AP 3540 SEXUAL AND OTHER ASSAULTS ON CAMPUS

References:
Education Code Section 67385;
20 U.S. Code Section 1092(f) (Jeanne Clery Act);

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

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

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

All students, faculty members, or staff members who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them.

Information shall be available from District Police, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until District Police is authorized to release such information. Situations that fall under the auspices of mandated reporting shall be addressed according to appropriate laws and regulations. In instances involving District employees, District Police shall work with Human Resources as appropriate.

District Police shall provide all alleged victims of sexual assault with the following, upon request:

- A list of personnel on campus who should be notified and procedures for notification, with the consent of the victim.
- Information on District and off-campus services available to victims of sexual and other assaults, including counseling services, transportation to a hospital (if necessary), and a list of other available campus resources or appropriate off-campus resources.
- A copy of the Board policy and administrative procedure regarding sexual assault.
- A description of each of the following procedures:
  - criminal prosecution
  - civil prosecution (i.e., lawsuit)
  - District disciplinary procedures, both student and/or employee, as appropriate
All alleged victims of sexual assault on District property shall be kept informed, through the District Police of any ongoing investigation. Information shall include the status of any student of employee disciplinary proceedings or appeal; alleged victims of sexual assault 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 sexual assault 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 sexual assaults on District property shall be referred to the District’s Public Information Office, which shall work with the District Police to assure that all confidentiality rights are maintained.

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

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses
- Procedures to follow if a sex offense 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 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 sex offense 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 sex offense, 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 sex offense 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 non-forcible sex offenses

**Education and Prevention Information**

The District provides information about sexual assault prevention during orientation programs. The information shall be developed in collaboration with campus-based and community-based victim
advocacy organizations. In addition, sexual violence prevention and education information shall be posted on the District’s website and in the Student Handbook. (Education Code Section 67385.7)

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

Office of Primary Responsibility: College Operations (District Police Department)

Date Approved: April 19, 2011

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