

## Chapter 3 - General Institution

### AP 3540 Sexual and Other Assaults on Campus

#### References:

Education Code Section 67385; 20 U.S. Code Section 1092(f); 34 Code of Federal Regulations Part (b)(11)

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 College property, or on an off-campus site or facility maintained by the College, or on grounds or facilities maintained by a student organization, is a violation of College policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures (also see 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. These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information. All students or employees, who allege that they are the victims of sexual assault on College property shall be provided with information regarding options and assistance available to them. Information shall be available from the Public Safety Department or the Student Health Center, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until College officials are authorized to release such information.

The College official managing the incident shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the College's Board Policy and Administrative Procedure regarding sexual assault;
- Following is a list of personnel on campus who should be notified of the assault and procedures for such notification, if the alleged victim consents:

(The order of response will depend upon the first person notified of the incident. Generally, the response will proceed in this manner.)

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| Step 1 | The individual initially notified about a sexual assault will report the assault to the Mt. SAC Public Safety Department. Anonymous records of the report will be kept for statistical purposes by the Mt. SAC Public Safety Department.  |
| Step 2 | Public Safety staff members will make an initial assessment of the condition of the victim and scene of assault. Care will be taken to secure all clothing, potential articles of evidence, and to assure that the victim does not wash hands or any other body parts. 911 will be called if emergency treatment is needed. |
| Step 3 | Public Safety staff members will notify local law enforcement, Student Health Services, and immediate supervisor.   |

- Step 4 During Student Health Services operating hours, the victim will be transported by Public Safety to Student Health Services for immediate medical attention.
- Step 5 The Director, Health Services and the Chief Student Services Officer will be notified of all sexual assaults.
- Step 6 The Director, Student Health Services will assure that:
1. the victim receives information on sexual assault;
  2. notify family or friends as requested by the victim; and
  3. notify community/health agencies who will arrange a rape counselor to accompany the victim through hospital procedures, encounters with law enforcement agencies and future court appearances.
- Step 7 Director, Student Health Services and the Chief Student Services Officer will:
1. notify appropriate College officials;
  2. offer academic support and counseling;
  3. track victim's academic progress and assist when requested;
  4. initiate appropriate disciplinary action against perpetrator;
  5. inform victim of status of disciplinary actions within 72 hours without disclosing identity of perpetrator.
- Step 8 Public Information Officer will:  
Interface with media, general public, students, and staff (specific details of the assault will be released only when essential to the health and safety of the individual assaulted or that of other members of the campus community).

Response to sexual assault cases reported more than 72 hours after the assault: If more than 72 hours have elapsed since the sexual assault, the victim will be referred to Student Health Services. The Director, Student Health Services will notify the Director, Public Safety and assure that appropriate follow-up care and services are provided as needed.

Response to sexual assault cases involving College employees as victims: aforementioned procedures apply to employees of the College who have been sexually assaulted with the exception of Step 12, which is changed to read as follows:

- Step 9 Chief Human Resources Officer will:
1. Notify the Mt. SAC President's Office of the circumstances. Respect for the victim's right to confidentiality will be observed;
  2. Explain Mt. SAC disciplinary procedures;
  3. Offer support and counseling;
  4. Track work performance and assist when requested;
  5. Initiate disciplinary action, as appropriate, against perpetrator.

All alleged victims of sexual assault on College property shall be kept informed, through the Mt. SAC Public Safety Department of any ongoing investigation. Information shall include the status of any student or 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 College shall maintain the identity of any alleged victim or witness of sexual assault on College 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 College property shall be referred to the College's Public Information Officer, which shall work with College officials to assure that all confidentiality rights are maintained.

Additionally, the Annual Security Report will include a statement regarding the College'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 victim's option to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the victim in notifying these authorities, if the victim so requests;
- Information for victims about existing on- and off-campus counseling or other services for victims of sex offenses;
- Notice 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 Public Safety Department in cooperation with the Student Health Services Office shall provide, as part of the College's 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.

- Information regarding violence prevention and education information will be posted on the College's internet website.

Proposed revisions received from CCLC in September 2011

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