PALO VERDE COMMUNITY COLLEGE DISTRICT
ADMINISTRATIVE PROCEDURE **3540**

Sexual Assaults on Campus

Reference: Education Code Section 67385;
Jeanne Clery Disclosure of Campus Security Policy and Campus Criminal Statistics Act;
34 C.F.R. § 668.46(b)(11)
20 U.S. Code Section 1092(f)

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, 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 regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also AP 5500 - Standards of Student Conduct.)

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

"Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse of the victim;
- 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;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts California law.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

All students, faculty members or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking, on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the ~~Vice President of Administrative Services~~ Chief Business Officer who shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the ~~Vice President of Administrative Services~~, Chief Business Officer is authorized to release such information.

The ~~Vice President of Administrative Services~~, Chief Business Officer shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following, upon request:

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- A copy of the District's policy and procedure regarding sexual assault;

- A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents;

  - Superintendent/President
  - ~~Vice President of Student Services~~ Chief Business Officer
  - Vice President of Instructional Services and Student Services
  - Director of Human Resources

- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:

  - transportation to a hospital, if necessary;
  - counseling;
  - notice to the police, if desired;
  - a list of other available campus resources or appropriate off-campus resources.

- A description of each of the following procedures:

  - District disciplinary procedures, both student and employee;
  - modification of class schedules;
  - request for tutoring, if necessary.

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the ~~Vice President of Administrative Services~~ Chief Business Officer of any ongoing investigation by District Personnel. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

The District shall maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged domestic violence, dating violence, sexual assault, or stalking on District property shall be referred to the ~~District's Public Information Office~~, President's Office which shall work with the ~~Vice President of Administrative Services~~ Chief Business Officer to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

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- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible 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 ~~option~~ right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;

- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;

- Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;

- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking, including a clear statement that:

  - The 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 an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

  - A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses, domestic violence, dating violence, or stalking

Education and Prevention Information

The ***[designate position]*** shall:

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about domestic violence, dating violence, sexual assault, or stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault and stalking.

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See also BP/AP 3410 - Discrimination and Other Complaints
See also BP/AP 3515 - Reporting of Crimes

12/10/13 Board Information
11/05/13 College Council Approval
10/28/08 Board Second Read and Approval
09/23/08 Board First Read
09/03/08 College Council Approval

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