

Note: This procedure is **legally required** to comply with recent changes to The Clery Act. Local practice may be inserted. The following are the *minimum requirements* contained in the Education Code and in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“the Clery Act,” 20 U.S. Code Section 1092(f)). The Clery Act requirements are broader than those found in CA Ed Code and apply to all institutions of higher learning that receive federal aid.

First Reading–3/12/12  
Second Reading–4/9/12  
Final Reading–5/7/12

## **Revised – GCCCD Procedure**

### **AP 3540 Sexual and Other Assaults Occurring on District Property**

Reference: ***Education Code Section 67385; 20 U.S. Code Section–§ 1092(f) (Clery Act); and 34 Code of Federal Regulations- §Section 668.46(b)(11)***

Date Issued: December 18, 2007 Updated:

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[CCLC template language, except italicized language]

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on **Grossmont-Cuyamaca Community College District (District)** property, **in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities or at another location,** or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. (See also **AP-BP 5500;** Standards of Student Conduct). **[Update #20]**

These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information. (For physical assaults/violence, see also AP 3500, 3510, and 3515.)

All students, faculty members, staff members, or visitors who allege they are the victims of a sexual assault on District property shall be provided with information regarding options and assistance available to them. The accused of such offenses should refer to either: the Collective Bargaining Agreement (employees), Student Code of Conduct (students), and other **Grossmont-Cuyamaca Community College** District Governing Board Policies for **other** community members. Information shall be available for students in the College Student Affairs Office, and for staff in the District Human Resources Office. The appropriate office shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the office is authorized to release such information.

The College Student Affairs Office or District Human Resources Office shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the District's policy and procedure regarding sexual assault
- A list of personnel on campus who should be notified of the assault, and procedures for such notification, if the alleged victim consents
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for providing or arranging them include:
  - Transportation to a hospital—~~paramedics, local law enforcement, and/or victim's designee(s)~~
  - Counseling ~~or referral to a counseling center—the~~ College Student Affairs Office ~~or the~~ District Human Resources Office, ~~or a referral to the Counseling Center.~~
  - Notice ~~of the assault; if the victim consents—the~~ District Public Safety Office, ~~Department~~
  - A ~~list of other~~ packet of available campus resources ~~or appropriate and~~ off-campus ~~resources services—District Public Safety Department or college Student Affairs Office~~
- A description of each of the following procedures:
  - Criminal prosecution
  - Civil prosecution (i.e., lawsuit)
  - District disciplinary procedures, both student and employee
  - Modification of class schedules
  - ~~Counseling, if appropriate.~~

The Human Resources Department should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence. [Update #20]

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations ~~described in AP 3435\*\*~~, regardless of whether a complaint is filed with local law enforcement. All alleged victims of sexual assault on District property shall be kept informed through the college Student Affairs Office or District Human Resources Office, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality. [Update #20] {\*\* AP 3435 in development}

The District shall maintain the identity of any alleged victim or witness of sexual assault on District property, as defined above, in confidence unless the alleged victim or witness specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the ~~Office of Intergovernmental Relations, Economic Development & Communications and~~ Public Information Office, which shall work with the college Student Affairs Office or District Human Resources Office to assure that all confidentiality rights are maintained.

Additionally, the ~~Campus Safety Brochure Annual Security Report~~, prepared by the District Public Safety Office, ~~(available on the District website)~~ includes a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses;
- Procedures to follow if a sex offense occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;

Information on a complainant's **option right** to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;  
**[Update #20]**

- Information for complainant about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation after an alleged sex offense and offer options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged sex offense, including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; ~~and~~
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged sex offense and any sanction that is imposed against the accused.
- A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or nonforcible sex offenses.

### Education and Prevention Information

The college Student Affairs Office or District Human Resources Office shall:

- Provide, ~~as part of each campus' established on-campus orientation program~~, education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Publish sexual violence prevention and education information on the ~~campus internet District~~ websites.