

**BP 3540 Sexual and Other Assaults on Campus**

Reference:

Education Code Section 67385; the Jeanne Clery Disclosure of Campus Security Policy and Campus Criminal Statistics Act; 34 C.F.R. § 668.46(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, that occurs on District property, is a violation of District policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.

The President/Superintendent 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 EC 67385, 67385.7 and 34 C.F.R. § 668.46.

**See Administrative Procedures 3540 ]**

**Revised 02/03, 02/06**

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Draft 3/06

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Education Code Section 67385; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; 34 C.F.R. § 668.46(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 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, AR 6110, Student Rights and Responsibilities)

“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, 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 the Santa Cruz County Sheriff, Cabrillo Division which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Santa Cruz County Sheriff, Cabrillo Division is authorized to release such information.

The Santa Cruz County Sheriff, Cabrillo Division shall provide all alleged victims of sexual assault with the following, upon request:

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

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

Director, Student Health Services

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:

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- transportation to a hospital, if necessary;
- counseling or referral to a counseling center;
- 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:

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- criminal prosecution;

- civil prosecution (i.e., lawsuit);
- District disciplinary procedures, both student and employee;
- modification of class schedules;
- tutoring, if necessary.

All alleged victims of sexual assault on District property shall be kept informed, through the Santa Cruz County Sheriff, Cabrillo Division 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 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 officer who shall work with the Santa Cruz County Sheriff, Cabrillo Division 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 nonforcible 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.

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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.

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.

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#### **Education and Prevention Information**

The Vice President, Student Services shall:

- Provide, as part of each campus 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.
- Post sexual violence prevention and education information on the campus internet website.

**Revised 02/03, 02/06**

