



# **Jeanne Clery Act**

## **2021 ANNUAL SECURITY REPORT (ASR)**



### **Campus Security and Crime Statistics**

#### **For 2019-2021**

PREPARED BY:  
Las Positas College Campus  
Safety Department

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## **Jeanne Clery Act – Annual Security Report (ASR)**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, codified at 20 USC 1092 (f) as a part of the Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private institutions of postsecondary education participating in federal student aid programs are subject to it. Can be "fined" up to \$54,789 by the U.S. Department of Education, the agency charged with enforcement of the Act and where complaints of alleged violations should be made, or face other enforcement action.

The Clery Act, originally enacted by the Congress and signed into law by President George Bush in 1990 as the Crime Awareness and Campus Security Act of 1990, stemmed from Howard & Connie Clery after their daughter Jeanne was raped and murdered at Lehigh University in 1986. They also founded the non-profit Security On Campus, Inc. in 1987. Amendments to the Act in 1998 renamed it in memory of Jeanne Clery. On March 07, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) which amended the Higher Education Act of 1965, the Clery Act. All higher education institutions are now required to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking. VAWA also requires higher education institutions to include policies, procedures, and programs pertaining to these incidents in the annual security report. The complete text of the Clery Act and U.S. Department of Education regulations is available on the *Las Positas College* Campus Safety department link <http://www.laspositascollege.edu/safety/>, click on the Clery Handbook link.

The published Annual Security Report must be completed and updated every year by October 1st and contain 3 years' worth of campus crime statistics and certain security policy statements. The Las Positas College Department of Campus Safety publishes this report in compliance with this requirement.

## **Preparation of the Annual Security Report**

Las Positas College Campus Safety Department prepares this report using information provided by other District and College offices such as Student Services, the Title IX Coordinator, and other Campus Security Authorities as well as information provided by local law enforcement agencies surrounding each of the campuses. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned, leased or controlled by the District. You may contact the [Livermore Police Department](#) for crime statistics on public property adjacent to the campus at (925) 371-4900 .Public property statistics may also be found on file in a report at the Department of Campus Safety office located in room 1725.

## **Distribution of the Annual Security Report**

Currently enrolled and prospective students are sent an e-mail by the Las Positas College Admissions and Records Department annually in late September which contains a link to the ASR webpage. The ASR contains Las Positas College crime statistics and other relevant safety/security information.

The Annual Security Report is a link located on the Campus Safety website at: <http://www.laspositascollege.edu/safety/>. Faculty and staff members are also sent out a campus wide email around mid-October every year via the Las Positas College email. The Human Resources Department provides the ASR disclosure report link information during new employee orientation.

Upon request, a paper copy of the report may also be obtained at the Las Positas College Campus Safety department, in building 1700 room 1725, by calling (925) 424-1690.

## **Campus Security Authorities**

A Campus Security Authority (CSA) is a campus employee, volunteer, or other official with significant responsibility for campus and student activities. A CSA has responsibilities under the Clery Act to report information for timely warnings and campus crime statistics.

CSA training is mandatory for all CSAs and is designed to educate and inform them of their responsibilities as a CSA under the Clery Act regulations. In addition to police officers and certain administrators, faculty and other staff that have significant responsibilities for student activities are all designated as CSAs. Las Positas College has identified the following groups or individuals as CSA:

- The Las Positas College Campus Safety Department and its employees including officers, dispatchers.
- Any official of Las Positas College who has a significant responsibility for student and campus activities.
- The Dean of Athletics and All athletic coaches, for all sports
- Director, Student Life and Leadership Programs
- Coordinators of clubs and affairs
- Director of Campus Health / Counselling Center
- Faculty and staff advisors for clubs
- Faculty and staff advisors for academic and social clubs
- Title IX Coordinator
- Student Conduct, Rights and Responsibilities staff

When a campus security authority receives crime information that he/she believes was provided in good faith, (little or no reason to doubt the validity of the information) the CSA has the duty to immediately report the crime information to the Las Positas College Campus Safety Department by calling (925) 424-1690 or dialing 911 in an emergency.

## **A Message from the Campus Safety Supervisor**

Welcome to Las Positas College,

The Las Positas College Department of Campus Safety would like to welcome all students, faculty, staff, guests, and visitors to the Las Positas College campus. As a member of the college community, Campus Safety is dedicated to the preservation of public safety by providing innovative and progressive service. We share the responsibility of ensuring and maintaining a safe, healthy, and engaging educational learning environment where everyone can enjoy the challenges and rewards of obtaining or providing an education in an atmosphere free from fear, harassment, or discrimination in partnership with the community.

The safety and well-being of all members of the college community is the primary concern and responsibility of the officers and staff of Campus Safety.

The Las Positas Community College Campus Safety Department is a professional agency with highly trained officers and support personnel. We are committed to the highest standards of professionalism and service. Campus Safety strives to provide an atmosphere of safety that will enable the college community to focus on providing the highest quality education and learning.

Campus Safety is dedicated to providing the highest level of professional safety service to the Las Positas College community with pride, honor, and integrity.

Sincerely,

Sean I. Prather

Department Supervisor, Campus Safety & Security Las Positas College



## **Statement of Enforcement Authority for Campus Security Department**

The Campus Safety officer meets the legal definition of a security officer because of appointment pursuant to the California Education Code, section 70902. The Campus Safety officer is not a peace officer, but sections 626 and 627 of the California Penal Code provide special authority for school security officers to make an arrest if the perpetrator fails to leave the college grounds after being directed to do so. In addition to this authority, Campus Safety Officers can arrest for any misdemeanor or felony committed within their presence, but must use section 837 P.C. – arrest by a private person – to accomplish the arrest. Campus Safety Officers derive additional authority from section 21113(a) of the California Vehicle Code. This section covers parking on school property. Officers can issue citations for violations of District Parking Regulations using this section.

## **Mutual Agreement with the Livermore Police Department**

Las Positas College and the Livermore Police Department have entered into a memorandum of understanding to define their respective campus safety and law enforcement roles relating to Las Positas College.

Under the guidelines of this agreement, the College Department of Campus Safety/Security is responsible for maintaining safety and security on campus. These duties include routine patrols, parking enforcement, reporting safety hazards, and writing various reports involving criminal activity, student and staff injuries and non-injury vehicle collisions. The Livermore Police Department is responsible for investigating all felony, serious misdemeanors and violent crimes on campus, vehicle collisions, and taking custody of persons arrested per Section 847 of the California Penal Code.

## **Where to Find Us**

The Las Positas College Safety and Security Department public office is located in room #1725 in building 1700. This office is open from 8:00 a.m. to 10:00 p.m. Monday through Friday. If the office is closed, the on-duty safety officer can be contacted by telephone in the following ways:

- Activate any one of the [emergency call boxes](#) located throughout the campus.
- Dial extension 1699 from any college phone.
- From any off-campus telephone dial (925) 424-1699.

## **The Las Positas College Campus Safety Services**

### **Special Services**

The Campus Safety Department offers a variety of services and programs to help promote the personal safety needs and the security of the community. These services are extended to all members and guests of our campus community. Some of our services are listed below:

### **Crime Prevention and Safety Services**

The Department offers a variety of crime prevention programs and services. All of these programs may be tailored to individual or group needs. Specially trained personnel are available to students, staff, faculty or other community members. Personal safety, property security, security surveys and information regarding crime statistics are only a few of the programs and services available.

### **Safety Escort Service**

Safety escort services are available to students, staff, faculty and visitors, at any time and given by safety officers or student assistants. When you are ready to be escorted, simply give us a call and we will safely escort you to your on-campus destination. You may call the department from any courtesy phone, office phone, or the conveniently located "call boxes" (call boxes are red with a blue light above them so that they can be easily seen and located).

### **Found Property**

The Department is designated as the official campus location for receipt and storage of lost and found property. To inquire about an item lost on campus, please contact the Department in person or by telephone.

## **Reporting Crimes and Emergencies**

### **Accurate and Prompt Reporting**

We encourage all community members, including students, faculty, staff, and guests to report all crimes and public safety related incidents to the Department of Campus Safety in a timely manner. If assistance is required from a local police department, fire or EMS, we will contact the appropriate service.

If a sexual assault or rape should occur, staff on the scene, including Campus Safety, will offer the victim a wide variety of services and options for filing a report. Crimes should be reported to the Department of Campus Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate your report may prevent someone else from becoming a victim. Reporting criminal incidents or emergencies and requests for police services, may be initiated by an in-person visit to our office or by a telephone call. For emergencies dial 9-1-1. If calling from a call box, simply push the red button an officer will be dispatched immediately to that location.

The Campus Safety department encourages the reporting of all campus criminal activity directly to the Department; however, in some instances members of the

campus community may feel more comfortable reporting criminal activity to a Campus Security Authority (CSA) other than the local police department. For Clery purposes, a crime is considered “reported” when it is brought to the attention of a Campus Security Authority by anyone (victim, witness, offender, second/third party) whether or not they are affiliated with the campus. Individuals who would not meet the criteria for being campus security authorities include faculty members who do not have any responsibility for student and campus activity beyond the classroom, clerical staff and cafeteria staff. A physician in a campus health center or a counselor in a counseling center whose only responsibility is to provide care to students is unlikely to have significant responsibility for student and campus activity.

**Exemption:** Per Clery, licensed professional mental health/pastoral counselors are not required to report; however they should inform persons they are counseling of the procedures to voluntarily report crimes and/or the procedures that would allow for the counselor to file a statistical report with the police department (see “Confidential Reporting”).

**Pastoral Counselor:** A person who is associated with a religious order or denomination is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. [Clery Handbook, pg. 77]

**Professional Counselor:** A person whose official responsibilities includes providing mental health counseling to members of the institution’s community and who is functioning within the scope of his/her license or certification. [Clery Handbook pg.77]

When a campus security authority receives crime information that he/she believes was provided in good faith, (little or no reason to doubt the validity of the information) the CSA has the duty to immediately report the crime information to the Campus Safety department.

- If the victim survivor does not want to “report” the crime to the police department, the CSA must advise him/her that for statistical purposes, you are

required to report the incident but can do that without disclosing any personally identifying information.

- Do not attempt to convince or force the crime victim to make a report to the police department.

A CSA is not responsible for authoritatively determining whether a crime actually took place, such a determination is the function of law enforcement.

## **Confidential Crime Reporting**

The Campus Safety Department accepts reports of criminal activity in confidence. This particularly applies to crimes of sexual violence and allows the victim to report through a third party and/or remain anonymous. We accept reporting anywhere on campus you feel comfortable, such as the Office of the Vice President of Student Services or any campus administrative office. Whenever possible and pursuant to Penal Code §293, the Campus Safety Department withholds information that may identify victims of crime or other activity. It is our goal to provide assistance wherever the report is made and to ensure that we include the appropriate crime information in our annual security report.

If victims do not wish to file a report, they, or others acting on their behalf, can report crimes informally and confidentially (no names or criminal investigation) to any CSA. In general, reports from CSAs are confidential, unless the victim gives permission to document identifying information or for police to investigate. This information is used to compile statistics, to avoid duplicate or inaccurate statistical reporting, and to assign reports to appropriate Clery Act crime classifications. Only statistical information obtained from these confidential reports will be included as part of the Annual Campus Security Report.

## **Daily Crime Log Access**

Las Positas College Campus Safety Department maintains a daily crime log of all crimes reported or investigated by the department for at least 60-days. The log is available for public inspection during normal business hours of 8:00 A.M.-10:00 P.M. Monday – Friday, or asking for a print out in the Campus Safety Department in building 1700 room 1725.

## **Emergencies**

Crimes in progress and serious crimes which have just occurred should be reported by calling 1699 from any phone. Whenever possible, the actual victim or witness of the crime should call directly. First hand information is always more accurate and complete. Prompt and accurate reporting of emergencies is essential for effective response by police and/or other emergency personnel. It is important to provide the following information:

1. Exact location
2. Nature of the emergency
3. Injuries or medical issues
4. Number of people involved
5. Description of involved parties and/or vehicles

## **Non Emergencies**

Incidents, security reports, and general safety and security issues that do not require an emergency response should be reported directly to the Campus Safety Department using the non-emergency telephone number (925) 424-1690.

## **Clery Timely Warnings**

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, Las Positas College Campus Safety Department will issue out a “Timely Warning.” The Campus Safety department will generally issue these warnings for the following crimes: criminal homicide; sexual assaults; robbery; aggravated assault; arson; burglary; and hate crimes. Campus Safety will post these warnings through a variety of ways, including but not limited to e-mails, posters or bulletins, and class discussions. The purpose of these warnings is to

notify the campus community of the incident and to provide information that may enable community members to protect themselves from similar incidents.

Campus Safety will issue these warnings whenever the following criteria are met:

- 1. A crime is committed;
- 2. The perpetrator has not been apprehended; and
- 3. There is a substantial and on-going risk to the physical safety of other members of the campus community because of this crime. Such crimes include, but are not limited to: Clery Act crimes that are reported to any campus security authority or the local police; or when the college determines that the incident represents an on-going threat to the campus community. Additionally, the Campus Safety department may, in some circumstances, issue warnings when there is a pattern of crimes against persons or property. The Campus Safety Supervisor or designee will generally make the determination, in consultation with the President, if a warning is required. However, in emergency situations, any Campus Safety officer may authorize a Clery Timely Warning. For incidents involving off campus crimes, the college may issue a Crime Advisory if the crime occurred in a location used and frequented by the college population. Clery Timely Warnings are sent out to the campus community via the Everbridge system. If you have an official Las Positas College email address, you are automatically enrolled in the crime alert notification system. These messages are a very effective way to important information to the campus community about safety and congestion in the campus areas.

## **Emergency Notification**

The Las Positas College Campus safety department, is committed to ensuring that our campus community receives timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of campus community members. Las Positas College uses the emergency notification system “Everbridge” which is an emergency notification service that proactively contacts students, staff and faculty at their district assigned e-mail. Everbridge can be used to send emergency messages within minutes of the occurrence of an incident. Messages are sent by multiple methods to contact information listed in the campus directory as well as confidential contact information registered by users. The system can send simultaneous messages to the college community by e-mail

and SMS text. Campus community members can contact the Campus Safety department to update or change their contact information and are encouraged to list “SMS Text” as their primary contact method.

## **Confirming the Existence of a Significant Emergency or Dangerous Situation and Initiating the Emergency Notification System**

The Campus Safety department/or other campus stakeholders may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus Community. Generally, campus first responders become aware of these situations when they are reported to the Campus Safety or upon discovery during patrol or other assignments. In the event of an emergency, the Campus Safety department will notify affected members of the campus community without delay, taking into account the safety of the community unless issuing a notification will, in the professional judgment of the Campus Safety Supervisor or their designees, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the Emergency. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the Emergency, the college may elect to delay issuing an emergency notifications. As soon as the condition that may compromise efforts is no longer present, the Campus Safety department will issue the emergency notification to the campus community.

## **Determining the Contents of the Emergency Notification**

The Campus Safety Department, will determine the contents of the notification based on each situation. The college has developed a wide range of template messages addressing several different emergency situations. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the present incident. In those cases where there are no predetermined template messages in the system, the individual authorizing the alert will develop the most significant message to convey the appropriate information to the community. The goal is to ensure that individuals are aware of the situation and they know the steps to take to safeguard their personal and community safety.



## **Emergency Evacuation Procedures**

The manner in which Las Positas College conducts emergency operations on campus is governed by State and Federal legislation. The ability to declare a campus State of Emergency is governed by Las Positas College district policy. Usually, such a declaration will be made upon the recommendation of the emergency operations center with the advice of the Campus Safety director and other administrators. The Las Positas College Emergency Operations Plan fulfills the responsibilities to adhere to the:

- Standardized Emergency Management System (SEMS).
- Incident Command System (ICS).
- National Incident Management System (NIMS).

The overall objective of emergency management is to ensure the effective management of response resources in preparing for and responding to situations associated with catastrophic emergencies. To carry out its responsibilities, the emergency operation center will accomplish the following objectives during an emergency/disaster:

- Support and coordinate emergency response and recovery operations.
- Coordinate and work with appropriate federal, state, and local government agencies, as well as applicable segments of the private sector, monitor resource needs and coordinate requests for resources from outside agencies and jurisdictions.
- Establish priorities and resolve any conflict demands for support.
- Prepare and disseminate emergency public information to alert, warn, and inform the campus
- Collect and disseminate damage information and other essential data about the situation. Fulfill our obligation for intelligence gathering and information flow as described in SEMS, NIMS, and other procedures.
- Provide logistical support for the emergency response.

In a campus-wide emergency, the decision to implement evacuation procedures rests with the emergency operations center, if the emergency operation center is activated. In situations requiring immediate action, public safety responders (Police/Fire) can also order a local area evacuation. When evaluating possible evacuation, consideration will be given to the specific threat (bomb, fire, storm, earthquake, explosion, hazardous materials incident, etc.), its context (time of day, likelihood, etc.), and the recommendation of the public safety officials. In a major earthquake, individuals should “duck, cover, and hold” until the shaking stops, and then evacuate the building if necessary.

The procedures for a campus-wide evacuation will vary, depending on the nature of the event. In all cases when the decision has been made to evacuate, the campus will likely be evacuated in stages, beginning with the areas that are in the immediate vicinity of the threat. Other areas may then be evacuated, depending on the nature of the threat. This graduated evacuation is preferable to a total, immediate evacuation, as it triages the populations most in danger, minimizes likelihood of gridlock and congestion, and provides for ingress of emergency vehicles and personnel. In all cases, evacuees would be directed away from the vicinity of the threat.

The emergency operations center will initially focus on the dissemination of information and instructions to the people at risk on the campus. For some hazards the campus may have only a few minutes to alert those at risk. Pre-scripted information may go out with the initial warning. These messages will be followed up with what is happening, what the response organization (police, fire, etc.) is doing, and what else the campus should do for its safety. The emergency operation center will feed preparedness information into an established media-public link, and give updates to the media and the campus after impact. If, in the professional judgment of responsible authorities, a notification would compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency, a notification will not be issued.

The approval level of emergency notifications will be time-dependent and determined by the incident. Authorization to send campus-wide notifications will be provided from the highest level listed below as circumstances permit.

Notifications involving immediate life safety issues may need to be sent on short or no notice without full authorization.

- a. Executive Management Team and/or President.
- b. Vice President of Administration and Finance or designee.
- c. Campus Safety Supervisor and/or Environmental Health & Safety Director or designees.
- d. On Duty campus safety officers.
- e. Incident Commander.

## **Registered Sex Offenders /Megan's Law Information**

In 1995, a convicted child molester was arrested for the rape and murder of 7-year-old Megan Kanka in a New Jersey suburb. The offender lived across the street from the Kanka residence; however, the police department was prohibited from disclosing the presence of this child molester because the law did not allow for the release of sex-offender information to the public. The law was changed to permit the release of this information to the public. On May 8, 1996, President Clinton signed the law, dubbed "Megan's Law," in remembrance of Megan Kanka. The Governor signed California's version of Megan's Law into effect on September 25, 1996. This law was implemented to allow potential victims to protect themselves and to allow parents to protect their children from sexual predators.

Information about certain designated persons required to register in California as sex offenders is available to students, staff, faculty, and the public by viewing the California Department of Justice's Internet web site at <http://www.meganslaw.ca.gov/>. There are additional sex offenders in California that are not included on this site, but are known to law enforcement. Detailed personal profile information on individual registrants may be obtained by using a sex offender's specific name, Zip Code, or City/County listings. Additionally, the map application may be used to search individual neighborhoods throughout California to determine the specific location of any of those registrants on whom the law allows the Department of Justice to display a home address. The Internet web site does not list sex offender information specifically by a college or

university name or zip code where a sex offender may work, attend, reside, or volunteer.

You may obtain information on sexual offenders living in the area by contacting:

**Livermore Police Department**

1110 S. Livermore Avenue

Livermore, CA 94550

Phone: (925) 371-4900

## **Access to Buildings**

The college's normal hours of operation are printed on signs at every entrance to the campus. They are: 6:00 a.m. to 11:00 p.m. Monday through Friday and 7:00 a.m. to 7:00 p.m. on Saturday. There are special events that typically take place after the normal hours of operation, however, access is restricted to the special event(s). Individuals who need to be in campus buildings or areas outside the normal hours of operation must obtain authorization from their supervisor and must notify the on-duty campus safety officer of their presence. All students, faculty and staff have been issued ID cards which they may be asked to produce if there is a question about their authorization to be in a specific area before, during, or after the normal hours of operation.

Many college buildings, classrooms and labs are protected by intrusion alarms. Do not enter the area until an instructor or authorized person has deactivated the alarm. We are all responsible to ensure the safety and security of our college buildings and facilities. Ensure all doors and windows are locked when rooms are unattended. Turn off lights, gas, machinery, or equipment when not in use. Activate the intrusion alarm system if applicable. Report any problems with safety or security of our buildings, facilities, or areas promptly to the Campus Safety and Security office.

## **Hate Crimes**

Hate Crimes-consist of any act of intimidation, harassment, physical force or threat of physical force directed against any person, group, family, community

organization or property motivated in whole or in part by hostility toward real or perceived race, ethnic background, national origin, religious belief, gender, age, disability, sexual orientation or political affiliation with the intent of causing fear, injury, intimidation or to deter the free exercise and enjoyment of any right secured by the Constitution or law. Las Positas College does not condone hate violence and is charged with ensuring that the rights guaranteed by state law and the United States Constitution are safeguarded.

Whenever a member of the campus is a victim or receives a report of a suspected hate crime or other activity which reasonably appears to involve a potential hate crime it should be immediately reported to the Campus Safety Department or Campus Security Authority

## **Preventing and Responding to Sexual Violence**

It is the policy of Las Positas College to provide a campus environment in which individuals can interact freely without fear of experiencing sexual assault. The college recognizes that awareness is the best tool for avoidance of sexual assault. Student and employee orientations, announcements, staff meetings, classroom discussions, and other means will be utilized periodically to inform students and staff of this issue. Las Positas College does not discriminate on the basis of sex, gender, including gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the Las Positas College, and protect all people regardless of their gender from sex discrimination, including sexual harassment, sexual misconduct, including sexual assault, dating or domestic violence, and stalking.

Las Positas College seeks to provide an education environment in which students, faculty, and staff work together in an atmosphere free of sexual misconduct, including sexual assault, sexual harassment, dating violence, domestic violence and stalking. Every member of the college community shall be aware that sexual misconduct, and/or acts of violence with a sexual nature directed toward another person will not be tolerated and are prohibited by federal and state law and Las Positas College policy. As members of the Las Positas College community, student

shall comply with college policies and guidelines in addition to federal, state, and local laws whether on or off campus. Las Positas College will discipline persons identified as responsible for sexual misconduct dating or domestic violence, or stalking as described in this report and Las Positas College policy. In an ongoing effort to prevent sexual misconduct, dating violence, domestic violence and stalking, the Las Positas College Campus Safety provides education and prevention programs, investigates complaints, dispenses corrective or disciplinary action where appropriate, provides referrals for medical care/counseling, modified classes, reduced course loads, campus housing changes, work assignment assistance, stay away orders, leaves of absence, and more. Campus Safety also provides information to victims on pursuing criminal action and obtaining protective orders if needed.

Las Positas College is committed to empowering victims of sexual misconduct, dating violence, domestic violence, and stalking by providing ample supportive services and encouraging their choice of action, regardless of their decision to seek criminal prosecution of offender(s). If requested by the victim, Las Positas College personnel will assist the victim in notifying the appropriate law enforcement authorities.

## **Reporting Options**

Victims have several reporting options including those with confidentiality, and may pursue one or all of these options at any time. Victims have a right to have a friend, family member, sexual assault victim advocate, or other representative present while reporting the incident. They also have the right to have a sexual assault victim advocate and support person of their choice present with them during a rape examination. The campus Title IX coordinator can assist in notifying the police. Victims may also take any of the actions below.

## **Criminal**

Reporting to the Las Positas College Campus Safety Department and/or local police is an option at any time. Victims who choose not to report to the police immediately following a sexual misconduct, dating and domestic violence, or

stalking incident, can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

## **Reporting to a CSA**

Any member of the college community may report incidents of sexual misconduct, dating violence, domestic violence or stalking to any campus security authority (CSAs). The CSA will assist the victim in notifying the appropriate law enforcement agency if the victim requests the assistance of law enforcement. In addition, most campus employees including CSAs are required to report incidents of sexual misconduct, dating violence, domestic violence and stalking to the Title IX coordinator. Title IX coordinator's reporting responsibilities are described in detail below.

Note: if Campus Safety determines that the perpetrator poses a serious and immediate threat to the campus community, under the Clery Act the campus may be required to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

## **The Importance of Preserving Evidence**

In cases of Sexual Misconduct, dating violence, domestic violence, or stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (SART) medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a SART exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for SART exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not

to make a complaint regarding an incident, nevertheless should consider speaking with the Campus Safety Department or other law enforcement to preserve evidence in the event that they change their mind and wishes to report the assault at a later date.

## **Definition of Terms**

**Sex Discrimination** is an adverse action taken against an individual because of gender or sex (including sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking) as prohibited by Title IX; Title IV; VAWA/Campus SAVE Act California Education Code § 66250 et seq: California Education Code 11135. See also Title VII of the civil rights act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of sex discrimination.

**Sexual Harassment** is a form of sex discrimination, unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual advances, requests for sexual favors, offering benefits or giving preferential treatment in exchange for sexual favors and any other conduct of a sexual nature where:

- submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a person's employment terms or conditions, academic status or progress, or access to benefits and services, honors, programs; or
- b. the conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as limiting their ability to participate in or benefit from the services, activities or opportunities offered by the college; or
- c. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.



Sexual harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to a video exploitation or campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in the classroom or work environment that are unrelated to the coursework or employment.

Sexual harassment also includes acts of verbal, nonverbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

The college's policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the college community may begin as consensual, they may evolve into situations that lead to sexual harassment or sexual misconduct, including dating or domestic violence, or stalking, subject to the college policy.

**Sexual Misconduct:** All sexual activity between members of the Las Positas College community must be based on affirmative consent. Engaging in any sexual activity without first obtaining affirmative consent to the specific activity is sexual misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing or touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When based on gender, domestic violence or stalking also constitutes sexual misconduct. Sexual misconduct may include using physical force, violence threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

**Sexual Violence** is a form of sexual harassment and means physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, domestic violence, dating violence, and stalking (when based on gender or sex), perpetrated against an individual against his or her will and without consent or

against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, status as a minor or disability. Sexual violence may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).

Men as well as women can be victims of these forms of sexual violence. Unlawful sexual intercourse with a minor (statutory rape) occurs even if the intercourse is consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

**Sexual Assault** is a form of sexual misconduct, an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

**Sexual Battery** is a form of sexual misconduct and is defined as any willful or unlawful use of force or violence upon the person of another because of that person's gender or sex, as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

**Rape** is a form of sexual misconduct, nonconsensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because they are incapacitated from alcohol and/or drugs, are under 18 years old, or if a mental disorder or developmental or physical disability renders a person incapable of giving consent. The respondents' relationship to the person (such as a family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Consent below.)

**Acquaintance Rape** is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met or: i.e., at a party, introduced through a friend, or a social networking website.

**Statutory Rape** is non-forcible sexual intercourse with a person who is under statutory age of consent. (18 years old in California.)

**Affirmative Consent** is an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure affirmative consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean affirmative consent, nor does silence mean consent. Affirmative consent must be voluntary, and given without coercion, force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.
- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions.
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's

responsibility to obtain affirmative consent before engaging in sexual activity.

- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old those parentheses is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances
  - The person was asleep or unconscious
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - the respondents believe an affirmative consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the

Respondent at the time, to ascertain whether the person affirmatively consented.

**Domestic violence** is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser has or had a dating or engagement relationship; or a person similarly situated under the California domestic or family violence law. Cohabitant means to unrelated persons living together for a

substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, that are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and/or (6) the length of the relationship. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to themselves or others. Abuse does not include nonphysical, emotional distress or injury.

**Dating violence** is abuse committed by a person who is or has been in a social dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e. at a party, introduced through a friend, or on a social networking website. For the purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to themselves or others. Abuse does not include nonphysical, emotional distress or injury.

**Stalking** is defined as engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for their own or others safety, or to suffer substantial emotional distress. For purposes of this definition:

- Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person, or interferes with a person’s property;
- Reasonable person means a reasonable person under similar circumstances and with the same protected status(es) as the complainant;
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

- Protected status includes age, disability, gender, genetic information, gender identity or expression, nationality, marital status, race or ethnicity, religion, sexual orientation, and veteran or military status.

## **Procedures for Reporting a Crime of Sexual Violence and/or Sexual Misconduct**

Call 9-1-1 in any kind of emergency, or when facing immediate harm or threat of harm.

Persons who have experienced sexual misconduct, including rape, dating violence, domestic violence, or stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. Campus Safety or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. Victims who prefer not to notify the police, are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

Victims have the right to decide who and when to tell about Sexual Misconduct, Dating and Domestic Violence, and Stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

Las Positas College primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other Las Positas College policies. Except in extreme circumstances, college students or employees who are victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline. The college encourages victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking to talk to someone about what happened – so they can get the support they need, and so the college can respond appropriately. Whether – and the extent to which – a college employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends

on the employee's position and responsibilities at the college. The following information is intended to make everyone aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn for help. Las Positas College strongly encourages victims to talk to someone identified in one or more of these groups.

Certain college employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a “privileged communication.” Las Positas College Campus Safety officers may maintain the victim's identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other college employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator so the college can take immediate action to protect the victim, and take steps to correct and eliminate the misconduct.

Campus Safety, the Title IX Coordinator, college-employed physicians, professional counselors, licensed clinical social workers, sexual assault and domestic violence counselors and advocates, and certain other college employees are required to explain to victims their rights and options with respect to confidentiality.

## **Voluntary Confidential Reporting**

Pursuant to California education code section 67380(a)(6)(A), CSAs who receive reports from employees or students of a Part 1 violent crime, sexual assault or hate crime that occurred in either a campus or non-campus location as defined by the Clery Act, may not disclose to the Campus Safety department or local law enforcement agencies the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of the right to have personally identifying information withheld. The name of the alleged assailant may be disclosed, however, if all of the following conditions are met:

- The alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution; and
- The immediate assistance of the local law enforcement agency is necessary to contact detain the alleged assailant.

## Privileged and Confidential Communications

Treating physicians, psychotherapists, professional counselors, and clergy who work or volunteer providing medical or mental health treatment or counseling (including those who act in that role under their supervision may not report any information about an incident of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking to anyone else at the college, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering a college investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

Las Positas College will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the college and a separate complaint with local police. If a victim insists on confidentiality, the college will likely not be able to fully assist the victim with: college academic support or accommodations; changes to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the college or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested. Treating physicians, psychotherapists, professional counselors, and clergy will also explain that Title IX includes protections against retaliation, and that the college will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

**EXCEPTIONS:** Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or



reasonably suspect is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct, domestic violence, and dating violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Healthcare practitioners should explain this limited exception to victims, if applicable.

Additionally under California law, physicians, psychotherapist, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child-abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally some or all of these professionals may also have reporting obligations under California law to (1) report to local law enforcement in cases involving threats of immediate or eminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger;(2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain these limited exceptions to the victims.

## **Reporting the Local Police**

As soon after the incident as possible, victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking may be reported to the Hayward and San Leandro Police Departments by dialing 911. The Campus Safety Department will support all victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. Las Positas College, Campus Safety Department will protect the confidentiality of the victim to the extent permitted by applicable California State law.

If a victim reports to a local police agency about sexual misconduct, dating violence, domestic violence, or stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name

will not become a matter of public record and the police will not report the victim's identity to anyone else at the college, including the Title IX Coordinator. Campus Safety will, however, report the facts of the incident itself, including the identity of the perpetrator if known, to the Title IX Coordinator being sure not to reveal the victim names/identities or compromise their own criminal investigation. The Campus Safety Department is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the Campus Safety Department will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

In cases of Sexual Misconduct, dating violence, domestic violence, or stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (SART) medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a SART exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for SART exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with the Campus Safety Department or other law enforcement to preserve evidence in the event that they change their mind and wish to report the assault at a later date.

A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim's consent, the confidential advocate will assess the victim's immediate needs and provide support and referral as appropriate. This confidential assistance may include: counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining

emergency protection orders and restraining orders.

## **Administrative Reporting**

Victims may report to the campus Title IX Coordinator, who will provide written and verbal information regarding applicable college complaint procedures for investigating and addressing the incident.

The Title IX Coordinator will also provide information regarding resources available to victims, as well as information regarding their rights and options. Contact information for the Title IX Coordinator is listed above.

## **Reporting to a Title IX Coordinator or Responsible Employee**

Many resources and options are available on and off campus including confidential and privileged communication options. Las Positas College has designated a Title IX Coordinator as the primary point of contact to provide victims with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, dating violence, domestic violence, or stalking. The campus Title IX Coordinator is available to explain and discuss rights to file a criminal complaint and to assist in doing so; the college's relevant complaint process, and rights to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

Most college employees have a duty to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential college employee about a sexual misconduct, dating violence, domestic violence, or stalking incident, the victim has the right to expect the college to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the college strongly encourages victims to report sexual misconduct, dating violence, domestic violence, or stalking directly to the campus Title IX Coordinator.

As detailed above, most college employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any sexual misconduct, dating violence, domestic violence, or stalking incidents of which they become aware. The college will need to determine what

happened and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other college employees will be kept private and shared only with individuals responsible for handling the college's response to the incident. The college will protect the privacy of individuals involved in a sexual misconduct, dating violence, domestic violence, or stalking incident except as otherwise required by law or college policy. A sexual misconduct, dating violence, domestic violence, or stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, college policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section titled "Privileged and Confidential Reports" above, no college employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another college employee that their identity remain completely confidential, the Title IX Coordinator will explain that the college cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the college must weigh that request against the college's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the college has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the college ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the college response to the

incident. The Title IX Coordinator will remain mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The college and Title IX Coordinator will also:

- Provide interim remedies requested by the victim, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide security and support, which could include issuing a no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules (including for the perpetrator pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform victims of their right to report a crime to local police – and provide victims with assistance if desired.

The college will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The college will not generally notify parents or legal guardians of a sexual misconduct, dating violence, domestic violence, or stalking report unless the victim is under 18 years old or the victim provides the college with written permission to do so.

Under California law, and pursuant to college policy, many college employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the college is under a continuing legal obligation to address the issue of sexual misconduct, dating violence, domestic violence, or stalking campus-wide, reports (including non-identifying reports) may also require the college to consider broader remedial action – such as increased monitoring, supervision or

security at locations where the reported incident(s) occurred; increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

## **What is Title IX**

Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681) is an all-encompassing federal law that prohibits discrimination based on the gender of students and employees of educational institutions which receive federal financial assistance.

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..." 20 U.S.C. § 1681

Under Title IX, discrimination on the basis of sex can include sexual harassment, rape, and sexual assault. A college or university that receives federal funds may be held legally responsible when it knows about and ignores sexual harassment or assault in its programs or activities. The university can be held responsible in court whether the harassment is committed by a faculty member, staff or student.

This Policy is designed to address conduct that falls within Title IX of the Education Amendments of 1972 and other federal and state laws and regulations. This Policy addresses misconduct occurring on or after August 14, 2020.

## **Historic Recognition of Sexual Harassment as Sex Discrimination**

The U.S. Department of Education Title IX regulations recognize that sexual harassment, including sexual assault, is unlawful sex discrimination. The U.S. Department of Education previously addressed sexual harassment only through guidance documents, which are not legally binding and do not have the force and effect of law. The U.S. Department of Education's regulations impose important legal obligations on school districts, colleges, and universities (collectively "schools"), requiring a prompt response to reports of sexual

harassment. The Final Rule improves the clarity and transparency of the requirements for how schools must respond to sexual harassment under Title IX so that every complainant receives appropriate support, respondents are treated as responsible only after receiving due process and fundamental fairness, and school officials serve impartially without bias for or against any party.

### **Supporting Complainants & Respecting Complainants' Autonomy**

Schools must offer free supportive measures to every alleged victim of sexual harassment (called “complainants”). Supportive measures are individualized services to restore or preserve equal access to education, protect student and employee safety, or deter sexual harassment. Supportive measures must be offered even if a complainant does not wish to initiate or participate in a grievance process. Every situation is unique, and individuals react to sexual harassment differently. Therefore, the Final Rule gives complainants control over the school-level response best meeting their needs. It respects complainants’ wishes and autonomy by giving them the clear choice to file a formal complaint, separate from the right to supportive measures. The Final Rule also provides a fair and impartial grievance process for complainants, and protects complainants from being coerced or threatened into participating in a grievance process.

### **Non-Discrimination, Free Speech, and Due Process**

The Final Rule reflects core American values of equal treatment on the basis of sex, free speech and academic freedom, due process of law, and fundamental fairness. Schools must operate free from sex discrimination, including sexual harassment. Complainants and respondents must have strong, clear procedural rights in a predictable, transparent grievance process designed to reach reliable outcomes. The Final Rule ensures that schools do not violate First Amendment rights when complying with Title IX.

## Response to Sexual Harassment

Under the Final Rule, any of the following conduct on the basis of sex constitutes sexual harassment:

1. A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called "quid pro quo" harassment);
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking (as those offenses are defined in the Clery Act, 20 U.S.C. § 1092(f), and the Violence Against Women Act, 34 U.S.C. § 12291(a)).

Consistent with U.S. Supreme Court precedent and the text of Title IX, a school must respond when: (1) the school has actual knowledge of sexual harassment; (2) that occurred within the school's education program or activity; (3) against a person in the United States. The Final Rule expands "actual knowledge" to include notice to any elementary or secondary school employee, and states that any person (e.g., the alleged victim or any third party) may report to a Title IX Coordinator in person or by e-mail, phone, or mail. The Final Rule also specifies that a school's "education program or activity" includes situations over which the school exercised substantial control, and also buildings owned or controlled by student organizations officially recognized by a postsecondary institution.

Consistent with U.S. Supreme Court precedent, a school violates Title IX when its response to sexual harassment is clearly unreasonable in light of the known circumstances, and the Final Rule adds mandatory response obligations such as offering supportive measures to every complainant, with or without a formal complaint.

Schools must investigate every formal complaint (which may be filed by a complainant or by a school's Title IX Coordinator). If the alleged conduct does not fall under Title IX, then a school may address the allegations under the school's own code of conduct and provide supportive measures.



## Fair Grievance Process

The Final Rule requires schools to investigate and adjudicate formal complaints of sexual harassment using a grievance process that incorporates due process principles, treats all parties fairly, and reaches reliable responsibility determinations. A school's grievance process must:

1. Give both parties written notice of the allegations, an equal opportunity to select an advisor of the party's choice (who may be, but does not need to be, an attorney), and an equal opportunity to submit and review evidence throughout the investigation;
2. Use trained Title IX personnel to objectively evaluate all relevant evidence without prejudgment of the facts at issue and free from conflicts of interest or bias for or against either party;
3. Protect parties' privacy by requiring a party's written consent before using the party's medical, psychological, or similar treatment records during a grievance process;
4. Obtain the parties' voluntary, written consent before using any kind of "informal resolution" process, such as mediation or restorative justice, and not use an informal process where an employee allegedly sexually harassed a student;
5. Apply a presumption that the respondent is not responsible during the grievance process (often called a "presumption of innocence"), so that the school bears the burden of proof and the standard of evidence is applied correctly;
6. Use either the preponderance of the evidence standard or the clear and convincing evidence standard (and use the same standard for formal complaints against students as for formal complaints against employees);
7. Ensure the decision-maker is not the same person as the investigator or the Title IX Coordinator (i.e., no "single investigator models");
8. For postsecondary institutions, hold a live hearing and allow cross-examination by party advisors (never by the parties personally); K-12 schools do not need to hold a hearing, but parties may submit written questions for the other parties and witnesses to answer;
9. Protect all complainants from inappropriately being asked about prior sexual history ("rape shield" protections);
10. Send both parties a written determination regarding responsibility explaining how and why the decision maker reached conclusions;

11. Effectively implement remedies for a complainant if a respondent is found responsible for sexual harassment;
12. Offer both parties an equal opportunity to appeal;
13. Protect any individual, including complainants, respondents, and witnesses, from retaliation for reporting sexual harassment or participating (or refusing to participate) in any Title IX grievance process;
14. Make all materials used to train Title IX personnel publicly available on the school's website or, if the school does not maintain a website, make these materials available upon request for inspection by members of the public; and
15. Document and keep records of all sexual harassment reports and investigations.

## **Sex Discrimination Regulations**

Relating to sex discrimination generally, and not only to sexual harassment, the final regulations:

1. Affirm that the U.S. Department of Education may require schools to take remedial action for discriminating on the basis of sex or otherwise violating the U.S. Department of Education's Title IX regulations;
2. Expressly state that in response to any claim of sex discrimination under Title IX, schools are never required to deprive an individual of rights guaranteed under the U.S. Constitution;
3. Account for the interplay of Title IX, Title VII of the Civil Rights Act of 1964, and Family Educational Rights and Privacy Act (FERPA), as well as the legal rights of parents or guardians to act on behalf of individuals with respect to exercising Title IX rights; and
4. Update the requirement for schools to designate and identify a Title IX Coordinator, disseminate their non-discrimination policy and the Title IX Coordinator's contact information to ensure accessible channels for reporting sex discrimination (including sexual harassment), and notify students, employees, parents, and others of how the school will respond to reports and complaints of sex discrimination (including sexual harassment).

## Summary of Major Provisions of the U.S. Department of Education’s Title IX Final Rule

This Policy is designed to address conduct that falls within Title IX of the Education Amendments of 1972 and other federal and state laws and regulations. This Policy addresses misconduct occurring on or after August 14, 2020.

### 1. **Notice to the School, College, University (“Schools”): Actual Knowledge**

The Final Rule requires a K-12 school to respond whenever any employee has notice of sexual harassment, including allegations of sexual harassment. Many state laws also require all K-12 employees to be mandatory reporters of child abuse. For postsecondary institutions, the Final Rule allows the institution to choose whether to have mandatory reporting for all employees, or to designate some employees to be confidential resources for college students to discuss sexual harassment without automatically triggering a report to the Title IX office. For all schools, notice to a Title IX Coordinator, or to an official with authority to institute corrective measures on the recipient's behalf, charges a school with actual knowledge and triggers the school's response obligations.

### 2. **Definition of Sexual Harassment for Title IX Purposes**

The Final Rule defines sexual harassment broadly to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of quid pro quo harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA).

- - The Final Rule prohibits sex-based misconduct in a manner consistent with the First Amendment. Quid pro quo harassment

and Clery Act/VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access.

- The Final Rule uses the U.S. Supreme Court 's Davis definition (severe and pervasive and objectively offensive conduct, effectively denying a person equal educational access) as one of the three categories of sexual harassment, so that where unwelcome sex-based conduct consists of speech or expressive conduct, schools balance Title IX enforcement with respect for free speech and academic freedom.
- The Final Rule uses the Supreme Court’s Title IX-specific definition rather than the Supreme Court's Title VII workplace standard (severe or pervasive conduct creating a hostile work environment). First Amendment concerns differ in educational environments and workplace environments, and the Title IX definition provides First Amendment protections appropriate for educational institutions where students are learning, and employees are teaching. Students, teachers, faculty, and others should enjoy free speech and academic freedom protections, even when speech or expression is offensive.

### **3. Sexual Harassment Occurring in a School’s Education Program or Activity and in the United States**

The Title IX statute applies to persons in the United States with respect to education programs or activities that receive Federal financial assistance. Under the Final Rule, schools must respond when sexual harassment occurs in the school’s education program or activity, against a person in the United States.

- The Title IX statute and existing regulations contain broad definitions of a school’s “program or activity” and the Department will continue to look to these definitions for the scope of a school’s education program or activity. Education program or activity includes locations, events, or circumstances over which the school exercised substantial control over both the respondent and the context in which the sexual harassment occurred, and also includes any building owned or controlled by

a student organization that is officially recognized by a postsecondary institution.

- Title IX applies to all of a school's education programs or activities, whether such programs or activities occur on-campus or off-campus. A school may address sexual harassment affecting its students or employees that falls outside Title IX's jurisdiction in any manner the school chooses, including providing supportive measures or pursuing discipline.

#### **4. Accessible Reporting to Title IX Coordinator**

The Final Rule expands a school's obligations to ensure its educational community knows how to report to the Title IX Coordinator.

- - The employee designated by a recipient to coordinate its efforts to comply with Title IX responsibilities must be referred to as the "Title IX Coordinator."
  - Instead of notifying only students and employees of the Title IX Coordinator's contact information, the school must also notify applicants for admission and employment, parents or legal guardians of elementary and secondary school students, and all unions, of the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator.
  - Schools must prominently display on their websites the required contact information for the Title IX Coordinator.
  - Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
  - Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator.

## 5. School's Mandatory Response Obligations: The Deliberate Indifference Standard

Schools must respond promptly to Title IX sexual harassment in a manner that is not deliberately indifferent, which means a response that is not clearly unreasonable in light of the known circumstances. Schools have the following mandatory response obligations: - Schools must offer supportive measures to the person alleged to be the victim (referred to as the "complainant").

- - The Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
  - Schools must follow a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
  - Schools must not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX.
  - The Final Rule requires a school to investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
  - The Final Rule affirms that a complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
  - If the allegations in a formal complaint do not meet the definition of sexual harassment in the Final Rule, or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the school must dismiss such allegations for purposes of Title IX but

may still address the allegations in any manner the school deems appropriate under the school's own code of conduct.

## **School's Mandatory Response Obligations: Defining Terms**

When responding to sexual harassment (e.g., by offering supportive measures to a complainant and refraining from disciplining a respondent without following a Title IX grievance process, which includes investigating formal complaints of sexual harassment), the Final Rule provides clear definitions of complainant, respondent, formal complaint, and supportive measures so that recipients, students, and employees clearly understand how a school must respond to sexual harassment incidents in a way that supports the alleged victim and treats both parties fairly.

### **"Complainant"**

The Final Rule defines "complainant" as an individual who is alleged to be the victim of conduct that could constitute sexual harassment. - This clarifies that any third party as well as the complainant may report sexual harassment. - While parents and guardians do not become complainants (or respondents), the Final Rule expressly recognizes the legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in Title IX matters.

### **"Respondent"**

The Final Rule defines "respondent" as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

### **"Formal Complaint"**

The Final Rule defines "formal complaint" as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and states:

- - At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed.

- A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under the Final Rule, and by any additional method designated by the school.
- The phrase “document filed by a complainant” means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.

### **“Supportive Measures”**

The Final Rule defines “supportive measures” as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment.

- - The Final Rule evaluates a school’s selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school’s disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.

### **7. Grievance Process, General Requirements**

The Final Rule prescribes a consistent, transparent grievance process for resolving formal complaints of sexual harassment. Aside from hearings (see Issue #9 below), the grievance process prescribed by the Final Rule applies to all schools equally including K-12 schools and postsecondary institutions. The Final Rule states that a school’s grievance process must:



- - Treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process prescribed in the Final Rule.
  - Remedies, which are required to be provided to a complainant when a respondent is found responsible, must be designed to maintain the complainant's equal access to education and may include the same individualized services described in the Final Rule as supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
  - Require objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
  - Require Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents.
  - Training of Title IX personnel must include training on the definition of sexual harassment in the Final Rule, the scope of the school's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
  - A school must ensure that decision-makers receive training on any technology to be used at a live hearing.
  - A school's decision-makers and investigators must receive training on issues of relevance, including how to apply the rape shield protections provided only for complainants.
  - Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

- Recipients must post materials used to train Title IX personnel on their websites, if any, or make materials available for members of the public to inspect.
- Include reasonably prompt timeframes for conclusion of the grievance process, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions of the timeframes.
- Describe the range, or list, the possible remedies a school may provide a complainant and disciplinary sanctions a school might impose on a respondent, following determinations of responsibility.
- State whether the school has chosen to use the preponderance of the evidence standard, or the clear and convincing evidence standard, for all formal complaints of sexual harassment (including where employees and faculty are respondents).
- Describe the school's appeal procedures, and the range of supportive measures available to complainants and respondents.
- A school's grievance process must not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- Any provisions, rules, or practices other than those required by the Final Rule that a school adopts as part of its grievance process for handling formal complaints of sexual harassment, must apply equally to both parties.

## **8. Investigations**

The Final Rule states that the school must investigate the allegations in any formal complaint and send written notice to both parties (complainants and respondents) of the allegations upon receipt of a formal complaint. During the grievance process and when investigating:

- - The burden of gathering evidence and burden of proof must remain on schools, not on the parties.

- Schools must provide equal opportunity for the parties to present fact and expert witnesses and other inculpatory and exculpatory evidence.
- Schools must not restrict the ability of the parties to discuss the allegations or gather evidence (e.g., no “gag orders”).
- Parties must have the same opportunity to select an advisor of the party’s choice who may be, but need not be, an attorney.
- Schools must send written notice of any investigative interviews, meetings, or hearings.
- Schools must send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
- Schools must send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days for the parties to respond.
- Schools must dismiss allegations of conduct that do not meet the Final Rule’s definition of sexual harassment or did not occur in a school’s education program or activity against a person in the U.S. Such dismissal is only for Title IX purposes and does not preclude the school from addressing the conduct in any manner the school deems appropriate.
- Schools may, in their discretion, dismiss a formal complaint or allegations therein if the complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.
- Schools must give the parties written notice of a dismissal (mandatory or discretionary) and the reasons for the dismissal.
- Schools may, in their discretion, consolidate formal complaints where the allegations arise out of the same facts.
- The Final Rule protects the privacy of a party’s medical, psychological, and similar treatment records by stating that

schools cannot access or use such records unless the school obtains the party's voluntary, written consent to do so.

## 9. Hearings

The Final Rule adds provisions to the “live hearing with cross-examination” requirement for postsecondary institutions and clarifies that hearings are optional for K-12 schools (and any other recipient that is not a postsecondary institution).

### 1.

#### a. **Live Hearings and Cross-Examination for Postsecondary Institutions**

For postsecondary institutions, the school's grievance process must provide for a live hearing:

- At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility.
- Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other.
- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the school must provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.

- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually.
- Schools must create an audio or audiovisual recording, or transcript, of any live hearing.

**b. Rape Shield Protections for Complainants**

The Final Rule provides rape shield protections for complainants (as to all recipients whether postsecondary institutions, K-12 schools, or others), deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

**10. Standard of Evidence & Written Determination**

The Final Rule requires the school's grievance process to state whether the standard of evidence to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard. The Final Rule makes each school's grievance process consistent by requiring each school to apply the same standard of evidence for all formal complaints of sexual harassment whether the respondent is a student or an employee (including faculty member).

- The decision-maker (who cannot be the same person as the Title IX Coordinator or the investigator) must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant.

- The written determination must be sent simultaneously to the parties along with information about how to file an appeal.

**11. Appeals**

The Final Rule states that a school must offer both parties an appeal from a determination regarding responsibility, and from a school's dismissal of a formal complaint or any allegations therein, on the following bases: procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

- A school may offer an appeal equally to both parties on additional bases.

**12. Informal Resolution**

The Final Rule allows a school, in its discretion, to choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Any person who facilitates an informal resolution must be well trained. The Final Rule adds:

- A school may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. Similarly, a school may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed.
- At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
- Schools must not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**13. Retaliation Prohibited**

The Final Rule expressly prohibits retaliation.

- Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation.
- The school must keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding.
- Complaints alleging retaliation may be filed according to a school's prompt and equitable grievance procedures.
- The exercise of rights protected under the First Amendment does not constitute retaliation.
- Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

source: [U.S. Department of Education The Title IX Final Rule: Addressing Sexual Harassment in Schools](#)

## **Non-Reporting**

Victims are strongly encouraged to report any incident of sexual misconduct, dating violence, domestic violence, or stalking to the police and/or campus Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

## **Civil Lawsuit**

Victims may choose to file a civil lawsuit against the perpetrator, whether or not criminal charges have been filed. A civil lawsuit provides the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress.

## **Restraining Orders**

Victims may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct, dating violence, domestic violence, or stalking. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can offer assistance with obtaining a protective or restraining order.

## **Educational Programs and Outreach**

In an ongoing effort to prevent sexual violence, dating violence, domestic violence and stalking, Las Positas College provides education and prevention programs, investigates complaints, dispenses corrective or disciplinary action where appropriate, provides referrals for medical care/counseling, modified classes, reduced course load, leaves of absence and more. Las Positas College also provides information to victims and survivors on pursuing criminal action and obtaining protective orders if needed.

The following is a summary of educational programming and outreach activities: **“Not Anymore” Sexual Assault Prevention Training: The “Primary Prevention and Awareness Program”**, requirement for the Campus SAVE Act, (Sec. 304 of the VAWA- Violence Against Women Re-Authorization Act of 2013). An interactive online module required for all students of Las Positas College during orientation. The educational modules focus on awareness of sexual misconduct by defining consent sexual violence, dating violence, domestic violence, stalking, and bystander intervention.

**“Sexual Assault Awareness Month”**, The Student Health Center co-sponsored with local rape crisis Tri Valley Haven “Clothes Line & Denim Day” in April of each year to bring awareness to sexual assault and rape. Denim Day is a campaign to prevent sexual violence through education and public awareness. April is Sexual Assault Awareness Month, and Denim Day is a call to action for all people to come together by wearing denim as a visible sign of protest against sexual violence. Denim Day was originally triggered by a ruling by the Italian Supreme Court where a rape conviction was overturned because the justices felt that since the victim



was wearing tight jeans she must have helped her rapist remove her jeans, thereby implying consent. The following day, the women in the Italian Parliament came to work wearing jeans in solidarity with the victim.

The clotheslines project is a partnership with Las Positas College and TriValley Haven rape crisis center. The shirts are on display for the month of April in our student services building lobby. The shirts displayed are made by Las Positas college students and local community members. On display is also information about how to contact the local rape crisis center.

The clotheslines project originated in Hyannis, Massachusetts in 1990 when members of Cape Cod's Women's Defense Agenda learned that during the same time 58,000 soldiers were killed in the Vietnam War, 51,000 U.S. women were killed by men who claimed to love them. The Clothesline is made up of t-shirts created by survivors of violence, or created in honor of someone who has experienced violence. It is a powerful witness of the violence many live with. The project began with 31 shirts.

The Clothesline Project provides evidence that incest, domestic and sexual violence exists in our communities.

**"Bystander Intervention"** The bystander effect is a well-known phenomenon in which the increased presence of witnesses or "bystanders" during a crisis actually decreases the likelihood that someone will intervene. This is attributed to the assumption by most individuals that someone else will respond, thus justifying their hesitance or refusal to take action. The key to bystander intervention is the recognition and acceptance that you might be the ONLY one that will act and you should take measures to intervene in the interests of helping someone else, while assessing and taking precautions to protect your own safety and well-being.

Bystanders play a critical role in the prevention of sexual and relationship violence. They are often the largest group of people involved - outnumbering both the perpetrators and the victims. Bystanders can have a range of involvement in assaults. A person or persons may be aware that a specific assault is happening or will happen, they may see an assault or potential assault in progress, or they may have knowledge that an assault has already occurred. Regardless of how close to the incident they are, bystanders have the power stop assaults and to get help for people who have been victimized. The Las Positas

College Campus Safety department takes an active role in informing students and staff throughout the year on the importance of taking action.

**“Safe Ride”**, The Department of Campus Safety and Security offers escorts to the campus community to and from the parking lots. To arrange to have an escort accompany you from your classroom or office to your vehicle, dial (925)424-1690 or extension 1690 from any college phone.

## **On and Off Campus Resources for Victims of Sexual Assaults**

### **On Campus Resources**

#### **Title IX Coordinator**

- Employee Concerns:  
Wyman Fong  
Vice Chancellor  
(925) 485-5235
- Student Discrimination Concerns:  
Jeanne Wilson  
Vice President Student Services
- Building 1600  
(925) 424-1406

#### **Student Health center**

- (925) 424- 1830 or email us @ [tgonsman@laspositascollege.edu](mailto:tgonsman@laspositascollege.edu)
- **Off Campus Resources**

#### **Medical Assistance**

Student Health Center	Livermore	(925)424-1830
Eden Medical Center	Castro Valley	(510) 537-1234
Highland Hospital	Oakland	(510) 437-4800
Kaiser Hospital	Pleasanton	(925) 8475050
Valley Memorial Hospital	Livermore	(925)447-7000
Valley Care Medical	Pleasanton	(925)847-3000
		(

## Crisis Counseling & Shelters

A Safe Place	Oakland	(510) 536-7233
AASRA (South Asian & Middle Eastern victims)		(800) 313-2772
Asian Women's Shelter	San Francisco	(415) 751-0880
Bay Area Women Against Rape (BAWAR)		(510) 845-7273
Battered Women's Alternatives	Concord	(888) 215-5555
California Youth Crisis Line		(800) 843-5200
Center for Domestic Violence Prevention	Burlingame	(650) 312-8515
Crisis Line for the Handicapped		(800) 426-4263
La Casa De Las Madres	San Francisco	(415) 333-1515
Next Door	San Jose	(408) 279-2962
Rape Abuse Incest National Hotline (RAIN)		(800) 656-4673
Sexual Assault Response Team (SART)		(925)416-3415
Tri-Valley Haven for Women	Livermore	(925) 449-5842
Valley Community Health Center		(925)462-1755

## Counseling Services

Center	Phone Number
Alameda County Alcohol and Drug Programs	(510) 567-8100
Alameda County Mental Health	(510) 795-2434
Asian Mental Health	(510) 451-6729
Catholic Counseling	(510) 886-1331
Community Counseling and Education Center	(510) 792-4964
Jewish Family Services	(510) 704-7475
Kaiser Psychiatry	(510) 441-3080
La Familia	(510) 881-5921
Parental Stress Service	(800) 829-3777
Sor Juana Ines (Spanish)	(800) 300-1080

## Legal Assistance and Victim Compensation

Center	Phone Number
Alameda County District Attorney's Office	(510) 670-5100
Alameda County Legal Services Project	(510) 663-0750
Alameda County Victim Witness Program	(510) 272-6180
Domestic Violence Law Project	(510) 733-2071
Legal Aid Society of Alameda County	(510) 538-6507
Volunteer Legal Services	(510) 893-1031

## **Counseling Services**

The Las Positas College Counseling Division provides essential support services to a diverse student population by offering an array of programs, classes and counseling services. Personal counseling is provided to students who need and seek assistance in resolving personal issues that interfere with school. Short-term counseling may be provided through personal counseling appointments in the counseling center and/or student health center and/or referring students to appropriate community resources. All registered Las Positas College students are eligible to receive free personal counseling sessions via the Student Health and Counseling Center during their college career.

## **Policy for Campus Disciplinary Action in Sexual Violence Cases**

The College is required to promptly and equitably respond to all reports of Prohibited Conduct under Title IX, which prohibits discrimination in educational institutions based on sex or gender, including through sexual harassment and sexual assault.

Approximate Duration: 60 calendar days, with the possibility of extension under certain conditions. Decision-Making Process: The Title IX Coordinator will issue a final Outcome Letter based on the findings of the investigation.

### **Summary of the investigation and review process:**

When a determination is made to proceed with a Title IX investigation, the Title IX Coordinator will investigate or will assign an investigator or investigators.

- This Title IX investigation procedure will determine findings of fact using the “preponderance of the evidence” standard (i.e. it is more likely than not that the Prohibited Conduct occurred).

- At the onset of an investigation, the investigator will advise the Respondent of the allegations against him or her, in writing, in the form of a Notice of Investigation, and this notice will be provided to the Impacted Party.
- Both the Respondent and the Impacted Party will have an opportunity to respond to the Notice of Investigation in writing and in a meeting with the investigator. Both parties have the right to request that the investigator meet with relevant witnesses and evaluate relevant documentary or other evidence.
- Students may have a support person accompany him or her through the process. A support person may not speak for the student.
- The investigator has broad discretion in determining whether an offered witness or documentary evidence would be relevant or helpful to a determination.
- In the event the investigator is not the Title IX Coordinator, the investigator may provide a written report to the Title IX Coordinator, as appropriate to assist the decision maker or decision makers. In such cases, the Title IX Coordinator will review the report and may request further review from the investigator, or may ask for additional information directly from parties or witnesses.
- The decision-maker is either the Title IX Coordinator or the Title IX Coordinator and an academic member (in cases in which the accused is a faculty member) or an HR representative (in cases in which the accused is a staff member).
- Upon completion of the investigation and review of all materials, the Title IX Coordinator or designee will issue each party a written Outcome Letter including findings of fact, and if applicable, any actions the College will take to provide accommodations to the Impacted Party, or safety measure(s) for the College community. The letter will also describe whether any systemic remedies are being considered or implemented. An Outcome Letter will be provided to both parties, although the content of each letter may be modified subject to the limitations of FERPA and other relevant federal or state privacy laws. Where Prohibited Conduct has been found to have occurred by the Respondent, the Outcome Letter will be provided to the Respondent's supervisor, HR manager, or Dean, as appropriate under the circumstances.
- Both parties to a Title IX investigation may appeal the outcome.

## **Student Conduct and Due Process Policy**

Las Positas College encourages all students to pursue academic studies and other college-sponsored activities. In pursuit of these goals, the student should be free of unfair or improper action from any member of the academic community. The District accords every student the right of protection. Students, however, are responsible for complying with college and district regulations and for meeting the appropriate college requirements. The Colleges have an obligation to maintain conditions under which the work of the colleges can go forward freely, in accordance with the highest standards of quality, institutional integrity and freedom of expression. In joining the academic community, the student enjoys the right of freedom to learn and shares responsibility in exercising that freedom. A student is expected to conduct himself or herself in accordance with standards of the college.

When a student is charged with misconduct such charge shall be processed in accordance with the district policy and procedure in order to protect the student's rights and the college's interest. Disciplinary action may be imposed on a student for violation of law, district and college policy and regulations, the Education Code and the Administrative Code. Provisions related to disciplinary action shall be published and available to students, faculty and management staff. Student conduct may result in disciplinary action by the college and/or criminal prosecution. It is the policy of the district not to impose student discipline for acts occurring away from the college and not connected with college activities, unless the student's conduct affects the functions of the college.

### **Summary of Conduct Prohibited by the Code**

A college student may be expelled, suspended, placed on probation or given a lesser sanction for good cause and in accordance with procedures consistent with due process. Good cause includes, but is not limited to, one or more of the following behaviors which must be related to college activity or attendance:

- Cheating or plagiarism in connection with a college academic program.
- Forgery, alteration or misuse of college documents, records, or identification or knowingly furnished false information to a college representative in connection with the performance of official duties.

- Misrepresentation of oneself or of an organization as an agent of the college/district.
- Obstruction or disruption, on or off campus property, of the college educational process, administrative process, or other college or district function or operation.
- Physical abuse on or off college property of the person or property of any member of the college community or of members of his or her family or the threat of such physical abuse.
- Theft of, or non-accidental damage to, college property, or property in the possession of, or owned by, a member of the college community.
- Unauthorized entry into, unauthorized use of or misuse of college property.
- On college property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, or narcotics as those terms are used in California statutes.
- Knowing possession or use of explosives, dangerous chemicals or deadly weapons on college property or at a college function.
- Engaging in lewd, indecent, or obscene behavior on college property or at a college function.
- Abusive behavior directed toward, or hazing of a member of the college community.
- Violation of any order of the District Chancellor, College President or designee or notice of which had been given prior to such violation and during the academic term in which the violation occurs. This includes notice by publication in the college newspaper, or by posting on an official bulletin board designated for this purpose, and which order is not inconsistent with any of the other provisions of this section.
- Soliciting or assisting another to do any act which would subject a student to expulsion, suspension, probation, or other sanction pursuant to this article.
- Harassment, including sexual harassment, in violation of state or federal law.
- Discrimination based on race, color, religion, gender, national origin, ancestry, age, marital status, disability, sexual orientation, and/or Vietnam era or special disabled veteran status.
- Commission of a computer-related crime.

- Use of any electronic listening or recording device in any classroom without the prior consent of the instructor, except as necessary to provide reasonable auxiliary aids and academic accommodations to students with disabilities.
- Persistent misconduct where other means of correction have failed to bring about proper conduct.
- Violation of college/district parking and traffic regulations.
- Formation of/or membership in secret organizations.
- Violation of the district/college policy related to time, place and manner of expression.
- Obstruction or disruption of administrations disciplinary procedures, or other college activities, including its community service activity.
- Obstruction or disruption of teaching. Interface with the course of instruction to the detriment of other students, including but not limited to entering the classroom after the class has started and disrupting the lecture or class activities including verbal outbursts that disrupt the instructor's lesson. Failure to comply with the instruction or directives of the course instructor.
- Disruption of classes or other academic activities in an attempt to stifle academic freedom of speech.
- Obtaining a copy of an examination or assignment prior to its approved release by the instructor. Selling or distributing course lecture notes, handouts, examinations or other information provided by an instructor, or using them for any commercial purpose without the express permission of the instructor.
- Unauthorized entry to or use of college facilities, including the possession or duplication of keys to any College/District premises, or unauthorized use of public address systems.
- Unauthorized entry into a file, to use, read, or change the contents or for any other purpose. Unauthorized use of another individual's identification and password. Unauthorized use of phone or electronic devices such as radios, etc. Use of computing facilities to interfere with the work of another student, faculty member or college official. Use of computing facilities to send obscene or abusive messages. Use of computing facilities to interfere with normal operation of the college computing systems. Unauthorized use of the internet. Use of laser pointers



anywhere on the college grounds that would cause a disruption of instruction or services, or create a hazard to any individual.

- Failure to present registration/identification card when requested to do so by College Official or other authorized persons.
- Failure to comply with directions of College Officials acting in the performance of their duties.

For purposes of this policy, the following definitions apply:

- Member of the district/college community is defined as the Board of Trustees of the Chabot-Las Positas Community College District, academic, non-academic and administrative personnel and students of the district, and other persons while such other persons are on college property or at a college function.
- Cheating is defined as fraud, deceit, or dishonesty in an academic assignment or using or attempting to use materials, or assisting others in using materials which are prohibited or inappropriate in the context of the academic assignment in question, such as:
  - Copying or attempting to copy from others during an examination or on an assignment;
  - Communicating test information with another person during an examination;
  - Preprogramming a calculator or computer to contain answers or other unauthorized information for exams;
  - Using unauthorized materials, prepared answers, written notes, or concealed information during an examination; and
  - Allowing others to do an assignment or portion of an assignment, including the use of a commercial term paper service.
- Plagiarism includes the deliberate misrepresentation of someone else's works and ideas, as one's own, as well as paraphrasing without footnoting the source.
- District/college property includes real or personal property in the possession of, or under the control of the Board or Trustees of the Chabot-Las Positas District and all district facilities whether operated by the district or by a district auxiliary organization.
- Deadly weapons include any instrument or weapon of the kind commonly known as a blackjack, sling shot, Billy club, sand club, sandbag,

metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, and any metal pipe or bar used or intended to be used as a club.

- Behavior means conduct and expression.
- Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with regard to such an organization which causes, or is likely to cause, bodily danger, or physical or emotional harm, to any member of the college community; but the term hazing does not include customary athletic events or other similar contests or competitions.

**The President of the college, or the Vice President of Student Services, or the official designee, may impose the following sanctions of students who violate the district/college rules and regulations**

- Probation: verbal or written warning.
- Temporary Exclusion: removal for the duration of the class period or of the activity.
- Suspension: exclusion from all district classes, facilities, privileges and activities for a specified period of time as set forth in the notice of suspension.
- Expulsion: a recommendation by the President and District Chancellor to the Board of Trustees to terminate a student's status, including exclusion from all district classes, facilities, and functions.

**Student disciplinary action may be imposed by:**

- The Board of Trustees who alone may expel.
- The President, the Vice President of Student Services or the official designee may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is

required in order to protect lives or property. A student placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within the ten (10) days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the Vice President of Student Services or designee, enter the college campus other than to attend the hearing. Violation of any condition of the interim suspension shall be grounds for expulsion.

- An administrator may temporarily exclude the student from college sponsored or supervised activity for the duration of the activity.
- An instructor may temporarily exclude the student from class for the remainder of the class period.

## **Student Disciplinary Procedures**

All complaints of alleged misconduct made against a student by any person should be submitted to the Vice President of Student Services. These complaints must be made in writing, specifying the time, place, and nature of the alleged misconduct. All complaints must be signed. If the Vice President of Student Services determines the complaint to be capricious, the complaint may be dismissed.

The Vice President of Student Services shall conduct an investigation of the reported incident as is appropriate. The Vice President will confer with the accused student for the purposes of advising the student of the report and of the student's rights under college rules and regulations. The Vice President may also procure information relating to the report from the accused student and other persons, including an assessment of damage to property or injury to persons. Such investigations shall be treated as confidential and shall not be placed in the student's file unless a charge is upheld and a decision is rendered by the Vice President against the student.

Following investigation, the Vice President of Student Services will render a decision in writing to the student as well as the person filing the complaint against the student (if appropriate) within five (5) working days. The Vice President may find that the complaint lacks merit; or deliver a written statement to the accused

student formally charging that student with misconduct. This statement will specify one of the following actions that will be taken in the case:

- Place on record a verbal or written reprimand.
- Place the student on probation, temporary exclusion or suspension.
- Recommend expulsion to the District Board of Trustees via the President of the College and the District Chancellor.
- Assign the case for further review to a formal Hearing Committee.

The student may do either of the following:

- Accept the Vice President's decision.
- Notify the Vice President within two (2) working days to initiate a formal hearing.

### **Procedures for Formal Hearing**

- The Vice President of Student Services shall transmit to the Hearing Committee the case of any student or complaint requesting a formal hearing. Procedurally, informal action becomes formal upon the Vice President or Dean convening the Hearing Committee.
- The Hearing Committee shall be selected as follows:
  - Two faculty members appointed by the Faculty Senate President.
  - Two students appointed by the Associated Students' President.
  - One person appointed by the President of the college who may be an instructor or a manager other than the Dean of Students of the Vice President of Student Services.
- Committee members shall select one of their members as Chair.
- The Hearing Committee shall conduct its proceedings as follows:
  - A summary record shall be provided by the Vice President of Student Services.
- The committee shall discuss issues, hear testimony, examine witnesses and consider available evidence pertaining to the charge.

- Both parties shall have the right to present statements, testimony, evidence and witnesses. The accused person may be represented by counsel or by a person of his/her choice. Each party shall have the right to question witnesses and to hear testimony.
- The student who is charged is presumed innocent until proven otherwise by the preponderance of the evidence.
- The committee shall submit its findings of facts and its recommended action to the Vice President of Student Services, a copy to the College President, the student, and to the complainant involved.
- The hearing shall be closed to the public unless the student requests from the Vice President at least two (2) working days in advance that the hearing be public. The Vice President may refuse such a request if confidentiality must be maintained in order to insure the rights of either party in the dispute.
- A summary record of the proceedings, if held in closed session, shall be kept in a confidential file by the Vice President of Student Services. All applicable guidelines as specified by the Family Education Rights and Privacy Act of 1974 shall be followed regarding student record privacy.
- All proceedings, from the recipient of the request for a formal hearing to the Vice President's rendering and submission to the parties involved of a written decision, are to be handled with deliberate speed and shall be completed within twenty (20) working days.

### **Final Action and Expulsion**

- The Vice President of Student Services, upon receiving the findings of facts and recommendations of the Hearing Committee, shall render a written decision, which either (a) dismisses the charge, (b) reduces the discipline recommended by the Hearing Committee, or (c) sustains the recommendations of the Hearing Committee. Copies of this decision will be given to the Hearing Committee, the Vice President of Student Services, President of the college, the student, the complainant and other appropriate administrative officials.
- If the student is dissatisfied with the decision of the Vice President of Student Services, a written appeal may be filed with the College President within

two (2) working days after being advised of the Vice President of Students' decision. Upon receipt of this appeal, the President shall review the proceedings, conduct such investigation as is deemed appropriate. One of the following actions will be taken.

- Dismiss the charge.
- Reduce the recommended sanctions.
- Concur with the Vice President of Student Services decision.
- The decision of the Vice President of Student Services or the President is final in all actions prescribed in this Policy except expulsion, which is a decision of the Board of Trustees.

Pending final action on the charge, the student's status shall not be altered and the person shall be allowed to be present on campus and to attend class. The Vice President may rule otherwise if the student's presence is deemed to be of danger to the student or others, or places in jeopardy college functions or property.

## **Workplace Safety**

Las Positas College is committed to creating and maintaining a working, learning and social environment for all employees, free from intimidation, disruptions, threats, or acts of violence. The campus has zero tolerance for violence against any member of the workforce and other persons in the workplace or property.

## **Weapons on Campus**

Las Positas College prohibits the use or possession of any weapons as defined below. A student may be arrested, expelled, suspended, placed on probation or given a lesser sanction for good cause and in accordance with procedures consistent with due process for violations of the weapons policy.

The policy reads:

“Knowing possession or use of explosives, dangerous chemicals or deadly weapons on college property or at a college function.....Deadly weapons includes any instrument or weapon of the kind commonly known as a blackjack, sling shot, Billy club, sand club, sandbag, metal knuckles, any dirk, dagger, switchblade knife, pistol, revolver, or any other firearm, any knife having a blade longer than five inches, any razor with an unguarded blade, any metal pipe or bar used or intended to be used as a club.”

The policy can be found under the Chabot-Las Positas Administrative Rules and Procedures Manual section 5512(A)(9)

## **Alcohol and Drug Policy**

Las Positas Community College strives to maintain a drug-free and alcohol-free environment.

A student may be arrested, suspended, expelled, placed on probation or given a lesser sanction for good cause and in accordance with procedures consistent with due process for violations of the drug and alcohol policy.

Employees may be arrested, suspended, terminated or given a lesser sanction for violations of the drug and alcohol policy. Employees are required to notify the District of any criminal drug statute conviction for a violation occurring in the workplace no later than five calendar days after such conviction.

The drug and alcohol policy reads: “On college property, the sale or knowing possession of dangerous drugs, restricted dangerous drugs, alcoholic beverages or narcotics as those terms are used in California statutes except when lawfully prescribed or permitted. District/college property includes real or personal property in the possession of, or under the control of the Board of Trustees of the Chabot-Las Positas District and all district facilities whether operated by the District or by a District auxiliary organization.” The policy can be found under the Chabot-Las Positas Administrative Rules and Procedures Manual section 5512(A)(8) and the Drug-Free Workplace provisions listed under section 2315.

Students and employees will be informed of the health risks associated with the use of illicit drugs and the abuse of alcohol, and will be advised of the availability of drug and alcohol counseling, treatment or rehabilitation.

## **Alcohol and Drug Awareness Training**

**Campus Smoke Out** (November 2018): The Student Health Center sponsored **Breath California** for an event to educate student, staff and faculty about the side effects of smoking. Smoking “Quit Kits” were provided as well free education literature distributed.

## **Crime Prevention Education**

As a part of the Las Positas College Colleges educational mission, the Campus safety Department is dedicated to teaching members of the college community how to reduce their risk of becoming a victim of crime. The Crime Prevention Programs are based upon the dual concepts of, whenever possible, eliminating or minimizing criminal opportunities by offering crime prevention education/information and encouraging the community to share in the responsibility for their own safety and the safety of others. Presentations are provided periodically or as otherwise requested by members of the campus community.

Highlights and descriptions of programs and services that were offered in 2016 include:

## **Crime Prevention Presentations**

The Department also practices prevention presentations by offering its citizens preventative safety tips. As members of the Las Positas College community, we all share the responsibility of maintaining a safe and secure environment. Numerous presentations are provided each semester to students, faculty, classified employees and managers on techniques in maintaining personal and material safety. These include classroom conversations, posting in visible locations on the campus to hand out brochures, tabling at college events, and the department supervisor of safety chairing the health and safety committee. Presentations focus on the prevention of crimes on campus, the prevention of violence in the workplace, critical incident management, personal safety awareness, sexual assault prevention, prevention of burglary and theft and other topics that concern members of the community.

## **Crime Prevention Material**

The Campus Safety department has an in-depth website to raise public awareness, and to emphasize the importance of reporting suspicious activity to the authorities.



If you witness any suspicious behavior, we ask that you report it immediately to the Campus Safety Department at 925-424-1690. We also recommend that you program this number into your mobile phone for easy access in case of an emergency.

Suspicious behavior or circumstances can include, but are certainly not limited to:

- Anyone forcibly entering a car
- Someone tampering with property
- Strangers loitering or entering rooms, offices, or labs with no apparent legitimate cause
- Someone carrying a weapon
- Strange vehicles parked in your area
- Any behavior that is out of character on a college campus
- Packages left unattended
- Suspicious or noxious odors

## **Emergency Call Boxes**

Emergency Call Boxes are outdoors in all the parking lots and adjacent to the athletic fields. They can be found by locating the red “Call Station” towers or illuminated blue light during darkness. All of our emergency call stations are disabilities-friendly and easy to operate. Simply follow the directions on the call station or push the activation button for assistance. A Campus Safety Officer will always respond to an emergency call station to assist you.

## **Crime Statistics**

Crime statistics for the three most recent calendar years for each of the following crimes that occurred on or within Clery geography that were reported to a local police agency or campus security authority:

- Criminal homicide: murder and non-negligent manslaughter, manslaughter by negligence
- Sex offenses: rape, fondling, incest, statutory rape

- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Arrests and referrals for disciplinary action for liquor law violations, drug law violations, and weapons law violations
- Hate crimes for all of the above crimes and crimes of larceny-theft, simple assault, intimidation, vandalism/damage/destruction of property, motivated by a bias from one of the bias categories;
- Dating violence, domestic violence, and stalking

**Clery Act Statistics  
Las Positas Community College  
2019 – 2021**

20 U.S.C. 1092 H (Crimes)	2019			2020			2021		
	On Campus Property	Non Campus Property	Public Property	On Campus Property	Non Campus Property	Public Property	On Campus Property	Non Campus Property	Public Property
<b>Criminal Offenses</b>									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	2	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	1	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	2	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Bias Crimes</b>									
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
<b>Arrests</b>									
Weapons Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	1	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
<b>Disciplinary Referrals</b>									
Weapons Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0