as a result of lodging a complaint or participating in any workplace investigation.

Written Report

The results of the investigation of a Complaint shall be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the Complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony provided by each witness, with information relevant to the allegations, including the Complainant;
- An explanation of why an identified potential witness was not interviewed;
- An analysis of relevant data or other evidence collected during the course of the investigation, including a list of relevant documents;
- A specific finding as to whether each factual allegation in the Complaint occurred based on the preponderance of the evidence standard;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of student and employee Respondents during the investigation process and any ensuing discipline.

Evidence of Past Sexual History

An investigator or hearing officer, if required by this procedure, shall not consider the past sexual history of the Complainant or Respondent except in the limited circumstances described below:

- The investigator or hearing officer shall not consider prior or subsequent sexual history between the Complainant and anyone other than the Respondent for any reason unless directly relevant to prove that physical injuries alleged to have been inflicted by the Respondent were inflicted by another individual;
- The investigator or hearing officer shall not consider the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations;

- Where the investigator or hearing officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent pursuant to this circumstance, the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.

Before allowing the consideration of any evidence proffered pursuant to this section, the investigator or hearing officer shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this procedure.

Administrative Determination

In any case not involving employment discrimination, within 90 days of receiving a Complaint, the District shall complete its investigation and forward a copy or summary of the report, and written notice to the Complainant setting forth all of the following:

- The Chancellor's or his/her/their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on a preponderance of the evidence standard and the basis for that determination including factual findings;
- In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- The proposed resolution of the Complaint;
- The Complainant's right to appeal to the District's Board of Trustees and the California Community Colleges Chancellor's Office; and
- In matters involving student sexual misconduct, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

In any case involving employment discrimination, within 90 days of receiving a complaint, the District shall complete its investigation and forward a copy or summary of the report and written notice to the Complainant setting forth all the following: [NOTE: *For cases involving employment discrimination, Title 5 only requires that a copy or summary of the report be provided to the Complainant. The District may, but is not required to, provide the report to the respondent in order to have a consistent process for addressing employment and nonemployment discrimination claims.*]

- The Chancellor's or his/her/their designee's determination as to whether the discrimination occurred with respect to each allegation in the Complaint based on the preponderance of the evidence standard and the basis for the determination including factual findings;
- If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- The proposed resolution of the Complaint; and
- The Complainant's right to appeal to the District's Board of Trustees and to file a complaint with the California Civil Rights Department.

The District shall also provide the Respondent the following:

- The Chancellor's or his/her/their designee's determination as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on the preponderance of the evidence standard and the basis for that determination including factual findings;
- The proposed resolution of the Complaint, including any disciplinary action against the Respondent; and
- In matters involving student sexual misconduct not subject to Title IX, the Respondent's right to appeal to the District's Board of Trustees any disciplinary sanction imposed upon the Respondent.

Within five business days of a decision of disciplinary action against a respondent in response to a complaint of sex discrimination, the District will provide a notification of the disciplinary action to the Respondent and Complainant.

The District will toll the timelines described above while the Parties are engaged in good faith efforts at informal resolution.

In matters involving an academic employee placed on involuntary paid administrative leave, the District shall complete its investigation within 90 working days of the administrative leave commencing, unless the period of paid administrative leave is extended by agreement of the employee and District for a period not exceeding 30 additional calendar days.

Discipline for Student Sexual Misconduct Not Subject to Title IX

In a complaint involving student sexual misconduct not subject to Title IX, if a student Respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student Respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference and conducted by a neutral decision-maker other than the investigator.

In other Complaints involving sexual harassment against a student, the District shall decide whether a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the District may consider whether the Parties elected to participate in the investigation and whether each Party had the opportunity to suggest questions to be asked of the other Party and witnesses during the investigation.

The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student Respondent, the student Respondent's representative, or any individual charged with making a final determination regarding discipline. The student Respondent may submit written questions before and during the cross-examination, including any follow-up questions. Either Party or any witness may request to answer the questions by videoconference from a remote location.

At the hearing, the other Party shall have an opportunity to note an objection to the questions posed. The District may limit such objections to written form, and neither the hearing officer nor the District are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard

or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.

Generally, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. However, the hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

The hearing officer shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

Discipline and Corrective Action

If harassment, discrimination, or retaliation occurred in violation of the policy or procedure, the District shall take disciplinary action against the Respondent and any other remedial action it determines to be appropriate consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense.

Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay [if negotiated or available through policy or procedure], demotion [if negotiated or available through policy or procedure], suspension, or discharge.

Remedies for the Complainant might include, but are not limited to:

- providing an escort to ensure that the Complainant can move safely between classes and activities;
- ensuring that the Complainant and alleged perpetrator do not attend the same classes or work in the same work area;
- preventing offending third parties from entering campus;
- providing counseling services or a referral to counseling services;
- providing medical services or a referral to medical services;
- providing academic support services, such as tutoring;
- 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; and
- reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant being disciplined.

If the District imposes discipline, the nature of the discipline will 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

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.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, 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 harassment, or discrimination, address the hostile environment, if one has been created, prevent its recurrence, address its effects, and protect the Complainant and witnesses from retaliation as a result of communicating with the Complaint or assisting in the investigation.

The District will ensure that Complainants and witnesses know how to report any subsequent problems and should follow-up with Complainants to determine whether any retaliation or new incidents of harassment have occurred. 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 impeding the District's ability to investigate and respond effectively to the Complaint.

If the District cannot take disciplinary action against the Respondent because the Complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

Appeals

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 procedure for appealing a disciplinary decision.

If the Complainant is not satisfied with the results of the administrative determination, he/she/they may, within 30 days, submit a written appeal to the Board of Trustees.

In a Complaint involving student sexual misconduct not subject to Title IX, a Respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the District's Board of Trustees within 30 days.

The Board shall review the original Complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the Complainant and the Respondent. The Complainant shall also be notified of his/her/their right to appeal this decision.

If the Board does not act within 45 days, the administrative determination shall be deemed approved on the forty-sixth day and shall become the final decision of the District in the matter. The District shall promptly notify the Complainant and the Respondent of the Board's action, or if the Board took no action, that the administrative determination is deemed approved.

In any case not involving workplace discrimination, harassment, or retaliation, the Complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Title 5 Section 59350.

In any case involving employment discrimination, including workplace harassment, the Complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the California Civil Rights Department.

In any complaint dismissed pursuant to Title 5 Section 59332, a complainant may file a written appeal with the California Community Colleges Chancellor's Office within 30 days from the date of the notice of dismissal.

Remand

The California Community College Chancellor's Office may remand any matter to the District for any of the following reasons: to cure defects in the investigation or in procedural compliance; to consider new evidence not available during the investigation despite the Complainant's due diligence that would substantially impact the outcome of the investigation; or to modify or reverse a decision of the District's Board of Trustees based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community College Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within 60 days. In any case not involving employment discrimination, the Complainant may appeal the District's amended determination to the California Community College Chancellor's Office within 30 days by following the appeal procedures above.

Extension of Time

A student Complainant or Respondent may request, in writing, an extension of a deadline related to a Complaint during periods of examinations or school closures. The District shall grant a student Party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

If the District is unable to comply with the 90-day deadline, the District may extend the time to respond by up to 45 additional days. An extension may be taken only once without permission from the California Community Colleges Chancellor's Office, and must be necessary for one of the following reasons:

- a need to interview a party or witness who has been unavailable;
- a need to review or analyze additional evidence, new allegations, or new complaints related to the matter; or
- to prepare and finalize an administrative determination.

The District shall send a written notice to the Complainant and to a Respondent who is aware of an investigation indicating the necessity of an extension, the justification for the extension, and the number of days the deadline will be extended. The District shall send this notice no later than 10 days prior to the initial time to respond.

The District may request additional extensions from the California Community Colleges Chancellor's Office after the initial 45-day extension. The District shall send a copy of the extension request to the Complainant and to a Respondent who is aware of an investigation. The Complainant and Respondent may each file a written objection with the California Community Colleges Chancellor's Office within five days of receipt.

The extension of time provisions described above do not apply to investigations involving an academic employee placed on involuntary paid administrative leave.

Disclosures to the California Community Colleges Chancellor's Office

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination complaint, including the following: the original Complaint, any investigative report unless subject to the attorney-client privilege, the written notice to the Complainant setting forth the results of the investigation, the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final, and a copy of the notification to the Complainant of his/her/their appeal rights, the Complainant's appeal of the District's administrative determination, and any other non-privileged documents or information the Chancellor requests.

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information: the number of employment and non-employment discrimination complaints and informal charges received in the previous academic year; the number of complaints and informal charges resolved in the previous academic year; the number of complaints of unlawful discrimination received in the previous academic year; and the number of those complaints that were sustained in whole or in part; and any other information requested by the Chancellor.

Interim and Supportive Measures

Interim measures are individualized services offered as appropriate to either or both the Complainant and Respondent in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending.

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a Complaint has been filed.

The District will provide interim or supportive measures to Parties as appropriate and as reasonably available.

Interim and support measures may include changes to academic, living, transportation and working situation or protective measures such as counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

No-Contact Directives

When requested by a Complainant or otherwise determined to be appropriate, the District shall issue an interim no-contact directive prohibiting the Respondent from contacting the Complainant during the pendency of the

investigation. The District shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation. If the District issues a no-contact directive after making a decision of responsibility, the no-contact directive shall be unilateral and only apply against the Party found responsible.

Upon the issuance of a mutual no-contact directive, the District shall provide the Parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the District shall provide the Parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

File Retention

The District will retain on file for a period of at least five years after closing the case copies of:

- the original Complaint;
- the investigatory report;
- the summary of the report if one is prepared;
- the notice provided to the Parties of the District's administrative determination and the right to appeal;
- any appeal; and
- the District's final decision.

For any appeal to the California Community Colleges Chancellor's Office, the District shall provide all relevant, non-privileged documents upon request of the California Community Colleges Chancellor's Office.

Dissemination of Policy and Procedures

District policy and procedures related to harassment will include information that specifically addresses sexual violence. District policy and procedures will be provided to all students, all employees, all volunteers who will regularly interact with students, and each individual or entity under contract with the District to perform any service involving regular interaction with students at the District. District policy and procedures related to harassment will also be posted on campus and 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. In addition, these policies and procedures are incorporated into the District's course catalogs and orientation materials for new students.

Training for Employees

The District shall provide training on sexual harassment to all employees as required by State law. Training for responsible employees must also address the responsible employee's obligation to report sexual harassment and instruction on how to report sexual harassment to the responsible District officer.

The District will maintain records of the training provided.

Education and Prevention for Students

The District will ensure its students receive annual training on sexual violence and sexual harassment including related topics required by State law. The District shall implement comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

The District's primary concern is for student safety and that the use of alcohol or drugs never makes the victim at fault for sexual violence. An individual who participates as a Complainant or witness 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 dishonesty.

Complaint Reporting

The Chancellor shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 3435. This report must disaggregate the Complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee Respondent, etc.). This report must also disaggregate the Complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

The **Chancellor or designee** shall prepare and submit to the Board of Trustees a report on the activities undertaken by the District to ensure campus programs and activities are free from sex discrimination. The report shall include information required by law. The District shall post the annual report on its internet website and shall present each report during a public meeting of the governing board. The Board of Trustees will submit this report to the Chancellor of the California Community Colleges by September 1 of each year.

HAZING POLICY STATEMENT (AP 3436)

The District is committed to providing an academic environment free of hazing. This procedure defines hazing and sets forth a procedure for the reporting, investigation, and resolution of complaints of hazing. This procedure protects current, former, or prospective students.

Definitions:

Hazing – Any intentional, knowing, or reckless act committed by a person against another person regardless of the willingness of such other person to participate, in connection with initiation, affiliation, or continued membership in a student organization, that creates a risk of or causes physical or psychological injury beyond the reasonable risks of normal participation in the District or organization.

Hazing may include, but is not limited to: whipping, beating, striking, electronic shocking; sleep deprivation, exposure to extreme elements, or excessive physical exertion; forced consumption of alcohol, drugs, or other substances; coerced sexual acts; activities that induce fear of bodily harm or violate local, state, tribal, or federal laws; and digital hazing.

Student Organization – An organization at the District in which two or more of the members are students enrolled at the District regardless of whether the organization is established or recognized by the District. A student organization may include a student club, society, association, athletic team, club sports team, fraternity, sorority, band, or student government.

Prohibited Conduct

The District prohibits students, student organization, and employees from engaging in, encouraging, or facilitating hazing. The District strictly prohibits retaliation against individuals who report hazing.

Reporting Hazing

Individuals may report hazing using the following methods:

- **Immediate Danger:** Call 9-1-1
- **Anonymous Reports:** Individuals may report hazing anonymously via the [Anonymous Tip Report Form](#).
- **Confidential Reports:** Individuals may also report hazing via a confidential reporting method in which the reporter provides their identity.

The District will investigate reports of hazing promptly and with confidentiality protected to the extent permitted by law.

Investigation and Disciplinary Process

The college's student conduct designee will investigate reports of hazing.

Violation of the District's prohibition on hazing will result in appropriate disciplinary action up to and including termination of employment or expulsion. Student organizations recognized by the District that permit hazing may face suspension, revocation of recognition, or other disciplinary actions.

Disciplinary action may include referral for criminal prosecution.

Annual Reporting and Transparency

The District shall collect and report statistics on hazing incidents in its annual security reports. (See AP 3515 Reporting of Crimes.)

The District shall publish an annual Campus Hazing Transparency Report on its website. The Campus Hazing Transparency Report will summarize hazing incidents and identify the student organization found responsible for hazing. The District will update this report at least twice per year and maintain the Campus Hazing Transparency Report for five years.

Prevention and Education

The District will provide a comprehensive prevention and outreach program addressing hazing for students, employees, and college police. The comprehensive prevention program shall include components on identifying hazing, hazing prevention, and bystander intervention strategies. The District's outreach program shall inform students of the District's policy on the prohibition of hazing and include a process for contacting and informing the student body, athletic programs, and affiliated student organizations about the District's prohibition on hazing.

The District requires all students involved in student organizations, clubs, or athletic teams to complete hazing prevention training annually. Additionally, all employees who advise or oversee student groups must also complete hazing prevention training.

STUDENT DISCIPLINE PROCEDURE (AP 5520)

The purpose of this procedure is to provide a prompt and equitable means to address violations of the Standards of Student Code, which guarantees to the student or students involved the due process rights guaranteed them by state and federal constitutional protections. This procedure will be used in a fair and equitable manner, and not for purposes of retaliation. It is not intended to substitute for criminal or civil proceedings that may be initiated by other agencies.

This Administrative Procedure is specifically not intended to infringe in any way on the rights of students to engage in free expression as protected by the state and federal constitutions, and by [Education Code Section 76120](#), and will not be used to punish expression that is protected.

For discipline resulting from a complaint of sexual harassment under Title IX, the procedure in [AP 3434 Responding to Sexual Harassment under Title IX](#), must be used.

Definitions

Chief Student Services Officer (CSSO) - The Vice President of Student Affairs/Student Support/Student Development serves as the college's Chief Student Services Officer.

Designee – An employee within the district, appointed by the (CSSO), is responsible for executing the functions associated with the administrative procedures.

District - The Ventura County Community College District

Student - Any person currently enrolled as a student at any college or in any program offered by the District who was also enrolled at the time of the alleged violation of the Standards of Student Conduct.

Instructor - Any academic employee of the District in whose class a student subject to discipline is enrolled, or counselor who is providing or has provided services to the student, or another academic employee who has responsibility for the student's educational program.

Short-term Suspension - Exclusion of the student by the College President or designee for good cause from one or more classes for a period of up to ten consecutive days of instruction.

Long-term Suspension - Exclusion of the student by the College President or designee for good cause from one or more classes for the remainder of the school term, or from all classes and activities of the college for one or more terms.

Expulsion - Exclusion of the student by the Board of Trustees from all colleges in the District for one or more terms.

Removal from Class - Exclusion of the student by Instructor for the day of the removal and the next class meeting.

Written or Verbal Reprimand – An admonition to the student to cease and desist from conduct determined to violate the Standards of Student Conduct. Written reprimands may become part of a student's permanent record at the college. A record of the fact that a verbal reprimand has been given may become part of a student's record at the college for a period of up to one year.

Withdrawal of Consent to Remain on Campus – Withdrawal of consent by the CSSO for any person to remain on campus in accordance with California Penal Code Section 626.4 where the CSSO has reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus.

Day – Days during which the District is in session and regular classes are held, excluding Saturdays and Sundays and holidays.

Disciplinary Procedures

Except in cases where immediate removal from campus pending a hearing is authorized, the following procedures will apply before disciplinary action is taken to suspend or expel a student:

Notice and Opportunity to Respond

All notices required as part of the disciplinary process shall be sent via electronic mail (email) to the student's District-assigned email. Additionally, notices may be sent via certified mail, postage paid, and addressed to the last mailing address of the student on file with the District. Notice served by any of these methods shall be presumed to have been received by the student. The District may, but is not required to, personally serve the student with the notices.

- **Notice** – The CSSO will provide the student with written notice of the conduct warranting the discipline. The written notice will include the following:
 - the specific section of the Student Code of Conduct that the student is accused of violating;
 - a short statement of the facts supporting the accusation.
 - the right of the student to meet with the CSSO or designee to discuss the accusation, or to respond in writing.
 - the nature of the discipline that is being considered.
 - a clause informing the student of the right to select an adviser of his/her/their choice or to request the District to provide an adviser to the student.
- **Time limits** – The notice must be provided to the student within 14 days of the date on which the District knew or should have known the conduct took place; in the case of continuous, repeated, or ongoing conduct, the notice must be provided within 14 days of the date on which conduct occurred which led to the decision to take disciplinary action.
- **Meeting** – If the student chooses to meet with the CSSO, the meeting must occur no sooner than 14 days after the notice is provided. The meeting shall consist of the following:
 - The student must again be told the facts leading to the accusation,
 - The student must be given a reasonable opportunity to respond to allegations.

- Present information that the student would like the CSSO to consider, including exculpatory evidence

The CSSO informs the student of the potential disciplinary action(s) that may be taken if the allegations are proven to be true.

Determination of Discipline

Within 10 days after the meeting described above, the College President or designee shall, pursuant to a recommendation from the CSSO, decide whether to impose discipline or whether to end the matter. Discipline may be:

- No discipline;
- Written or verbal reprimand;
- Short-term suspension;
- Long-term suspension; or
- Recommendation to the Board of Trustees for expulsion

The student has no further remedy if the proposed discipline is not probation, suspension, or expulsion. However, the student has the right to a Disciplinary Hearing if it is probation, suspension, or expulsion.

Short-term Suspension - If the College President or designee imposes a short-term suspension or some lesser disciplinary action, the student shall receive written notice. The notice will include the length of the suspension or the nature of the lesser disciplinary action. The College President or designee's recommendation from the CSSO shall be final.

Long-term Suspension - If the College President or designee imposes a long-term suspension or recommends expulsion, the following procedures shall be provided to the student:

- Written notice of the College President or designee's decision shall be provided to the student.
- The notice shall identify the imposed discipline as either a long-term suspension or a recommendation to the Board of Trustees for expulsion
- The notice shall inform the student of the right to request a formal hearing before a long-term suspension or expulsion is imposed
- The notice shall include a copy of AP 5520 Student Discipline Procedures describing the procedures for the hearing.

Expulsion - Within 7 days after the meeting described above, the College President or designee shall, pursuant to a recommendation from the CSSO or designee, decide whether to recommend expulsion to the Board of Trustees. Written notice of the College President or designee's decision shall be provided to the student. The notice will include the right of the student to request a formal hearing before expulsion is imposed, and a copy of the AP 5520 Student Discipline Procedures describing the procedures for a hearing.

Hearing Procedures - Request for Hearing.

Within 5 days after receipt of the College President or designee's decision regarding a long-term suspension or expulsion, the student may request a formal hearing. The request must be made in writing to the College President or designee.

Schedule of Hearing - The formal hearing shall be held within 20 days after a formal request for hearing is received.

Hearing Panel - The hearing panel for any disciplinary action shall be composed of one administrator, one faculty member, and one student.

The College President or designee, the president of Academic Senate, and the Associated Student president shall at the beginning of the academic year, and no later than three weeks of the start of the fall semester, establish a list of at least five persons who will serve on student disciplinary panels. The College President, or designee, shall appoint the hearing Panel from the names on these lists. However, no administrator, faculty member or student who has any personal involvement in the matter to be decided, who is a necessary witness, or who could not otherwise act in a neutral manner shall serve on a hearing Panel.

Upon notification of the Hearing Panel's composition, the student and the District shall each be allowed one peremptory challenge. The College President shall substitute the challenged member or members and replace them with another member of the panel pool to achieve the appropriate Hearing Panel composition. In the event the pool names are exhausted in any one category, further designees shall be submitted by the College President or designee (for administrators), the President of the Academic Senate (for faculty), or the Associated Student President (for students). The chairperson may, by giving written notice to both parties, reschedule the hearing as necessary pending the submission of alternate designees.

Three members of the committee must be present for any meeting relating to disciplinary action.

Hearing Panel Chair - The College President, or designee, shall appoint one member of the panel to serve as the chair. The decision of the hearing panel Chair shall be final on all matters relating to the conduct of the hearing unless there is a vote by both other members of the panel to the contrary.

Conduct of the Hearing

- The members of the hearing panel shall be provided with a copy of the accusation against the student and any written response provided by the student before the hearing begins.
- The facts supporting the accusation shall be presented by a college representative who shall be the CSSO or designee.
- The college representative and the student may call witnesses and introduce oral and written testimony relevant to the issues of the matter.
- After consultations with the parties, in the interests of justice, the hearing panel may set a time limit on the amount of time provided for each party to present its case, or any rebuttal. Any relevant evidence may be

admitted at the discretion of the Hearing Panel Chair, in consultation with the Hearing Panel. Hearsay evidence will be admissible, but insufficient to establish a charge against the student.

- The Hearing Panel Chair, in consultation with the Hearing Panel, shall be responsible for determining the relevancy of presented evidence and testimony, the number of witnesses permitted to testify, and the time allocated for testimony and questioning. The Hearing Panel Chair, in consultation with the Hearing Panel, shall further be responsible for instructing and questioning witnesses on behalf of the Hearing Panel, and for dismissing any persons who are disruptive or who fail to follow instructions. If either party refuses to adhere to the instructions of the Hearing Panel Chair, the right to the hearing will be deemed waived. The Hearing Panel Chair shall have the final decision on all procedural questions concerning the hearing.
- Unless the Hearing Panel determines to proceed otherwise, the college representative and the student shall each be permitted to make an opening statement. Thereafter, the college representative shall make the first presentation, followed by the student. The college representative may present rebuttal evidence after the student completes his or her evidence. The burden shall be on the college representative to prove by the preponderance of the evidence that the facts alleged are true.
- The student may represent himself/herself/themself and may also have the right to be represented by a person of his/her/their choice, except that the student shall not be represented by an attorney unless, in the judgment of the hearing panel, complex legal issues are involved. If the student wishes to be represented by an attorney, the student must submit a request to the Hearing Panel Chair not less than five days prior to the date of the hearing. If the student is permitted to be represented by an attorney, the college representative may request legal assistance.
- The hearing panel may also request legal assistance, even if the Districts representative and the student are not represented by an attorney. Any legal advisor provided to the panel may sit with it in an advisory capacity to provide legal counsel but shall not be a member of the panel nor vote with it.
- Hearings shall be closed and confidential unless the student requests that they be open to the public. Any such requests must be made no less than 5 days prior to the date of the hearing.
- In a closed hearing, witnesses shall not be present at the hearing when not testifying, unless all parties and the panel agree to the contrary.
- The hearing shall be recorded by the District either by tape, digital, electronic, or stenographic recording. The official recording shall be the only recording made. No witness who refuses to be recorded may be permitted to give testimony. If the recording is by tape recording, the hearing panel chair shall, at the beginning of the hearing, ask each person present to identify themselves by name, and thereafter shall ask witnesses to identify themselves by name. Recordings shall remain in the custody of the District at all times, unless released to a professional transcribing service. The student may request a copy of the recording.
- All testimony shall be taken under oath; the hearing panel chair shall administer the oath. All members of the campus community shall testify candidly and honestly. Failure to do so will be grounds for discipline up to and including expulsion or discipline according to the student code of conduct, District Policy, applicable collective bargaining agreement, or Education Code. Written statements of witnesses under penalty of perjury shall not be used unless the witness is unavailable to testify

- Within 5 days following the close of the hearing, the hearing panel shall prepare and send to the College President or designee a written decision. The decision shall include specific factual findings regarding the accusation, and shall include specific conclusions regarding whether any specific section(s) of the Standards of Student Conduct were violated. The decision shall also include a specific recommendation regarding the disciplinary action to be imposed, if any. The decision shall be based only on the record of the hearing, and not on matters outside of that record. The record consists of the original accusation, the written response, if any, of the student, and the oral and written evidence produced at the hearing.

College President or Designee Decision

Long-term suspension - Within 15 days following receipt of the hearing panel's recommended decision, the College President or designee shall render a final written decision. The College President or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President or designee modifies or rejects the hearing panel's decision, the College President or designee shall review the record of the hearing, and shall prepare a new written decision which contains specific factual findings and conclusions. The decision of the College President or designee shall be final.

Expulsion - Within 15 days following receipt of the hearing panel's recommended decision, the College President or designee shall render a written recommended decision to the Board of Trustees. The College President or designee may accept, modify or reject the findings, decisions and recommendations of the hearing panel. If the College President or designee modifies or rejects the hearing panel's decision, he/she/they shall review the record of the hearing and shall prepare a new written decision which contains specific factual findings and conclusions. The College President or designee's decision shall be forwarded to the Board of Trustees.

Board of Trustees Decision

The Board of Trustees shall consider any recommendation from the College President or designee for expulsion at the next regularly scheduled meeting of the Board after receipt of the recommended decision.

The Board shall consider an expulsion recommendation in closed session, unless the student has requested that the matter be considered in a public meeting in accordance with these procedures. (Education Code Section 72122.)

The student shall be notified in writing, by registered or certified mail to the address last on file with the District or by personal service, at least three days prior to the meeting, of the date, time, and place of the Board's meeting.

The student may, within 48 hours after receipt of the notice, request that the hearing be held as a public meeting.

Even if a student has requested that the Board consider an expulsion recommendation in a public meeting, the Board will hold any discussion that might be in conflict with the right to privacy of any student other than the student requesting the public meeting in closed session.

The Board may accept, modify or reject the findings, decisions and recommendations of the College President or designee or the hearing panel. If the Board modifies or rejects, the Board shall review the record of the hearing, and

shall prepare a new written decision which contains its specific factual findings and conclusions. The decision of the Board shall be final.

The final action of the Board on the expulsion shall be taken at a public meeting, and the result of the action shall be a public record of the District.

Immediate Suspension and Denial of Access

Immediate Interim Suspension (Education Code Section 66017): The College President or designee may order immediate suspension of a student where he/she/they concludes that immediate suspension is required to protect lives or property and to ensure the maintenance of order. In cases where an interim suspension has been ordered, the time limits contained in these procedures shall not apply, and all hearing rights, including the right to a formal hearing where a long-term suspension or expulsion is recommended, will be afforded to the student within ten (10) days.

Removal from Class (Education Code Section 76032): Any instructor may order a student removed from his/her/their class for the day of the removal and the next class meeting. The instructor shall immediately report the removal to the College President or designee, CSSO or designee. The CSSO or designee shall arrange for a conference between the student and the instructor regarding the removal. If the instructor or the student requests, the CSSO or designee shall attend the conference. The student shall not be returned to the class during the period of the removal without the concurrence of the instructor. Nothing herein will prevent the CSSO or designee from recommending further disciplinary procedures in accordance with these procedures based on the facts which led to the removal.

Withdrawal of Consent to Remain on Campus: The CSSO or designee may notify any person for whom there is a reasonable belief that the person has willfully disrupted the orderly operation of the campus that consent to remain on campus has been withdrawn. If the person is on campus at the time, he/she/they must promptly leave or be escorted off campus. If consent is withdrawn by the CSSO or designee, a written report must be promptly made to each college President or designee.

The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the period of the withdrawal. The request shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedure relating to interim suspensions.

In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn.

Any person whose consent to remain on campus has been withdrawn who knowingly reenters the campus during the period in which consent has been withdrawn, except to come for a meeting or hearing, is subject to arrest (Penal Code Section 626.4).

Time Limit: Any times specified in these procedures may be shortened or lengthened if there is mutual concurrence, in writing, by all parties.

Maintenance of Student Records: The facts of any disciplinary action shall be documented in the student's disciplinary record, subject to access, review, and comment by the student as authorized by the Family Educational Rights and Privacy Act (10 USC Section 2332g) and Education Code Section 76200 et seq. All access to, or release of such records to members of the public shall also be in accordance with State and Federal law. The student's disciplinary record will be maintained in the Student Affairs/Student Services office for up to three years for a minor offense of written reprimand or less, and for seven years for disciplinary probation and suspension. The condition for an expulsion will be stated in the student's disciplinary record.

No Disciplinary Action against Complainants or Witnesses in Sexual Assault Investigations

An individual who participates as a Complainant or witness 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 dishonesty.

Advisers

A student has a right to select an adviser of his/her/their choice or to request the District provide an adviser to the student. An adviser, with written permission from the student, shall receive updates along with the student during the student discipline process and shall participate in the process as an advocate for the student.

The District may use any of the following to fulfill its obligation to provide an adviser to the student: a confidential respondent services coordinator, an agreement with a student based peer support program, and an agreement with an alumni-based support program.

The District shall provide training to the adviser selected by the student or provided by the public postsecondary educational institution. The training shall include information on the District's student discipline procedures and may be provided in an online or in-person format.

REGISTERED SEX OFFENDER INFORMATION

Effective October 28, 2002, California Penal Code (PC) Section 290.01 was expanded and now requires a convicted sex offender who is enrolled as a student, or employed as a full- or part-time employee, or is carrying on a vocation, in a community college for more than 14 days, or for an aggregate period exceeding thirty (30) days in a calendar year, to register with the VCCCD Police Department within five (5) working days of commencing enrollment or employment. Violation of the above requirement is a misdemeanor and may result in a fine, imprisonment, or both. Public information regarding sex offenders in California may be obtained by viewing the Department of Justice's Megan's Law website at <http://www.meganslaw.ca.gov/>.

The VCCCD Police Department may not release information regarding a sex offender on campus unless the person seeking the information has signed a statement, on a form provided by the California Department of Justice, stating that the person is not a registered sex offender, that the person understands that the purpose of the release of information is to allow members of the college community to protect themselves and their children from sex offenders, and that the person understand it is unlawful to use the information received to commit a crime against any registered sex offender or to engage in illegal discrimination or harassment of a registered sex offender.

The VCCCD Police Department will release the following information regarding a registered sex offender, upon request and receipt of the signed statement:

- Full name;
- Known aliases;
- Gender;
- Race;
- Physical description;
- Photograph;
- Date of birth;
- Crimes resulting in registration; and,
- The date of last registration or re-registration.

HOW TO REGISTER

Individuals seeking to register with the VCCCD Police Department pursuant to Penal Code Section 290.01 must contact their college's police station and register in person.* All individuals meeting the above criteria will be required to download, complete, and submit to the VCCCD Police Department the California Department of Justice's Sex Offender Registration Form.

Furthermore, any individual who is required to register as an Internet Identifier, pursuant to Penal Code Section 290.024, must complete and submit to the VCCCD Police Department the California Department of Justice's Internet Identifier Registration Form.

*Individuals who are only participating in online courses with absolutely no requirement to be present on college grounds at any time and shall not be present at any time on college grounds may register as required by § 290.01 PC via mail with the California Department of Justice's Online Course Registration Form. Keep in mind, if any component of the online course requires you to be physically on college grounds, you ARE REQUIRED to register IN PERSON using the standard Sex Offender Registration Form.

HATE CRIMES

Hate crimes, as defined by California Penal Code Sections 422.55 and 422.6 and the Higher Education Opportunity Act (Public Law 110-315), are “any act of physical intimidation or physical harassment, physical force, physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons because of ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political and/or religious beliefs of that person or group.” Incidents of hate violence should be reported to the VCCCD Police Department. The Department does not condone violence and is charged with ensuring that the rights guaranteed by State law and the U.S. Constitution are protected for all people regardless of their ethnicity, race, national origin, religion, sex, sexual orientation, gender, gender identity, disability, or political and/or religious beliefs.

MISSING STUDENT NOTIFICATION PROCEDURES

The VCCCD colleges currently do not have on-campus student housing and therefore are not required to maintain a Missing Student Notification Procedure. In the future appropriate procedures will be developed to ensure compliance with this important topic.

FIRE SAFETY REPORT

The VCCCD colleges currently do not have on-campus student housing and therefore are not required to publish a Fire Safety Report. In the future appropriate procedures will be developed to ensure compliance with this important topic.

DAILY CRIME LOG

The VCCCD Police Department maintains a Daily Crime Log for all colleges, which includes summary information about crimes and reports taken by the Police Department, such as:

- The date and time a crime was reported;
- The nature of the crime;
- The date and time the crime occurred;
- At which campus the crime occurred; and,
- The disposition of the complaint (if known).

Daily Crime Log entries include all crimes reported to the VCCCD Police Department and is not solely limited to just *Clery Act* crimes. An entry, an addition to an entry, or a change in the disposition of a complaint, will be recorded within two business days of the reporting of the information to the VCCCD Police Department (excluding weekends and holidays).

Information may be temporarily withheld from the Daily Crime Log only if, in the judgment of the Chief of Police or designee, the release of information would jeopardize an ongoing investigation, jeopardize the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence. Only that information that could cause a specifically identified adverse effect will be withheld, and the information will be disclosed once the adverse effect is no longer present.

The Daily Crime Log is available on the VCCCD Police Department's informational public webpage, which is accessible via [VCCCD.edu/DailyCrimeLog](https://vcccd.edu/DailyCrimeLog). Hard copies are also available upon request.

CLERY ACT STATISTICS DEFINITIONS

For purposes of compiling and reporting campus crime statistics and campus security policies as required under the *Clery Act*, the VCCCD utilizes the definitions set forth below for applicable crimes.

Criminal Offense Definitions

- **Murder and Non-Negligent Manslaughter:** the willful (non-negligent) killing of one human being by another.
- **Negligent Manslaughter:** the killing of another person through gross negligence.
- **Sexual Assault (Sex Offenses):** any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. There are four types of sex offenses:
 - **Rape:** the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
 - **Fondling:** the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
 - **Incest:** sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape:** sexual intercourse with a person who is under the statutory age of consent. (Note: If force is used or threatened, or the victim was incapable of giving consent because of his/her age or temporary or permanent mental impairment, the offense is Rape, not Statutory Rape).
- **Robbery:** the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault:** an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary:** the unlawful entry of a structure to commit a felony or a theft. A structure is defined as having four walls, a roof, and a door.
- **Motor Vehicle Theft:** the theft or attempted theft of a motor vehicle, even if the vehicle is recovered.
- **Arson:** any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Hate Crime Offense Definitions

A hate crime is defined as a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. In addition to the offenses listed above, larceny (theft), simple assault, intimidation, and the destruction, damage, or vandalism of property motivated by bias are counted as hate crimes.

- **Larceny (Theft):** the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion of control over a thing.
- **Simple Assault:** an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction / Damage / Vandalism of Property:** to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Although there are many possible categories of bias, only the following eight categories are reported under the *Clery Act*:

- **Disability:** a preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.
- **Ethnicity:** a preformed negative opinion or attitude toward a group of people whose members identify with each other through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry.
- **Gender:** a preformed negative opinion or attitude toward a person or a group of persons based on their actual or perceived gender (e.g., male or female).
- **Gender Identity:** a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).
- **National Origin:** a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Race:** a preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).

- **Religion:** a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation:** a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation (i.e., a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual individuals).

Violence Against Women Act (VAWA) Offense Definitions

- **Dating Violence:** 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 such a relationship shall be determined based on the reporting party's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence:** a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
 - **Course of conduct:** two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
 - **Reasonable person:** a reasonable person under similar circumstances and with similar identities to the victim.
 - **Substantial emotional distress:** significant mental suffering or anguish that may, but does not necessarily require, medical or other professional treatment or counseling.

Arrests and Disciplinary Referrals Definitions

- **Referred for Disciplinary Action** – the referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.
- **Weapons: Carrying, Possessing, etc.** – the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

- **Drug Abuse Violations:** the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.
- **Liquor Law Violations:** the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

CLERY ACT GEOGRAPHIC DEFINITIONS

On-Campus

On-campus is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to the institution's geographic area, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On-Campus Residence Facilities

On-Campus Residence Facilities is defined as any student housing facility that is owned or controlled by the institution or is located on property that is owned or controlled by the institution, and is within the reasonable contiguous geographic area that makes up the campus. The VCCCD does not currently have any on-campus student housing.

Non-Campus Property

Non-Campus Property is defined as any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution; or any building or property owned or controlled by a student organization that is officially recognized by the institution.

Public Property

Public property is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

CRIME STATISTICS REPORTING AREAS

For purposes of understanding the crime statistics gathered for this *Annual Security Report*, the reporting areas for *Clery Act* crime statistics for on-campus, non-campus property, and public property designations include the following locations.

On-Campus

Moorpark College

7075 Campus Road
Moorpark, CA 93021

Oxnard College

4000 South Rose Avenue
Oxnard, CA 93033

Oxnard College Fire Technology Academy

104 Durley Avenue
Camarillo, CA 93010

Ventura College

4667 Telegraph Road
Ventura, CA 93003

Ventura College East Campus

957 Faulkner Road #106
Santa Paula, CA 93060

Non-Campus Property

Ventura College Basic Law Enforcement Academy

106 Durley Avenue
Camarillo, CA 93010

Public Property

The following describes the public areas adjacent to and accessible from the on-campus property, where students can access campus with no wall, fence, or barrier.

Moorpark College

- Sidewalks and street of Collins Drive between University Drive and Shakespeare Place.
- Sidewalks and street of Campus Park Drive between Delfen Street and Beragan Street.

Oxnard College

- Sidewalks and street of Bard Road between South Rose Avenue and the Oxnard College Automotive Technology parking lot.
- Sidewalks and street of South Rose Avenue between Bard Road and Gary Drive.
- The entirety of College Park.

Oxnard College Fire Technology Academy

- Sidewalks and street of Durley Avenue south of the Camarillo Aircraft Maintenance Hangar.

Ventura College

- Sidewalks and street of Telegraph Road between Day Road and the east alley of Ashwood Avenue.
- Sidewalks and street of Day Road between Telegraph Road and Loma Vista Road.
- Sidewalks and street of Loma Vista Road between Day Road and Ashwood Avenue.
- The stretch of the east alley of Ashwood Avenue immediately adjacent to the athletic fields.

CRIME STATISTICS

Crime statistics include all reports received by the VCCCD Police Department and from VCCCD officials with significant responsibility for student and campus activities, including those persons designated as Campus Security Authorities. The statistics also include data received from the Oxnard Police Department, Santa Paula Police Department, Ventura Police Department, and the Ventura County Sheriff's Office for the reporting locations identified previously.

For purposes of reporting arrests and referrals of disciplinary actions for weapons, drug, and liquor law violations in which there are multiple violations, statistics are reported based on the hierarchy rule where weapon violations are reported first, then drugs, then alcohol.

This report includes statistics on hate crimes, in which the victim is intentionally selected because of the actual or perceived disability, ethnicity, gender, gender identity, national origin, race, religion, or sexual orientation of the victim.

This report also includes statistics for the total number of crime reports that were "unfounded" and subsequently withheld from crime statistics during each of the three most recent calendar years. For *Clery Act* purposes, a crime is considered unfounded only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. A reported crime cannot be designated as unfounded if no investigation was conducted or the investigation was not completed. Nor can a crime report be designated as unfounded merely because the investigation failed to prove that the crime occurred. The determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

2023-2025 CRIME STATISTICS COMPARISON

The following tables show a three-year comparison of *Clery Act* statistics for Moorpark College, Oxnard College, Ventura College, Ventura College East Campus, and the Oxnard College Fire Technology Academy.

MC = Moorpark College

VCEC = Ventura College East Campus

OC = Oxnard College

FTA = Oxnard College Fire Technology Academy

VC = Ventura College

Criminal Offenses

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA
MURDER / NON-NEGLIGENT MANSLAUGHTER	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
NEGLIGENT MANSLAUGHTER	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
RAPE	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
FONDLING	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
INCEST	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
STATUTORY RAPE	2023	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ROBBERY	2023	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
AGGRAVATED ASSAULT	2023	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	3	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
BURGLARY	2023	0	12	1	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	1	3	0	0	1	0	0	0	0	0	0	0	0	0	0
MOTOR VEHICLE THEFT	2023	1	0	4	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0
	2025	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0
ARSON	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Violence Against Women Act Offenses

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA
DOMESTIC VIOLENCE	2023	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
	2025	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
DATING VIOLENCE	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0
STALKING	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Special Category Arrests

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA
LIQUOR LAW ARRESTS	2023	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0
	2025	2	0	0	0	0	0	0	0	0	0	0	1	0	0	0
DRUG VIOLATION ARRESTS	2023	0	0	5	0	0	0	0	1	0	0	0	0	2	0	0
	2024	0	0	0	1	0	0	0	0	0	0	0	3	1	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	3	0	0
WEAPONS LAW ARRESTS	2023	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	1	1	0	0	0	0	0	0	0	2	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Special Category Disciplinary Referrals (Law Violations w/o Arrests)

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA
LIQUOR LAW REFERRALS	2023	0	0	2	0	0	0	0	0	0	0	0	0	1	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
DRUG VIOLATION REFERRALS	2023	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0
	2024	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	2	1	2	0	0	0	0	0	0	0	0	0	0	0	0
WEAPONS LAW REFERRALS	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes

OFFENSE	YEAR	BIAS CATEGORY	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
			MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA
HATE CRIMES	2023	Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Sexual Orientation	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0
		Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2025	Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Unfounded Crimes

OFFENSE	YEAR	ON CAMPUS					NON-CAMPUS					PUBLIC PROPERTY				
		MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA	MC	OC	VC	VCEC	FTA
UNFOUNDED CRIMES	2023	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	2024	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
	2025	2	1	0	0	0	0	0	0	0	0	0	0	0	0	0

*None of the VCCCD colleges have on-campus student housing.



VENTURA COUNTY COMMUNITY COLLEGE DISTRICT



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