

AP 3540 Sexual Assaults on Campus

Reference:

Education Code Section 67385;
20 U.S.C. Section 1092(f)
34 C.F.R. Section 668.46 (b) (11)

- 1.0 Alleged victims of sexual assault shall be referred to local community treatment centers if appropriate on-campus treatment facilities are not available.
- 2.0 The campus Director of College Health Services, the Director of Campus Public Safety, or Office of the Provost of the School of Continuing Education shall provide all alleged victims of sexual assault with the following, upon request:
 - 2.1 The District policy and procedure regarding sexual assaults on campus.
 - 2.2 Information regarding the personnel on campus who should be notified of the assault, if the alleged victim consents, and procedures for such notification.
 - 2.3 Legal reporting requirements and procedures.
 - 2.4 Information regarding services available to victims and the personnel responsible for providing or arranging these services, including the following:
 - 2.4.1 Transportation to a hospital, which must be provided by authorized community emergency personnel.
 - 2.4.2 Referral to a counseling center.
 - 2.4.3 Notice to the police, with the consent of the victim.
 - 2.4.4 A description of available campus resources or appropriate offcampus services.
 - 2.5 Information regarding the existence of the following procedures:
 - 2.5.1 Criminal prosecution.
 - 2.5.2 Civil prosecutions;
 - 2.5.3 Disciplinary procedures applicable to students and employees, and the procedures for keeping the victim informed of the status of any student disciplinary proceedings in connection with the assault.
 - 2.5.4 The availability of mediation.
 - 2.5.5 Academic assistance alternatives, including modification of class schedules

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and tutoring, if necessary.

- 3.0 Except as may otherwise be required by law, the District shall maintain in confidence the identity of an alleged victim of sexual assault on District property, unless the alleged victim specifically waives that right to confidentiality.
- 4.0 Except as may otherwise be required by law, the District shall maintain in confidence the identity of a witness to sexual assault on District property, unless the witness specifically waives the right to confidentiality.
- 5.0 Inquiries from the press or other media representatives regarding alleged sexual assaults on District property shall be referred to the District's Public Affairs Office, which shall coordinate with the appropriate campus public information office to assure that all confidentiality rights are maintained.
- 6.0 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:
 - 6.1 A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses.
 - 6.2 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.
 - 6.3 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.
 - 6.4 Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses.
 - 6.5 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.
 - 6.6 Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
 - 6.6.1 The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
 - 6.6.2 Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense.

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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.

- 6.7 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.
- 7.0 **Education and Prevention Information:** The campus Director of College Health Services, the Director of Campus Public Safety, or the Office of the Provost of the School of Continuing Education shall:
- 7.1 Provide, as part of the established on-campus orientation program, education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- 7.2 Post sexual violence prevention and education information on the campus internet web site.
- 8.0 These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information.

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