



# ***2022 Annual Security Report***

Preparation of Annual Crime and Fire Statistics .....6

What is the "Jeanne Clery" Disclosure Act? .....7

Distribution of the Annual Security Report.....7

Reporting Crimes and Other Emergencies.....7

Reporting of Crimes Policy (2.51).....8

Anonymous Crime Reporting.....8

Accurate and Prompt Reporting .....8

Role, Authority, and Training .....8

Mission Statement .....9

Office Information.....9

Local Law Enforcement Policy (2.52) .....9

Local Law Enforcement Agencies.....9

Jurisdiction .....10

**Registered Sex Offender Information** .....10

Timely Warnings.....10

Public Safety Alerts.....11

Daily Crime Log.....11

2021 Annual Crime Statistics for San Mateo Community College District .....11

Emergency Response and Evacuation Policy and Procedures (2.55).....15

Emergency Response Plan .....15

Emergency Notification System .....15

EMERGENCY NOTIFICATIONS:.....16

Emergency Phone Numbers.....17

District Office & College of San Mateo Emergency Contact Numbers .....17

Emergency Drills and Exercises .....17

Safe and Well American Red Cross Service .....18

Public Safety and Security Considerations in Maintaining Campus Facilities .....18

On-Campus Affiliate Keys.....18

Security of and Access to Campus Facilities.....18

Access.....19

Key Management Policy.....19

E-Keys/Electronic Access Controls .....19

Use of Keys .....19

Return of Keys .....19

Student Use of Keys .....19

Lost or Stolen Keys .....19

San Mateo County Community College District’s Response to Sexual and Gender Violence .....20

Sexual Assault Education, Prevention & Reporting Policy (2.29).....20

Sexual Harassment Involving Students Policy (7.67) .....20

Your Right to Know .....22

San Mateo Community College Districts Annual Fire and Security Report .....22

Clery Act Definitions.....22

Geography .....22

Clery Crimes .....23

Violence Against Women Act.....24

Drug, Liquor, and Weapon Violations .....24

**Title IX .....27**

    Policies and Procedures .....27

    References.....28

    Department of Education Information .....28

    Local & National Resources.....28

Title IX Officers .....28

**ADMINISTRATIVE PROCEDURE NO. 3434 .....29**

**Common Myths and Facts about the Causes of Sexual Violence .....45**

    Obligations of Mandated Reporters .....47

    New Required Training for School Employees.....47

    Rights to Confidentiality and Immunity .....48

    Consequences of Failing to Report .....48

    After the Report is Made .....48

    Child Protective Services .....48

SMCCD College Public Safety .....48

Campus Security Authorities .....52

Campus Security Policies, Crime Prevention & Safety Awareness Programs .....54

Crime Prevention and Self-Awareness.....54

Crime Prevention Programs .....56

Safety and Security Programs and Presentations .....57

Safety Escorts on Campus .....57

Crime Prevention .....57

Guard Yourself.....58

**Safety Escorts.....58**

Emergency Procedures .....58

Power Failure/Outage .....58

Fire.....59

Earthquake .....59

Violent Intruder Hazard.....61

Employees and Students .....61

Emergency and Crisis Communications .....62

Overview of Emergency Communication.....62

Introduction .....62

Guiding Principals.....62

Risks and Vulnerabilities .....63

Authority .....63

California Standardized Emergency Management System (SEMS).....65

Incident Command System (ICS) .....65

Defining Terms .....65

Student Code of Conduct .....67

Step 1. Incident Occurs .....70

Step 2. Administrative Conference or Student Disciplinary Hearing .....71

Administrative Conference .....71

Student Disciplinary Hearing.....71

Step 3. Disciplinary Action(s) Recommended .....72

Step 4. Written Decision .....73

Step 5. Appeal to the College President.....73

Step 6. Appeal to the Chancellor.....74

Step 7. Appeal to the Board of Trustees .....74

II. Expulsion Disciplinary Process.....74

### ***About The San Mateo County Community College District***

The San Mateo County Community College District is one of the 73 community college districts in California. Our District operates 3 of the 115 community colleges within the California Community College System: Cañada College, College of San Mateo & Skyline College.

The three colleges of our district serve more than 21,000 students (FTE) and offer the first two years of instruction in a wide variety of transfer programs as well as more than 90 vocational- technical programs. Students can earn either Associate in Arts or Science degrees or receive Certificates of Proficiency in their chosen fields. The University Center at Cañada College collaborates with other colleges and universities to offer baccalaureate and master's degrees.

On the San Mateo County Community College District campuses, the Department of Public Safety, Personal Counseling, Health Services, Facilities Department and others are responsible for a number of measures to ensure personal safety and to protect property.

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act of 1998 (formerly The Student Right to Know Act of 1990), the San Mateo County Community College District provides information regarding crime statistics and security measures through public safety flyers, e-mails and publications to employees, prospective students, and matriculated students.

The Department of Public Safety reports to the Vice Chancellor of Facilities, Maintenance & Operations and Public Safety. The Department of Public Safety works closely with all departments of the Colleges to ensure that safety policies and procedures are uniformly executed and conveyed in a clear and consistent manner to all the college's students, faculty, and staff.

#### Preparation of Annual Crime and Fire Statistics

The SMCCCD Public Safety Department prepares the "Annual Security and Fire Report" (ASR (Annual Security Report)) and discloses the annual crime and fire statistics to comply with the Clery Act. The crime, arrest, and disciplinary referral statistics for incidents on campus, in non-campus buildings or property, or on public property include those reported to the SMCCCD Public Safety Department and other campus officials with responsibility for student and campus activities such as:

- Associate Vice President for Student Affairs
- Athletics Department
- International Education
- Title IX Office
- Human Resources
- Student Programs

The Public Safety Department also obtains information from local law enforcement agencies regarding the occurrence of crimes on public property within the campus, on non-campus property or on property immediately adjacent to and accessible from the campus. The Public Safety Department collects all statistics and compiles them in accordance with the Clery Act.

A copy of the ASR will be available at the Public Safety Department located in the B-Building room B1-101 on campus at 1700 West Hillsdale Blvd, San Mateo CA 94402. The ASR will also be available on the college website, the campus intranet, and is emailed to all employees.

Safety on SMCCCD campuses is a concern for the students, parents, and college employees. SMCCCD's administration recognizes the importance of making the campus community aware of security on campus and has made this a top priority. Each year, an e-mail notification is sent to all enrolled students, faculty, and staff providing the website address to access the Clery Act report. Hard (paper) copies of the report may also be obtained from the SMCCCD Public Safety Department (B1-101) or by calling the Public Safety Office at (650)738-7000.

DPS 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 and 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 offcampus buildings or property owned, leased, or controlled by the district. This report also includes institutional policies concerning campus security, such as policies regarding sexual and gender violence, alcohol, and other drugs. The Department intends that the information provided by this annual safety report is accurate; however, errors sometimes occur. This annual

report does not reflect the full crime index for the entire Redwood City, San Mateo, or San Bruno communities, only Clery required reportable offenses. Any increase or decrease in statistics from previous reporting years may be due to the Department's better understanding of the requirements of how incidents should be classified and counted, and are not necessarily due to an increase or decrease in reported incidents

SMCCCD reserves the right to update the information contained in this report, as necessary.

#### What is the "Jeanne Clery" Disclosure Act?

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 \$58,328 by the U.S (United States). 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. The complete text of the Clery Act and U.S. Department of Education regulations is available on the Security On campus, Inc. web site at: <https://www.govinfo.gov/content/pkg/FR-2014-1020/pdf/2014-24284.pdf#page=33>

The Clery Act requires institutions that receive federal financial aid to publish an annual security report every year by October 1st that contains 3 years' worth of campus crime statistics and certain security policy statements, including policies related to the prevention and response to sexual and gender violence, and related offenses. The San Mateo County Community College District (SMCCCD) Department of Public Safety (DPS) publishes this report in compliance with this requirement.

#### Distribution of the Annual Security Report

The District distributes a notice of the availability of this Annual Security Report by October 1 of each year to every member of the District. Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting DPS at (650) 738-7000.

#### Reporting Crimes and Other Emergencies

The San Mateo Community College District Campuses are safe learning environments, but like all places, crime, health, and safety emergencies may happen on our campuses. Community members, students, faculty, staff, and visitors are encouraged to immediately, or in a timely manner, report incidents that may constitute an emergency, a crime, a student code of conduct violation, or a physical injury. Remember, prompt reporting improves campus safety and security.

To report crimes or emergencies, members of the college community should call the Department of Public Safety (650) 7387000 from any campus phone or cell phone. For life threatening emergencies, call 911 from any campus phone or from a cell phone, or call the local Police Department (Cañada College - San Mateo County Sheriff's Office (650) 216-7676, Cañada Vista Housing - Redwood City Police Department (650) 780-7000, College of San Mateo-San Mateo Police Department (650) 5227700 and Skyline College - San Bruno Police Department (650) 616-7100).

Be prepared to advise the dispatcher where the emergency is located. If time permits, call Public Safety so that they can be alerted that emergency services are responding so that they can assist in giving directions to your location. On campus Public Safety officers will assist by directing the emergency response vehicles to the location of the emergency.

#### Reporting of Crimes Policy (2.51)

1. The Chancellor shall assure that, as required by law, reports are prepared of all occurrences reported to DPS of arrests for crimes committed on campus that involve violence, hate violence, theft or destruction of property, illegal drugs, or alcohol intoxication. The Chancellor shall further assure that required reports of non-criminal acts of hate violence are prepared. Such reports shall be made available as required by law.

2. The Chancellor shall establish procedures related to the responsibility of employees, within the scope of employment or in their professional capacity, to report suspected abuse and neglect of children.

Reference: Education Code Section 67380; Penal Code Sections 261, 264.1, 273a, 273d, 285, 286, 288, 288a, 289, 647a, and 11164-11174.3; Welfare and Institutions Code Sections 300, 318, and 601; Family Code Sections 7802, 7807, 7808, 7820-7829, 7890, and 7892

#### Anonymous Crime Reporting

If you wish to report a crime anonymously, you may do so by completing the Anonymous Crime Reporting Form on the Public Safety Website. Please be as descriptive and detailed as possible. The purpose of Anonymous Crime Reporting is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. Rest assured, you are submitting information completely anonymously and the Department of Public Safety will investigate the information you provide.

#### 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 Public Safety in a timely manner at (650) 738-7000. If assistance is required from a local police department, fire, or EMS, DPS will contact the appropriate agency. If a sexual assault or rape should occur, staff on the scene, including Public Safety, will offer the victim a wide variety of services and options for filing a report. Crimes should be reported to the Department of Public Safety to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the community, when appropriate.

#### Role, Authority, and Training

Staff is assigned to the Department of Public Safety after a background check and successful completion of a police academy. Annual, as well as on-going training is provided. Both full and part-time staff come from a variety of safety and security backgrounds including law enforcement, military, and private security. The Chief/Director of Public Safety, the respective captains at each college and two field supervisors oversee DPS operations and supervise these officers. Public Safety staff handles internal campus events and monitor the environment of the campus. Public Safety officers are responsible for a full range of safety services to the San Mateo County Community College District community, including crime report investigations, medical emergencies, fire emergencies, traffic accidents, and enforcement of all College policies, including those relating to alcohol use, drug use, and weapons possession. Students are required to comply with the directives of Public Safety staff and any College official in performance of their assigned duties. Students are required to present valid identification when requested to do so. Public Safety staff may detain a person to investigate their purpose on campus. The Department of Public Safety is responsible for the enforcement of policies, rules and regulations set forth by the San Mateo County Community College District, and to report criminal violations to the proper authorities. All Public Safety staff are held to the highest standard of maintaining an individual's confidentiality and are available to assist in filing reports on incidents.



## Mission Statement

The mission of the Department of Public Safety at San Mateo County Community College District is to provide a safe, secure, and healthy college environment for all students, staff, faculty, and visitors. With a highly visible presence and professional interactions with everyone on our three campuses; Skyline College, College of San Mateo and Cañada College, the Department of Public Safety is committed to achieving this mission through the provision of a variety of services, and respect for all in our diverse campus communities. We are dedicated to the protection of persons, property, and the freedom of all individuals to pursue a quality education without fear. We look for opportunities to provide service and to be of assistance and strive to be helpful and approachable.

## Office Information

The Public Safety office at College of San Mateo is located at 1700 W. Hillsdale Blvd., San Mateo, CA 94402 - Building 1, Room 101 (650) 738-7000.

The Public Safety office at Cañada College is located at 4200 Farm Hill Blvd., Redwood City, CA 94061 - Building 22, Room 161 (650) 738-7000.

The Public Safety office at Skyline College is located at 3300 College Drive, San Bruno, CA 94066 - Building 6, Room 106 (650) 738-7000.

Public Safety officers patrol the campuses of Cañada College, the College of San Mateo, and Skyline College 24-hours a day, 365 days a year.

## Local Law Enforcement Policy (2.52)

Each College in the District shall enter into a written agreement with local law enforcement agencies. The agreement shall clarify operational responsibilities for investigations of Part I violent crimes, defined by law as willful homicide, forcible rape, robbery, and aggravated assault, occurring at each location.

The written agreement shall designate which law enforcement agency shall have operational responsibility for violent crimes and delineate the specific geographical boundaries of each agency's operational responsibility, including maps as necessary.

The written agreements required by this policy shall be public records and shall be made available for inspection by members of the public upon request. The District encourages accurate and prompt reporting of all crimes to campus public safety officers and the appropriate police agencies.

Professional mental health and religious counselors are exempt from reporting obligations. However, counselors are encouraged, when they deem it appropriate, to inform the persons they are counseling of procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Reference: Education Code Section 67381; 34 Code of Federal Regulations Section 668.46(b)(4)

Crimes Involving Student Organizations at Off-Campus Locations

(The SMCCCD does not have any student organizations that maintain off-campus locations.)

## Local Law Enforcement Agencies

The San Mateo Community College District (SMCCCD) has formal agreements with San Bruno Police Department, San Mateo Police Department, Redwood City Police Department and San Mateo County Sheriff's Office; a memorandum of understanding (MOU) is in place regarding the investigation of all crimes, including crimes related to the Violence Against Women Act.

SMCCCD Public Safety also has cooperative relationships with PGE (Pacific Gas & Electric) (Pacific Gas & Electric), SMC (San Mateo County) Office of Emergency Services and agencies varying agencies that support the County of San Mateo's Health and Wellness.

Jurisdiction

The following departments are the primary law enforcement agencies for SMCCCD' campuses:

- San Bruno Police (Skyline College Campus)
- San Mateo Police (College of San Mateo Campus)
- Redwood City Police (Cañada College Vista site)
- San Mateo County Sheriff's Office (Cañada College Campus)

**Registered Sex Offender Information**

Under Penal Code 290, California law requires that people convicted of certain sex crimes must register as a sex offender. Convicted sex offenders must register with the local law enforcement agency annually within 5 days of their birthday, and within 5 days upon moving residences

This information is accessible through contacting any of the following local municipalities in your area:

- |   |               |
|---|---------------|
| • San Bruno Police (Skyline College Campus):                | (650)616-7100 |
| • San Mateo Police (College of San Mateo Campus):           | (650)522-7700 |
| • Redwood City Police (Cañada College Vista site):          | (650)780-7100 |
| • San Mateo County Sheriff's Office (Cañada College Campus) | (650)216-7676 |

Or through accessing the following websites:

California Megan's Law Website: <https://www.meganslaw.ca.gov/Disclaimer.aspx>

Home Facts Website: <https://www.homefacts.com/offenders/California/San-Mateo-County.html>

Timely Warnings

The San Mateo County Community College District is required to provide "timely warnings" and a separate more extensive daily crime log. It is these requirements that are most likely to affect the day-to-day lives of the campus community. The timely warning requirement is subjective and is only triggered when the institution appointees consider an incident to pose an ongoing "threat to the campus community" while the daily crime log records all criminal incidents reported to the Department of Public Safety.

If a situation arises that, in the judgment of the Director of Public Safety, constitutes a serious and/or on-going threat, a campus wide timely warning will be issued as soon as pertinent information is available as required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). A timely warning is a notification to the campus community concerning the occurrence of a Clery reportable crime that poses a serious and on-going threat. Each incident is considered on a case-by-case basis, depending on the facts of the case and the information currently available. The daily crime log includes not only incidents reported to Public Safety but covers all crimes, not just those required in the Annual Safety & Security Report; meaning incidents like theft are also included in the log.

Students, faculty, staff, community members, and guests are encouraged to report all crimes and public safety-related incidents to the SMCCCD Public Safety in a timely manner, to aid in providing accurate and timely warning notices to the community when appropriate, and to ensure inclusion in the annual crime statistics. Professional counselors are not obligated to report crimes under the timely warning requirement.

Depending on the circumstances of the crime, especially in situations that could pose an immediate threat to the community and individuals, the SMCCCD Public Safety Department may employ a variety of different mechanisms to notify the campus (i.e., ALERTME campus notifications, website; postings; email; text alert or other methods of communication that may be deemed appropriate.)

SMCCCD has collaborated with Rave Mobile Safety to offer an emergency alert notification system called SMCCD Alerts. SMCCD Alerts is the primary method for sending timely warnings. The SMCCD Alerts service delivers reliable emergency text and email messages to subscribers anytime there is an emergency on campus that poses a safety concern for the community. Anyone can sign up for SMCCCD Alerts by visiting <https://www.smccd.edu/alertme/>

The Director of Public Safety or their designee writes timely warning notifications. The timely warning content will contain sufficient information about the nature of the threat to allow members of the campus to take protective action, and may include the following:

- A succinct statement of the incident
- Connection to previous incidents if applicable
- Date, time, and location of the warning
- Description and drawing of the suspect, if available
- Risk reduction and safety tips
- Other relevant and important information
- In some cases, SMCCCD may need to keep some facts confidential to avoid compromising an ongoing investigation, and/or to protect the privacy of the individuals involved.

Anyone with information warranting a timely warning should report the circumstances to SMCCCD Public Safety Department direct at (650) 738-7000 or ext. 7000 from any on-campus phone.

In the case of a campus emergency, an archive of alerts will display below the most recent alert on the webpage. The most recent alert are emailed to all campus addresses. Alerts are sent to you if you have registered your mobile number. To report an emergency, dial 9-1-1. You can also contact Public Safety direct at (425) 466-9365 or the office at (425) 564-2400.

### Public Safety Alerts

To help prevent crimes or serious incidents, the Department of Public Safety issues Public Safety Alerts in a timely manner to notify community members about criminal activity in and around our campus. Members of the community who know of a crime or other serious incident are encouraged to report the incident as soon as possible to the Department of Public Safety, so that an alert can be issued, if warranted. Depending on the nature of the incident, campus alerts shall be communicated through one or more of the following means: Campus Notice e-mails ([my.smccd.edu](mailto:my.smccd.edu)); Rave Emergency Text Message Notification; Emergency Announcement System (EAS); computer generated phone call; Public Safety Patrol; or via the Public Safety website homepage. Individuals may register through the San Mateo County Community College District portal for AlertMe Emergency Text Message Notifications.

### Daily Crime Log

The Department of Public Safety maintains a Daily Crime Log. The log records, by the date incidents reported to us, all alleged crimes and other serious incidents that occur on campus, in a non-campus building or property, on public property, or within the Department's jurisdiction. The Daily Crime Log is available for public inspection at any of the three campus public safety offices. The Jeanne Clery Act also requires the Department of Public Safety to maintain a Daily Crime Log, listing reports of criminal activity in the last 60 days. To access the Daily Crime Log, [click here](#). The Daily Crime Log includes the nature, date, time, and general location of each crime reported to us, as well as the disposition of the complaint, if this information is known at the time the log is created. We reserve the right to exclude crime report information from the log in certain circumstances.

2021 Annual Crime Statistics for San Mateo Community College District

**Cañada College – Redwood City, CA**

<b>Criminal Offenses</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	1	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	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
<b>VAWA OFFENSES</b>									
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>HATE CRIMES</b>	0	0	0	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>	0	0	0	0	0	0	0	0	0

<b>Special Category Arrests</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	1	0	0	0
Weapon Violations	0	0	0	0	0	0	0	0	0

<b>Referred for Student Discipline</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapon Violations	0	0	0	0	0	0	0	0	0

**College of San Mateo – San Mateo, CA**

<b>Criminal Offenses</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0
Sex Offenses-Forcible	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	1	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	0	1	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0	0	0	0
Burglary	0	1	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	1	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>									
Dating Violence	1	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>HATE CRIMES</b>	0	0	0	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>	0	0	0	0	0	0	0	0	0

<b>Special Category Arrests</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	1	0	0	0	0	0	0	0	0
Weapon Violations	0	0	0	0	0	0	0	0	0

<b>Referred for Student Discipline</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2020</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapon Violations	0	0	0	0	0	0	0	0	0

### Skyline College – San Bruno, CA

<b>Criminal Offenses</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	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	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	1	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>									
Dating Violence	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>HATE CRIMES</b>	0	0	0	0	0	0	0	0	0
<b>UNFOUNDED CRIMES</b>	0	0	0	0	0	0	0	0	0

<b>Special Category Arrests</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapon Violations	0	0	0	0	0	0	0	0	0

<b>Referred for Student Discipline</b>	<b>On Campus</b>			<b>Public Property</b>			<b>Non-Campus Property</b>		
	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
Liquor Laws	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	0	0	0	0	0	0	0
Weapon Violations	0	0	0	0	0	0	0	0	0

## Emergency Response and Evacuation Policy and Procedures (2.55)

1. The Chancellor shall establish procedures that ensure that the District implements a program or plan to be activated in the event of an emergency, or when a natural disaster or hazardous condition occurs. This program or plan must comply with the National Incident Management System (NIMS), the Standardized Emergency Management System (SEMS) and should incorporate the functions and principles of the Incident Command System (ICS), the Master Mutual Aid Agreement (MMAA) and any other relevant programs. The program must incorporate NIMS and SEMS to facilitate the coordination between and among agencies in the event of an emergency or natural disaster.
2. Compliance with NIMS and SEMS mandates include:
  - a. Establishing a disaster preparedness program or plan
  - b. Completion of training sessions by college personnel in compliance with NIMS and SEMS guidelines
    - i. Training requirements vary based on job titles or assigned roles within the Office of Emergency Management
3. College personnel must be informed that as public employees, they are also disaster service workers during national, state and local emergencies. The Chancellor should ensure that an ICS team is created to carry out compliance with NIMS and SEMS mandates.
4. Responses to emergencies or natural disasters are organized by SEMS into five categories: field response, local government, operational areas, regions and the state management level.
5. The plan or program should contain information regarding activation and chain of command responsibilities. Compliance with NIMS mandates requires planning and incorporation for all phases of emergency management including mitigation and prevention, preparedness, response and recovery. Colleges must comply with NIMS and SEMS to receive federal or state funding.

References: Education Code Sections 32280 et. seq.; 71095; Government Code Sections 3100 and 8607(a); Homeland Security Act of 2002; National Fire Protection Association 1600; Homeland Security Presidential Directive-5; Executive Order S-2-05;19 California Code of Regulations (CCR) Sections 2400-2450

## Emergency Response Plan

The District has compiled comprehensive emergency response plans that outline likely hazards our campuses may face. A summary of the District's emergency response procedures is located at Included at <http://www.smccd.edu/publicsafety/emergencypreparedness.php>. This web page also has detailed information regarding the District's emergency notification policy, including how to enroll in the mass notification system to ensure you receive emergency notices on District and personal phones.

To ensure these plans remain current and actionable, each college will conduct an emergency management exercise, at a minimum once yearly. These exercises may include tabletop drills emergency operations center exercises, or full-scale emergency response exercises. The District conducts after-action reviews of all emergency management exercises.

In conjunction with at least one emergency management exercise each year, the District will notify the community of the exercise and remind the community of the information included in the District's publicly available information regarding emergency response procedures.

## Emergency Notification System

The District is committed to ensuring each campus community receives timely, accurate, and useful information in the event of an emergency on campus or in the local area, which poses a risk to the health and safety of campus community members.

To support this commitment, the District has invested in several multi-modal forms of communications that allow administrators to distribute notices in the event of a critical incident or dangerous situation.

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

The Department of Public Safety and/or other campus first responders may become aware of a critical incident or other emergency 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 Department of Public Safety dispatch center or upon discovery during patrol or other assignments.

Once first responders confirm that there is, in fact, an emergency or dangerous situation that poses an immediate threat to the health or safety to some or all members of the campus community, first responders will notify local law enforcement or fire departments and the Department of Public Safety or other authorized staff will issue an emergency notification.

The District's authorized representatives, including supervisors and dispatchers in the Department of Public Safety, and/or other members of the District/College senior administration, will immediately initiate all or some portions of the District's emergency notification system. 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 District/College may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the District/College will issue the emergency notification to the campus community or applicable segment of the community.

*Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification:*

Campus and local first responders on the scene of a critical incident or dangerous situation that poses an immediate threat to the health or safety of the campus community will assist those preparing the emergency notification with determining what segment or segments of the campus community should receive the notification. Generally, campus community members in the immediate area of the dangerous situation (i.e. the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The District/College may issue subsequent notifications to a wider group of community members. In addition to the emergency notification that may be issued via the District's mass notification system, the District/College will also post applicable messages about the dangerous condition on the District's homepage to ensure the rest of the campus is aware of the situation and the steps they should take to maintain personal and campus safety. If the emergency affects a significant portion of or the entire campus, District/College officials will distribute the notification to the entire campus community.

*Determining the Contents of the Emergency Notification:*

The office responsible for issuing the emergency notification (usually the Department of Public Safety) will, with the assistance of campus and local first responders, determine the content of the notification. The District has developed a wide range of template messages addressing several different emergency situations. The dispatchers (or others issuing the alert) will select the template message most appropriate to the on-going situation and modify it to address the specifics of the present incident.

In those cases where there are no pre-determined template messages in the system, the individual issuing the alert will develop the most succinct message to convey the appropriate message to the community. The goal is to ensure individuals are aware of the situation and that they know the steps to take to safeguard their personal and community safety.

**EMERGENCY NOTIFICATIONS:**

Under the Clery Act, every institution is required to immediately notify the campus community upon confirmation of a significant emergency or dangerous situation occurring on the campus that involves an immediate threat to the health or safety of students or employees. An "immediate" threat as used here includes an imminent or impending threat, such as an approaching forest fire, or a fire currently raging in a campus building.



Emergency notification must be immediate after confirmation of a legitimate emergency, or dangerous situation. Confirmation does not necessitate knowledge of all pertinent details. Emergency Notification Procedures shall comply with *The Handbook for Campus Safety and Security Reporting* (Chapter 6).

*Procedures Used to Notify the Campus Community:* In the event of a situation that poses an immediate threat to members of the campus community, the District has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event for emergency notification to all or a segment of campus community. These methods of communication include the mass text notification system, AlertMe; the District's email system; computer generated phone call or campus Emergency Announcement System (EAS). The District will post updates during a critical incident on the homepage. If the situation warrants, the District will establish a telephone call-in center.

#### Emergency Phone Numbers

- Emergency: 9-1-1
- Police: 9-1-1
- Fire Department: 9-1-1
- Medical Emergency: 9-1-1

#### District Office & College of San Mateo Emergency Contact Numbers

- Department of Public Safety
- All-Campus Dispatch (650) 738-7000
- Health Services/Nurse
- Cañada College (650) 306-3309
- College of San Mateo (650) 574-6396
- Skyline College (650) 738-4270
- Facilities Planning, Maintenance & Operations
- District Office (650) 574-6512
- Cañada College (650) 306-3276
- College of San Mateo (650) 574-6113
- Skyline College (650) 738-4115
- Multimedia and Computer Technical Support
- ITS Help Center (650) 574-6543

#### Emergency Drills and Exercises

Drills are held at various locations and campuses and encompass a wide variety of scenarios. Some past scenarios have included active assailant events and earthquakes. Recent drills have required the activation the San Mateo County Community

#### College District Emergency

Announcement System (EAS). These drills maybe announced or unannounced. Each drill includes a date, time, location, comprehensive written scenario plan, a post event debriefing, and an after action report. The San Mateo County Community College District publicizes the emergency response and evacuation procedures in conjunction with at least one drill each calendar year.

### Safe and Well American Red Cross Service

If you have been affected by a disaster, the [American Red Cross Safe and Well website](#) provides a way for you to register yourself as “safe and well.” From a list of standard messages, you can select those that you want to communicate to your family members, letting them know of your wellbeing.

Concerned family and friends can search the list of those who have registered themselves as “safe and well.” The results of a successful search will display a loved one’s First Name, Last Name, an “As of Date”, and the “safe and well” messages selected.

### Public Safety and Security Considerations in Maintaining Campus Facilities

The SMCCCD Facilities Department maintain lighting, cameras, landscapes, roadways and parking lots and all building interiors to promote a safe educational environment. SMCCCD Public Safety Department actively reports any failing security features into SMCCCD’s internal building maintenance system for immediate repair. Sidewalks are designed to provide well-traveled, lighted routes from parking areas to buildings and from building to building. Grounds keeping personnel trim shrubs from sidewalks, walkways, and building entrances to make sure routes to buildings are in good repair. All campus walkways are inspected to ensure adequate lighting. Burned-out lights are replaced promptly.

We encourage community members to promptly report any security concerns, including concerns about locking mechanisms, lighting, or landscaping to the Department of Public Safety (650) 738-7000.

### On-Campus Affiliate Keys

The San Mateo County Community College District has a variety of affiliations with education- related organizations that have chosen to locate their offices and programs on the San Mateo County Community College District Campuses. All the San Mateo County Community College District Security and Access policies apply to the various affiliates as well.

### Security of and Access to Campus Facilities

As a public agency whose responsibility is to serve the educational needs of students and potential students, it is the policy of San Mateo Community College District to ensure that college services are available, and buildings are open to the public during published hours of business. The district’s public safety department is responsible for the security of the buildings and grounds of Skyline College, College of San Mateo, and Cañada College campuses. (NOTE: There are no student housing or dormitories on any SMCCCD campuses.) A building may be opened after hours to accommodate events arranged through SMCCCD or the respective facilities management departments at each campus. These include special approved college functions and prior arranged rentals as per the signed rental agreement. After-hours building use may be approved for individuals, groups or clubs needing use of SMCCCD campus facilities when an official rental agreement is not prepared. All after-hours building use must be approved by the respective college campus administrators in charge of facility use.

The SMCCCD Public Safety Department is available on campus 24 hours a day, 7 days per week. At the end of normal business hours, Public Safety officers will secure all the doors on the campus. During after-hours use, access to all College facilities is by key, code or access card, if issued, or by admittance by Public Safety officers. Permission/approval for all after hours building use must be submitted to the respective college campus administrators in charge of facility use in advance of the building use, this includes all facilities management and maintenance use.

Unauthorized access to buildings, rooms, or facilities and/or disorderly, disruptive, or criminal behavior on campus, or in any college-controlled facility, may at a minimum result in the person being removed from the campus. Failure to leave when lawfully requested may result in charges of criminal trespass. If a person served with a prior trespass notice reappears on campus, or if a person is found in a posted facility with no legitimate purpose, they may be subject to immediate arrest. Any

individual or group granted permission to use college facilities shall agree in advance to abide by all college rules and regulations.

### Access

All keys for academic and administrative buildings in the San Mateo County Community College District are recorded and tracked through the Facilities Planning, Maintenance & Operations Department. It is critical in protecting each campus to maintain accurate and effective control over building access. The district's key policy is designed to ensure that people who request keys are authorized to have them and to make each key holder accountable for the return of keys after that authorization has expired.

### Key Management Policy

1. Complete a Key Request Form and submit it to the Facilities Office at your campus. Key Request Forms can be found on the Facilities website.
2. All Key Requests must have all required Approval Signatures.
3. Keys will only be issued to the individual whose name is on the Key Request Form. Keys shall not be loaned to others or duplicated at any time.
4. Keys are available for pick up at the College Facilities Maintenance Center for Skyline College and Cañada College and at the Public Safety Office for the College of San Mateo. A valid Photo ID must be presented prior to key release.

### E-Keys/Electronic Access Controls

As part of our efforts to provide a safe and secure teaching, learning, and working environment, electronic access controls sometimes supplement the mechanical key system. Instead of using a traditional key, doors that have been outfitted with electronic access controls require an electronic key (e-key) to gain access. E-keys are electronic keys embedded in an employee ID card. In a few rare instances, an e-key is not necessary, but a code must be entered on the keypad to gain entry.

### Use of Keys

Keys shall not be loaned or duplicated. California Penal Code 469 states: Any person who knowingly makes, duplicates, causes to be duplicated, or uses, or attempts to make, duplicate, causes to be duplicated, or use, or has in his/her possession any key to a building or other areas owned, operated or controlled by the State of California, any state agency, board or commission, a county, city or any public school or community college district without authorization from the person in charge of such building or area or his/her designated representative and with knowledge of the lack of such authorization is guilty of a misdemeanor. All keys and locks issued by the District remain the property of the District and can be recalled at any time.

### Return of Keys

All District keys must be returned to the College Facilities Maintenance Center upon departure of the employee.

### Student Use of Keys

Keys will not be issued to students. Under special circumstances and only when absolutely required, however, students may be given access to college facilities with approval of a full-time faculty or manager, the appropriate Dean, Vice President, and the Campus Facilities Manager.

### Lost or Stolen Keys

Lost or stolen keys must be reported immediately to the Department of Public Safety, as well as the Campus Facilities

Manager. The safety and security of the College relies upon its key holders to maintain the integrity of the system.

## San Mateo County Community College District's Response to Sexual and Gender Violence

### Sexual Assault Education, Prevention & Reporting Policy (2.29)

The San Mateo County Community College District is strongly committed to the establishment of an educational environment in which students, faculty, and staff can work together in an atmosphere free of sexual assault.

1. Any sexual assault or physical abuse, including but not limited to rape as defined by California law, whether committed by an employee, student, or member of the public, that occurs on District property, is a violation of District policies and procedures and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.
2. The Chancellor shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law. The procedures shall meet the criteria contained in the Education Code and Code of Federal Regulations.
3. The District and Colleges will provide information to all SMCCCD faculty, staff, and registered students on the definition of sexual assault, how to prevent it and how to report it if assaulted.
4. The Colleges shall disseminate this information through means such as the student/staff handbooks, District and College websites and orientations to the Colleges. The District Vice Chancellor of Human Resources and Vice Presidents of Student Services may take additional steps to disseminate the information District wide and at each College.
5. The District/Colleges will develop partnerships with community agencies that provide support and assistance to sexual assault victims.
6. All Managers shall be educated on the prevention of sexual assault and how to report any incidents of such assaults on a student, employee or visitor to a campus, whether the assault occurred on campus or not.

References: California Education Code, Sec. 67382, 67385, 67385.7; 20 U.S.C. § 1092(f); 34 C.F.R. §668.46(b) (11)

### Sexual Harassment Involving Students Policy (7.67)

It is the policy of the San Mateo County Community College District to prohibit, in all forms, the sexual harassment of its students and staff. Sexual harassment of students by other students or staff and/or the harassment of staff by students is considered intolerable behavior that will be investigated and acted upon immediately.

According to both State and Federal laws and guidelines issued by the Equal Employment Opportunity Commission (EEOC), sexual harassment is a form of discrimination. Sexual harassment is misconduct that can change the course of careers, disrupt the climate of an entire class, affect academic performance, and undermine the integrity of educational relationships. It is an abuse of power that confuses the boundaries of personal and professional roles and breaches trusting relationships, which should exist among members of the College community.

1. It is the policy of the San Mateo County Community College District to provide its students with a learning environment free of sexual harassment and intimidation. This policy addresses interactions between a student and faculty, staff members, or other students. Because of the seriousness of these matters, the District will make every effort to assure that sexual harassment does not occur and will take disciplinary actions up to and including dismissal or expulsion for policy violation. It is the responsibility of each District employee and student to maintain a level of conduct that complies with District policy.
2. For purposes of this policy, sexual harassment is defined as unsolicited and unwelcome sexual advances, requests for sexual favors, and/or other verbal, physical, or visual conduct of a sexual nature which occur under any of four circumstances:
  - a. Submission is made, either explicitly or implicitly, a term or condition of admission to or retention in a course or program;

- b. Submission or rejection by a student is used as a basis for grading, enrollment, or other educational decisions affecting the student;
  - c. Submission or rejection by a student affects negatively a student's class performance, opportunity to benefit from class participation, or constitutes a disruption of the learning process;
  - d. Such conduct creates, encourages, or condones an intimidating, hostile, or otherwise offensive environment for learning and/or teaching.
3. Sexual harassment includes, but is not limited to, the following:
- a. Making unsolicited written, graphic, verbal and/or physical contact with sexual overtones. Written examples: suggestive or obscene letters, notes, invitations. Graphic examples: prurient display of objects, pictures, cartoons, or posters. Verbal examples: derogatory comments, slurs, jokes, innuendos and epithets. Physical examples: assault, touching, gestures, impeding or blocking movement.
  - b. Continuing to express sexual interest after being informed that the interest is unwelcome. (Mutual attraction is not considered sexual harassment.)
  - c. Making reprisal, or implied threats of reprisal, following a negative response. This can include denial of, or actually withholding, support or opportunities normally provided in the form of counseling or other services, suggesting the assignment of a poorer grade than earned.
  - d. Engaging in implicit or explicit coercive sexual behavior, which has the effect of controlling, influencing, or affecting the enrollment, grade, academic success, and/or learning environment of any student.
  - e. Offering favors or preferential treatment such as assignment of better grades than earned; opportunities for extra credit; recommendations, favorable assigned duties or shifts; or other benefits in exchange for sexual favors.
4. Complaint Procedures
- a. Staff to Student or Student to Student
    - i. If a student complainant feels that, a specific act or environment is offensive and in violation of this policy, the complainant should first notify the offender in an effort to stop the offensive behavior. If the behavior does not stop, or the complainant does not wish to confront the offender directly, the student should notify the Vice President, Student Services or designee.
    - ii. Once received, the complaint will be investigated and acted upon in accordance with District Rules and Regulations. The Office of Personnel Services will be notified of all claims of sexual harassment at the time the complaint is received. The Office of Human Resources will coordinate investigations involving faculty or staff members.
  - b. Student to Faculty/Staff
    - i. If a faculty or staff member is the complainant and feels that a specific act committed or environment created by a student is offensive and in violation of this policy, the complainant should first notify the offender in an attempt to stop the behavior.
    - ii. If the behavior continues, the complainant will then notify the Vice President of Student Services or designee. Such continued behavior constitutes a disruption of the learning and teaching environment. iii. Once received, the complaint will be investigated and acted upon in accordance with District Rules and Regulations. The Office of Human Resources will be notified of all claims of sexual harassment at the time the complaint is received. The Office of Human Resources will coordinate investigations involving faculty or staff members.
  - c. In accordance with the guidelines on sexual harassment of the Equal Employment Opportunity Commission, the District intends: 1) to raise the subject of sexual harassment affirmatively in formal staff training and other arenas; 2) to express strong disapproval for the inappropriate behavior; and 3) to implement this policy fully.
  - d. District employees or students found to be in violation of this policy may be subject to full disciplinary measures up to and including dismissal or expulsion, as appropriate, pursuant to all established District procedures.

## Your Right to Know

This document is provided in compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998 (formerly the Crime Awareness and Campus Security Act of 1990). All policies statements contained here within apply to both the Main Campus and North Campus.

## San Mateo Community College Districts Annual Fire and Security Report

The San Mateo Community College District (SMCCCD (San Mateo County Community College District)) Public Safety Department maintains statistical crime data for Skyline College, College of San Mateo, and Cañada College campuses for the most recent three-year period. To retrieve data related to campus crime for Cañada College, College of San Mateo or Skyline College, please visit the [Office of Postsecondary Education of the U.S. Department of Education](https://oep.ed.gov/) website. This includes incidents reported to the local law enforcement agencies that respond to the respective college campuses. Their statistics are also reflected in our reporting.

Definitions of each category follow the statistics. The statistics listed below reflect incidents reported to the SMCCCD Public Safety Department.

## Clery Act Definitions

### Geography

Main Campus is defined as the buildings and property owned by San Mateo Community College District, for the following colleges:

- College of San Mateo
- Cañada College
- Skyline College

College campuses used by SMCCCD employees and/or students, includes buildings and property commonly referred to as San Mateo Community College District

On-Campus any buildings or properties that are owned or controlled by San Mateo Community College District College, reasonably contiguous to one another AND directly support or relate to the college's educational purpose.

Public Property is defined as public property inside and directly adjacent to and accessible from college property (examples include pathways, streets, and sidewalks)

### Clery Crimes

Murder/Non-Negligent Manslaughter is defined as the willful (non-negligent) killing of one human being by another (excludes deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides).

Negligent Manslaughter is defined as the killing of another person through gross negligence.

Rape – The penetration, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Forcible Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.

Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent.

Robbery is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

Burglary is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another kind.

### Hate Crimes

A hate crime is an actual criminal offence motivated in whole or in part by the offender's bias towards the victim's status based on race, color, religion, ethnic/national origin, gender expression, sex, age, disability, or sexual orientation identities. To be classified as a hate crime it must meet two criteria: (1) a crime must occur, such as physical assault, intimidation, or

arson, and (2) the crime must be motivated by bias or prejudice. Incidents of this nature are criminal; along with violating college policies, they are illegal and punishable through customary law enforcement channels.

Larceny is defined as the unlawful taking, carrying, leading, or riding away of property from the possession of constructive possession of another.

Vandalism is willfully or maliciously destroying, injuring, disfiguring, or defacing any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Intimidation is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Simple Assault is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

#### Violence Against Women Act

Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of interaction.

Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

Sex Offenses. Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- Rape – The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- Fondling – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of their age or because of their temporary or permanent mental incapacity.
- Incest – Sexual intercourse between persons who are related to each other within the degrees herein marriage is prohibited by law.
- Statutory Rape – Sexual intercourse with a person who is under the statutory age of consent

#### Drug, Liquor, and Weapon Violations

Drug Law Violations are violations of state and/or local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone's); and dangerous non-narcotic drugs (barbiturates, Benzedrine).



Liquor Law Violations are violations of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

Weapon Law Violations are violations of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacturing, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; all attempts to commit any of the aforementioned.

#### California State Laws

(a) Every person who possesses, consumes, sells, gives, or delivers to another person an alcoholic beverage in or on a public schoolhouse or the grounds of the schoolhouse, is guilty of a misdemeanor. This section does not, however, make it unlawful for a person to acquire, possess, or use an alcoholic beverage in or on a public schoolhouse, or on the grounds of the schoolhouse, if any of the following applies:

(1) The alcoholic beverage possessed, consumed, or sold, pursuant to a license obtained under this division, is wine or beer that is produced by a bonded winery or brewery owned or operated as part of an instructional program in viticulture and enology or brewing.

(2) The alcoholic beverage is acquired, possessed, or used in connection with a course of instruction given at the school and the person has been authorized to acquire, possess, or use it by the governing body or other administrative head of the school.

(3) The public schoolhouse is surplus school property and the grounds of the schoolhouse are leased to a lessee that is a general law city with a population of less than 50,000, or the public schoolhouse is surplus school property and the grounds of the schoolhouse are located in an unincorporated area and are leased to a lessee that is a civic organization, and the property is to be used for community center purposes and no public school education is to be conducted on the property by either the lessor or the lessee and the property is not being used by persons under the age of 21 years for recreational purposes at any time during which alcoholic beverages are being sold or consumed on the premises.

(4) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated veterans stadium with a capacity of over 12,000 people, located in a county with a population of over 6,000,000 people. As used in this paragraph, "events" mean football games sponsored by a college, other than a public community college, or other events sponsored by non-college groups.

(5) The alcoholic beverages are acquired, possessed, or used during an event not sponsored by any college at a performing arts facility built on property owned by a community college district and leased to a nonprofit organization that is a public benefit corporation formed under Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code. As used in this paragraph, "performing arts facility" means an auditorium with more than 300 permanent seats.

(6) The alcoholic beverage is wine for sacramental or other religious purposes and is used only during authorized religious services held on or before January 1, 1995.

(7) The alcoholic beverages are acquired, possessed, or used during an event at a community center owned by a community services district or a city and the event is not held at a time when students are attending a public school-sponsored activity at the center.

(8) The alcoholic beverage is wine that is acquired, possessed, or used during an event sponsored by a community college district or an organization operated for the benefit of the community college district where the college district maintains both an instructional program in viticulture on no less than five acres of land owned by the district and an instructional program in enology, which includes sales and marketing.

- (9) The alcoholic beverage is acquired, possessed, or used at a professional minor league baseball game conducted at the stadium of a community college located in a county with a population of less than 250,000 inhabitants, and the baseball game is conducted pursuant to a contract between the community college district and a professional sports organization.
- (10) The alcoholic beverages are acquired, possessed, or used during events at a college-owned or college-operated stadium or other facility. As used in this paragraph, “events” means fundraisers held to benefit a nonprofit corporation that has obtained a license pursuant to this division for the event. “Events” does not include football games or other athletic contests sponsored by any college or public community college. This paragraph does not apply to any public education facility in which any grade from kindergarten to grade 12, inclusive, is schooled.
- (11) The alcoholic beverages are possessed, consumed, or sold, pursuant to a license, permit, or authorization obtained under this division, for an event held at an overnight retreat facility owned and operated by a county office of education or a school district at times when pupils are not on the grounds.
- (12) The grounds of the public schoolhouse on which the alcoholic beverage is acquired, possessed, used, or consumed is property that has been developed and is used for residential facilities or housing that is offered for rent, lease, or sale exclusively to faculty or staff of a public school or community college.
- (13) The grounds of a public schoolhouse on which the alcoholic beverage is acquired, possessed, used, or consumed is property of a community college that is leased, licensed, or otherwise provided for use as a water conservation demonstration garden and community passive recreation resource by a joint powers agency comprised of public agencies, including the community college, and the event at which the alcoholic beverage is acquired, possessed, used, or consumed is conducted pursuant to a written policy adopted by the governing body of the joint powers agency and no public funds are used for the purchase or provision of the alcoholic beverage.
- (14) The alcoholic beverage is beer or wine acquired, possessed, used, sold, or consumed only in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at a campus of a California community college and the person has been authorized to acquire, possess, use, sell, or consume the beer or wine by the governing body or other administrative head of the school.
- (15) The alcoholic beverages are possessed, consumed, or sold, pursuant to a license or permit obtained under this division for special events held at the facilities of a public community college during the special event. As used in this paragraph, “special event” means events that are held with the permission of the governing board of the community college district that are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the general public or invited guests and not students of the public community college.
- (16) The alcoholic beverages are acquired, possessed, or used during an event at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is schooled, if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility. As used in this paragraph, “events” include fundraisers held to benefit a nonprofit corporation that has obtained a license pursuant to this division for the event.
- (17) The alcoholic beverages are acquired, possessed, used, or consumed pursuant to a license or permit obtained under this division for special events held at facilities owned and operated by an educational agency, a county office of education, superintendent of schools, school district, or community college district at a time when pupils are not on the grounds. As used in this paragraph, “facilities” include, but are not limited to, office complexes, conference centers, or retreat facilities.
- (b) Any person convicted of a violation of this section shall, in addition to the penalty imposed for the misdemeanor, be barred from having or receiving any privilege of the use of public school property that is accorded by Article 2 (commencing with Section 82537) of Chapter 8 of Part 49 of Division 7 of Title 3 the Education Code.

*(Amended by Stats. 2017, Ch. 119, Sec. 1. (SB 228) Effective January 1, 2018.)*

## ***Title IX***

### Policies and Procedures

The SMCCCD Board of Trustees has established policies concerning sexual assault and harassment.

**Education Code: 67385(c) - Procedure or Protocols annual review and as necessary update** The written procedure or protocols adopted pursuant to subdivision (a) shall be reviewed annually, and updated as necessary in collaboration with sexual assault counselors and student, faculty, and staff representatives. These policies are indicated below:

- Board Policy 2.29: Sexual Assault Education, Prevention and Reporting
- Administrative Procedure 2.29.1: Sexual Assaults on Campus
- Board Policy 2.25: Prohibition of Harassment

- [Administrative Procedure 2.25.1 Prohibition of Harassment](#)

## References

### Department of Education Information

- [Office of Civil Rights \(OCR\) Reading Room on Title IX\(opens in new window\)](#)
- [Title IX Resource Guide \(April 24, 2015\) \(opens in new window\)](#)
- [Dear Colleague Letter: Title IX Coordinators \(April 24, 2015\) \(opens in new window\)](#)
- [Letter to Title IX Coordinators \(April 24, 2015\) \(opens in new window\)](#)
- [Questions and Answers on Title IX and Sexual Violence \(April 29, 2014\) \(opens in new window\)](#)
- [Dear Colleague Letter: Sexual Violence \(April 4, 2011\) \(opens in new window\)](#)
- [Dear Colleague Letter: Harassment and Bullying \(October 26, 2010\) \(opens in new window\)](#)
- [Sexual Harassment It's Not Academic \(September 2008\) \(opens in new window\)](#)
- [Dear Colleague Letter: Sexual Harassment Issues \(January 25, 2006\) \(opens in new window\)](#)
- [Dear Colleague Letter: First Amendment \(July 28, 2003\)\(opens in new window\)](#)
- [Revised Sexual Harassment Guidance \(January 19, 2001\) \(opens in new window\)](#)
- [Center for Changing our Campus Culture Website](#)

### Local & National Resources

#### [Local Resources](#)

#### [San Mateo County Domestic Violence Services and Resources](#)

#### [Rape Trauma Services Hotline](#)

#### [Woman Inc. Hotline](#)

#### [National Support](#)

#### [RAINN \(Rape, Abuse & Incest National Network\)](#)

#### [CORA \(Community Overcoming Relationship Abuse\)](#)

#### [National Domestic Violence Hotline](#)

SMCCCD does not discriminate on the basis of race or ethnicity; creed; color; national origin; sex; marital status; sexual orientation; age; religion; genetic information; the presence of any sensory, mental, or physical disability; or veteran status in educational programs and activities which it operates. The following has been designated to handle inquiries regarding the non-discrimination policies:

### Title IX Officers

District Office Mwanaisha Sims (650) 358-6808 Title IX Coordinator <a href="mailto:simsm@smccd.edu">simsm@smccd.edu</a>	College of San Mateo David Crafts (650) 574-6640 Title IX Coordinator <a href="mailto:craftsd@smccd.edu">craftsd@smccd.edu</a>	Cañada College Max Hartman, (650) 306-3132 Title IX Coordinator <a href="mailto:hartmanmax@smccd.edu">hartmanmax@smccd.edu</a>	Skyline College Luis Escobar (650) 738-4333 Title IX Coordinator <a href="mailto:escobarluis@smccd.edu">escobarluis@smccd.edu</a>
3401 CSM Drive San Mateo, CA 94402	1700 West Hillsdale Blvd. San Mateo, CA 94402	4200 Farm Hill Blvd. Redwood City, CA 94061	3300 College Drive San Bruno, CA 94066

## Reporting Options

You have the right to decide whom and when to tell about what happened. Should you decide to report the incident to law enforcement, the Title IX Coordinator can assist you. It is also your right to have a support person (such as a sexual assault victim advocate, friend, or family member) with you while you report the incident to law enforcement and/or the Title IX Coordinator or designee.

The District's primary concern is your safety and the safety of our campus community. If you have been affected by or witnessed sexual misconduct, you should not be discouraged from reporting the incident because you are concerned that you might be subject to disciplinary action for related student conduct violations, of drug or alcohol use. Unless the District finds the violations egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty, affected parties will not be subject to disciplinary action.

## CRIMINAL REPORTING

SMCCCD Public Safety: 650- 738-7000/ 24-hour dispatch to report on campus/near campus, sexual harassment, sexual assault, domestic violence, dating violence, or stalking, or threats of any of these. \*\* For an emergency requiring the police or fire department, dial 9-1-1\*\*

### Local Law Enforcement (police, sheriff)

To report off campus sexual assault, domestic or dating violence, or stalking, or threats of any of these, contact the law enforcement for the location of the incident.

Both Local Law Enforcement and SMCCCD Public Safety will:

- Help you to obtain medical assistance
- Help you obtain Emergency Protective Orders if appropriate
- Conduct a criminal investigation if appropriate and requested
- In the event of an arrest, help you obtain court order to protect you
- Connect you with community support services

## **ADMINISTRATIVE PROCEDURE NO. 3434**

**San Mateo County Community College District**

**Subject:** AP 3434 Responding to Harassment Based on Sex under Title IX  
**Adoption Date:** New 7/20; Revised 10/20, 4/21, 10/21, 4/22  
**References:** 20 U.S. Code Sections 1681 et seq.; 34 Code of Federal Regulations Parts 106.1 et seq.; Education Code Sections 67380 et seq.

---

## **I. INTRODUCTION**

The District encourages members of the District community to report sexual harassment. This procedure only applies to conduct defined as sexual harassment under Title IX and applicable federal regulations and that meets Title IX jurisdictional requirements. The District will respond to sexual harassment and sexual misconduct that falls outside that definition and outside the jurisdiction of the Title IX federal regulations using California law and applicable District policies and procedures. In implementing these procedures discussed below, the District will also provide supportive measures, training, and resources in compliance with California law, unless they are preempted by the Title IX regulations.

## **II. TITLE IX COORDINATOR**

Questions concerning Title IX may be referred to the District Title IX Coordinator whose contact information is below.

District Office	College of San Mateo	Cañada College	Skyline College
Mwanaisha Sims	David Crafts	Max Hartman,	Luis Escobar
(650) 358-6808	(650) 574-6640	(650) 306-3132	(650) 738-4333
Title IX Coordinator	Title IX Coordinator	Title IX Coordinator	Title IX Coordinator
<a href="mailto:simsm@smccd.edu">simsm@smccd.edu</a>	<a href="mailto:craftsd@smccd.edu">craftsd@smccd.edu</a>	<a href="mailto:hartmanmax@smccd.edu">hartmanmax@smccd.edu</a>	<a href="mailto:escobarluis@smccd.edu">escobarluis@smccd.edu</a>
3401 CSM Drive	1700 West Hillsdale Blvd.	4200 Farm Hill Blvd.	3300 College Drive
San Mateo, CA 94402	San Mateo, CA 94402	Redwood City, CA 94061	San Bruno, CA 94066

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and will share information with others on a need-to-know basis. For example, the Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

A report of sexual harassment to the Title IX Coordinator does not necessarily lead to a full investigation, as discussed more fully below. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus. If the Title IX Coordinator finds there is a continued risk, the Title IX Coordinator will file the formal complaint without the Complainant's consent or cooperation.

References in this procedure to the "Title IX Coordinator" are intended to include the Title IX Coordinator or Deputy Title IX Coordinators who are handling a particular case.

## **III. JURISDICTION**

### **Title IX Harassment Complaints, Investigations, and Hearings**

These Title IX sexual harassment procedures and the related policy protect students, employees, applicants for employment, and applicants for admission.

### **Jurisdictional Requirements – Application of Procedures**

These procedures apply if the conduct meets the following three jurisdictional requirements:

- The conduct took place in the United States;
- The conduct took place in a District education program or activity. This includes locations, events, or circumstances over which the District exercised substantial control over both the Respondent and the context in which the harassment occurred, including on-campus and off-campus property and buildings the District owns or controls or student organizations officially recognized by the District.
- The conduct meets the definition of Title IX “sexual harassment.”

## **IV. DEFINITIONS**

**Advisor:** Throughout the grievance process, both the Complainant and Respondent have a right to an Advisor of their choice. If a Party does not have an Advisor at the time of the hearing, the District must provide the Party an Advisor of the District’s choice, free of charge. The District may establish restrictions regarding the extent to which the Advisor may participate in the proceedings as long as the restrictions apply equally to both Parties.

While the regulations only require the District to provide an Advisor to conduct cross-examination, the District will provide an Advisor for the entire hearing, if the Party does not identify his/her/their own private Advisor.

**Complainant:** A Complainant is an individual who alleges he/she/they is the victim of conduct that could constitute sexual harassment, as defined herein.

**Consent:** Consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. Both Parties must give affirmative consent to sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he/she/they has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not indicate consent. Affirmative consent must be ongoing throughout a sexual activity and one can revoke his/her/their consent at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, is not an indicator of consent. In California, a minor (meaning a person under the age of 18) cannot consent to sexual activity.

The Respondent’s belief that the Complainant consented will not provide a valid defense unless the belief was actual and reasonable, based on the facts and circumstances the Respondent knew, or reasonably should have known, at the time of the incident. A Respondent’s belief is not a valid defense where:

- The Respondent’s belief arose from the Respondent’s own intoxication or recklessness;
- The Respondent did not take reasonable steps to ascertain whether the Complainant affirmatively consented; or

- The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was:
- asleep or unconscious; unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or unable to communicate due to a mental or physical condition.

**Decision-Maker:** The individual or group of people designated to oversee the live hearing and make a determination of responsibility. The Decision-Maker cannot be the Title IX Coordinator or the investigator.

**Formal Complaint:** A written complaint signed by the Complainant or Title IX Coordinator alleging sexual harassment and requesting an investigation. If the Title IX Coordinator signs the formal complaint, he/she/they will not become a Party to the complaint. 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 District.

**Parties:** As used in this procedure, this means the Complainant and Respondent.

**Preponderance of the Evidence:** The standard of proof used throughout the grievance procedure. A *preponderance of the evidence* means that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. This is a qualitative, not quantitative, standard. Thus, the Decision-Maker(s) will decide whether alleged facts are more likely than not to be true.

**Respondent:** A Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment, as defined herein.

**Sexual Harassment under Title IX:** Conduct that satisfies one or more of the following:

- Quid Pro Quo Sexual Harassment- A District employee conditions the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct);
- Hostile Environment Sexual Harassment- 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 District's education program or activity;
- Sexual assault, dating violence, domestic violence, or stalking, as defined herein::
  - **Sexual assault means** any sexual act (forcible or non-forcible) directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. Sexual acts including the following:
    - **Rape** (except Statutory Rape). The carnal knowledge of a person, without **the consent of the Complainant, including instances where the Complainant is incapable** of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
    - **Sodomy**. Oral or anal sexual intercourse with another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
    - **Sexual Assault with an Object**. To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object"



or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, stick.

- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the Complainant, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- **Incest.** Non-Forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape.** Non-Forcible sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
- **Dating violence.** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence.** Violence committed:
  - By a current or former spouse or intimate partner of the Complainant;
  - By a person with whom the Complainant shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of California; or
  - By any other person against an adult or youth Complainant protected from that person's acts under the domestic or family violence laws of California.
- **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress. For the purposes of this definition: (a) A course of conduct is two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property; (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant; and (c) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

## V. REPORTING OPTIONS

Any individual may report sexual harassment to the District's Title IX Coordinator.

The District strongly encourages prompt reporting of sexual harassment. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A delay may limit the District's ability to effectively investigate and respond.

Because individuals may be deterred from reporting incidents of sexual harassment if alcohol, drugs, or other violations of District or campus rules were involved, the District will inform individuals that the primary concern is for student and employee safety. Accordingly, to foster participation in the grievance procedures, an individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the alleged incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these procedures. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the reoccurrence of the conduct. A Complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

If there are parallel criminal and Title IX investigations, the District will cooperate with the external law enforcement agency and will coordinate to ensure that the Title IX process does not hinder legal process or proceedings.

The District will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the District does not document personal information; the District reports the type of conduct, and the time, date, and location. (Also see BP/AP 3540 Sexual and Other Assaults on Campus)

Complainants may also file nonemployment-based complaints with the Officer for Civil Rights (OCR) and employment based complaints with the U.S. Equal Employment Opportunity Commission (EEOC) and/or the Department of Fair Employment and Housing (DFEH) where such complaints are within the jurisdiction of those agencies.

### **District Employees and Officials with Authority**

District Officials with Authority are not confidential resources and are required to report allegations of sexual harassment to the Title IX Coordinator promptly. All other employees are encouraged to report allegations to the Title IX Coordinator but are not required to do so.

The District has designated the following employees as Officials with Authority:

- The chancellor;
- The Presidents of each College;
- All vice chancellors and vice presidents;
- Deans, department heads and supervisors who have the authority to hire, discharge, discipline or effectively recommend such actions.

Officials with Authority are required to report all relevant information they know about sexual harassment including the name of the Respondent, the Complainant, any other witnesses, and the date, time, and location of the alleged incident.

## **VI. INTAKE AND PROCESSING OF REPORT**

### **A. Receipt of Report**

After receiving a report of sexual harassment, even if a formal complaint is not filed, the Title IX Coordinator shall contact the Complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, and explain to the Complainant the process for filing a formal complaint. The Title IX Coordinator will also notify the Respondent of the complaint and

offer to meet with the Respondent to review and discuss the complaint. The Title IX Officer will discuss supportive measures with the Parties.

**B. Timeframe for Reporting**

To promote timely and effective review, the District strongly encourages individuals to report sexual harassment as soon possible because a delay in reporting may affect the ability to collect relevant evidence and may affect remedies the District can offer.

**C. Supportive Measures**

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the Complainant or the Respondent regardless of whether a formal complaint has been filed. The District will provide such measures to Complainant and Respondent as appropriate and as reasonably available to restore or preserve equal access to the District's education program or activities without unreasonably burdening the other party. These measures are designed to protect the safety of all Parties, or protect the District's educational environment, or deter sexual harassment. The District will provide supportive measures on a confidential basis and will not disclose that the District is providing supportive measures except to those with a need to know to enable the District to provide the service. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absences, increased security and monitoring of certain areas of the campus, and other similar measures.

**D. Removal of Respondent Pending Final Determination**

Upon receiving a report regarding sexual harassment, the Title IX Coordinator will make an immediate assessment concerning the health and safety of the Complainant and campus community as a whole. The District has the right to order emergency removal of a Respondent, or if the Respondent is an employee, place the employee on administrative leave.

**i. Emergency Removal**

The District may remove a non-employee Respondent from the District's education program or activity on an emergency basis after it conducts an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

The District may not use emergency removal to address a Respondent's threat of obstructing the sexual harassment investigation or destroying relevant evidence. Emergency removal is only available to address health or safety risks against individuals arising out of sexual harassment allegations, not to address other forms of misconduct that a Respondent might commit pending the processing of a complaint.

The Title IX Coordinator or designee will conduct the individualized safety and risk analysis and determine whether emergency removal is appropriate.

If the Title IX Coordinator or designee determines emergency removal is appropriate, he/she/they will provide the person the District is removing from campus on an emergency basis with a notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The Vice President of Student Services or designee will hear any challenge to the removal, and determine whether the emergency removal from campus order is warranted after considering information provided by the Respondent challenging the emergency removal.

ii.

**Administrative Leave**

The District may place a non-student employee Respondent on administrative leave during the pendency of the grievance process described herein. The District will conform to any relevant policies, procedures, collective bargaining agreements, or state law when placing an employee on administrative leave.

**VII. FORMAL COMPLAINT GRIEVANCE PROCESS**

#### **A. Notice to Parties**

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following Notice of Investigation and Allegations in writing, to the Parties:

- Notice of the District's Title IX grievance process;
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview;
- The specific policies implicated;
- Statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- A statement of the potential sanctions/responsive actions that could result;
- Notice that the Parties may have an Advisor of their choice, who may be, but is not required to be, an attorney. The District may provide suggestions for ways to identify an Advisor;
- Detail on how the party may request disability accommodations during the grievance process;
- Notice that the Parties may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a Party or other source;
- The name(s) of the Investigator(s), if known, along with a process to identify, in advance of the interview process, to the Title IX Coordinator any conflict of interest that the Investigator(s) may have;
- Inform the Parties of any provision in the District's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process; and
- An instruction to preserve any evidence that is directly related to the allegations. .

If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided above, the Title IX Coordinator will provide notice in writing of the additional allegations to the Parties.

#### **B. Dismissal of Formal Complaint**

The District must investigate the allegations in a formal complaint. However, the District must dismiss the formal complaint and will not process the complaint under these procedures if any of the following three circumstances exist:

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure, even if proven;
- If the conduct alleged did not occur in an educational program or activity controlled by the District;
  - If the conduct alleged did not occur against a person in the United States.

The District has discretion to dismiss a formal complaint or any allegation under the following circumstances:

- If at any time during the investigation or hearing: a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
- If the Respondent is no longer enrolled or employed by the District; or

- If there are specific circumstances that prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations therein.

Upon dismissal, the Title IX Coordinator shall promptly, and simultaneously to the Parties, send written notice of the dismissal and the reasons for the dismissal. The Title IX Coordinator shall also notify the Parties of their right to appeal the dismissal.

The District may commence proceedings under other policies and procedures after dismissing a formal complaint.

### **C. Consolidation of Formal Complaints**

The District may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against the other Party, where the allegations of sexual harassment arise out of the same facts or circumstances.

### **D. Equitable Treatment of the Parties**

The District's determination of responsibility is a neutral, fact-finding process. The District will treat Complainants and Respondents equitably. The procedures will apply equally to both Parties. The District will follow the grievance process described herein before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a Respondent.

### **E. Statement of Presumption of Non-Responsibility**

The investigation is a neutral, fact-finding process. The District presumes all reports are in good faith. Further, the District presumes the Respondent is not responsible for the alleged conduct. The District makes its determination regarding responsibility at the conclusion of the grievance process.

### **F. Bias or Conflict of Interest**

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the District to facilitate an informal resolution process, will not have potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent. *Actual bias* is an articulated prejudice in favor of or against one Party or position; it is not generalized concern about the personal or professional backgrounds, positions, beliefs, or interests of the Decision-Makers in the process. The District will ensure that the Title IX Coordinator, Deputy Title IX Coordinators, investigators, Decision-Makers, and facilitators receive training on:

- The definition of sexual harassment in this procedure;
- The scope of the District's education program or activity;
- How to conduct an investigation;
- The grievance process including conducting hearings, appeals, and informal resolution processes; and
- How to serve impartially, including avoiding: prejudgment of the facts at issue; conflicts of interest; and bias.

### **G. Timeline for Completion**

The District will undertake its grievance process promptly and as swiftly as possible. The District will complete the investigation and its determination regarding responsibility or the informal resolution process within **180 calendar days** calendar days from the date of the Notice of Investigation and Allegations is issued to the Parties.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the **180 calendar day** period to conduct a fair and complete investigation, to accommodate an investigation by law enforcement, to accommodate the unavailability of witnesses or delays by the Parties, to account for District breaks or vacations, or due to the complexity of the investigation. The District will provide notice of this extension to the Complainant and Respondent in writing and include the reason for the delay and anticipated timing of completion.

A Party may request an extension from the Title IX Coordinator in writing by explaining the reason for the delay and the length of the requested continuance. The Title IX Coordinator will notify the Parties and document the decision to grant or deny a request for extension or delay as part of the case recordkeeping.

#### **H. Role of Advisor**

The Parties may each have an Advisor of their choice and a support person present with them for all meetings, interviews, and hearings within the grievance process. The role of the Advisor is to provide support and assistance in understanding and navigating the grievance process.

The Advisor may not testify in or obstruct an interview or disrupt the process. The Title IX Coordinator has the right to determine what constitutes appropriate behavior of an Advisor and take reasonable steps to ensure compliance with this procedure.

A Party does not have a right to self-representation at the hearing; an Advisor must conduct any cross-examination. The District must provide an Advisor of its choice, free of charge to any Party without an Advisor in order to conduct cross-examination. If an Advisor fails to appear at the hearing, the District will provide an Advisor to appear on behalf of the non-appearing Advisor. To limit the number of individuals with confidential information about the issues, each Party may identify one Advisor.

#### **I. Confidentiality Agreements**

To protect the privacy of those involved, the Parties and Advisors are required to sign a confidentiality agreement prior to attending an interview or otherwise participating in the District's grievance process. The confidentiality agreement restricts dissemination of any of the evidence subject to inspection and review or use of this evidence for any purpose unrelated to the Title IX grievance process. The confidentiality agreement will not restrict the ability of either Party to discuss the allegations under investigation.

#### **J. Use of Privileged Information**

The District's formal complaint procedure does not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally-recognized privilege (e.g., attorney-client privilege, doctor-patient privilege, spousal privilege, etc.), unless the person holding the privilege provides voluntary, written consent to waive the privilege.

#### **K. Investigations**

The Title IX Coordinator is responsible for overseeing investigations to ensure timely resolution and compliance with Title IX and this procedure.

Both Parties have the right to have an Advisor present at every meeting described in this section. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The Parties shall not be restricted from discussing the allegations under investigation or to gather and present relevant evidence.

##### **i. Trained Investigators**

The District will investigate Title IX formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the District's grievance procedures operate. The District will also ensure that investigators receive and complies with this procedure.

## **ii. Burden of Gathering Evidence**

The District, not the Parties, has the responsibility to gather information and interview witnesses. As part of the District's burden of gathering evidence, the District's investigator will create an investigative report that fairly summarizes relevant evidence, whether it is inculpatory or exculpatory. The investigator shall not make findings or determinations of law or fact.

## **iii. Notice of Investigative Interview**

The District will provide written notice of the date, time, location, participants, and purpose of all investigative interviews to a Party whose participation is invited or expected, with sufficient time for the Party to prepare to participate.

## **iv. Evidence Review**

Both Parties have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the District does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a Party or other source.

Before concluding the investigation, the Title IX Coordinator or Investigator will send the Parties and their Advisors, if any, a Draft Report of Evidence containing evidence directly related to the allegations, in electronic format or a hard copy. Any evidence the District does not intend to rely on in reaching a determination regarding responsibility must also be provided to each party, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The Parties will have at least 10 calendar days to inspect, review, and submit a written response to the evidence. The investigator must consider this written response prior to completing the investigative report.

## **v. Investigative Report**

The results of the investigation of a formal complaint will be set forth in a written report that will include at least all of the following information:

- A description of the circumstances giving rise to the formal complaint;
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
- A summary of the testimony of each witness the investigator interviewed;
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents;
- A table of contents if the report exceeds 10 pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The investigator may redact information not directly related to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the Parties. The investigator will provide this log only to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the Parties but will maintain the log in the Title IX Coordinator's file, in the event it later becomes relevant.

At least 10 days prior to a hearing, the District will send to each Party and their Advisors, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

## **VIII. HEARING**

After completing an investigation and prior to completing a determination regarding responsibility, the District will hold a live hearing to provide the Complainant and Respondent an opportunity to respond to

the evidence gathered before a Decision-Making panel or designated Decision-Maker. The Parties may choose whether to participate in the hearing or answer some or all cross-examination questions. The District may decide not to go forward with a hearing if the Parties both knowingly and voluntarily waive the right to a hearing as a result of the informal resolution process.

**A. Notice**

If the District proceeds to a hearing, the District will provide all Parties written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the Party to prepare to participate. The Notice will include an invitation to contact the Title IX Coordinator to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least seven (7) business days prior to the hearing.

**B. Hearing Format**

The District may provide a live hearing with all Parties physically present in the same geographic location or, at the District's discretion if either Party requests, the District may provide any or all Parties, witnesses, and other participants the ability to appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other in real time.

The District will make the information reviewed during the Evidence Review available at the hearing for reference and consultation. The District will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present relevant evidence.

All live hearings will be closed to the public and witnesses will be present only during their testimony. For live hearings that use technology, the Decision-Maker(s) shall ensure that appropriate protects are in place to maintain confidentiality.

The District will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the Parties for inspection and review.

**C. Decision-Maker**

The Decision-Maker(s) will be free from conflict of interest or bias, including bias for or against Complainants or Respondents. In cases where the Complainant or Respondent objects to a Decision-Maker based on a conflict of interest, the Complainant or Respondent may request the Title IX Coordinator select a different Decision-Maker. The Complainant or Respondent must make this request to the Title IX Coordinator in writing at least five business days prior to the hearing. The Title IX Coordinator will consider such requests but is not obligated to grant the requests.

The Decision-Maker(s) may ask the Parties and the witnesses questions during the hearing. The Decision-Maker(s) must objectively evaluate all relevant evidence both inculpatory and exculpatory and must independently reach a determination regarding responsibility without giving deference to the investigative report. The Decision-Maker(s) must receive training on issues of relevance, how to apply the rape-shield protections for Complainants, and any technology to be used at the hearing.

**D. Witnesses and Questioning**

The District will provide the Complainant and Respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like Parties, are not required to participate in the live hearing process.

Only relevant evidence will be admissible during the hearing. Relevant evidence means evidence, including evidence relevant to the credibility of a Party or witness, having any tendency in reason to prove or disprove any disputed fact material to the allegations under investigation.



The District shall permit each Party's Advisor to ask the other Party and any witness relevant questions, including questions challenging credibility. The Party's Advisor must conduct cross-examination directly, orally, and in real time. A Party may never personally conduct cross-examination.

Before a Complainant, Respondent, or witness answers a question, the Decision-Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The Decision-Maker need not provide a lengthy or complicated explanation in support of a relevance determination.

If a Party or witness disagrees with a relevance determination, that individual has the choice of either (1) abiding by the Decision Maker's determination and answering the question or (2) refusing to answer the question.

The Decision-Maker(s) may consider statements made by the parties and witnesses during the investigation, as well as statements contained in other relevant evidence, regardless of whether the parties or witnesses submit to cross-examination at the live hearing. The Decision-Maker(s) cannot draw an inference about the determination of responsibility based solely on a Party's or witness's absence from the live hearing or refusal to submit to cross-examination or to answer any question.

The Decision-Makers may also ask any Party or witness questions. If a Party or witness refuses to respond to a Decision-Maker's questions, the Decision-Maker is not precluded from relying on that Party or witness' statements.

## **IX. DETERMINATIONS OF RESPONSIBILITY**

When the Decision-Maker(s) makes a determination of responsibility or non-responsibility, the Decision-Maker will deliver to the Title IX Coordinator a written determination regarding responsibility, no later than **30 calendar days** after the date that the hearing ends.

When making a determination regarding responsibility, a Decision-Maker will objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. A Decision-Maker may not make credibility determinations based on an individual's status as a Complainant, Respondent, or witness. In evaluating the evidence, the Decision-Makers will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the Decision-Maker will decide whether it is more likely than not that sexual harassment, as defined herein, occurred.

The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the Parties. The determination will also state when, where, and the date the investigator(s) interviewed the Parties

AP 3434 Responding to Harassment Based on Sex under Title IX (continued)

and witnesses, conducted site visits, the methods used to gather other evidence. The procedural section should also discuss the dates and how the Parties were provided the opportunity to review and inspect evidence and the date of any hearings held and who attended the hearing;

- Findings of fact supporting the determination. In making these findings, the Decision-Maker(s) will focus on analyzing the findings of fact that support the determination of responsibility or non-responsibility;
- Conclusions regarding the application of the District's code of conduct, policies and procedures to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility;

- A statement of, and rationale for, any disciplinary sanctions the District imposes on the Respondent;
- A statement of whether the District will provide the Complainant with remedies designed to restore or preserve equal access to the District's education program or activity;
- The District need not disclose to the Respondent remedies that do not affect him/her/them as part of the written determination. The District can inform the Respondent that it will provide remedies to the Complainant. However, the District will inform the Complainant of the sanctions against the Respondent;
- The District's procedures and permissible bases for the Complainant and Respondent to appeal.

The District's Title IX Coordinator will provide the written determination to the Parties simultaneously within three (3) business days of receipt. The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of the appeal, if the Parties file an appeal, or if the Parties do not file an appeal, the date on which an appeal would no longer be timely.

## **X. DISCIPLINARY SANCTIONS AND REMEDIES**

The District must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before imposing disciplinary sanctions or any other actions that are not supportive measures against a Respondent. If the Decision-Maker(s) determine(s) the Respondent was responsible for conduct that constitutes sexual harassment, the District will take disciplinary action against the Respondent and any other remedial action it determines to be appropriate. The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the Complainant may include, but are not limited to:

- Providing an escort to ensure that the Complainant can move safely between classes and activities;
- Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area;
- Providing counseling services or a referral to counseling services;
- Providing medical services or a referral to medical services;
- Providing academic support services, such as tutoring;
- Arranging for a Complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the Complainant's academic record; and
- Reviewing any disciplinary actions taken against the Complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the Complainant's discipline.

In cases involving student Respondents, the hearing process detailed herein shall serve as the due process hearing outlined in Administrative Procedure 7.69.1. Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Employee Respondents shall be afforded due process as required by any applicable collective bargaining agreements, Education Code, and policies and procedures. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

## **XI. APPEAL OF DISMISSAL OF A FORMAL COMPLAINT OR OF THE DETERMINATION OF RESPONSIBILITY**

A Complainant or Respondent may appeal the District's determination regarding responsibility or the dismissal of a formal complaint or any allegations therein. A Complainant or Respondent must submit a

written appeal within **10 calendar days** from the date of the notice of determination regarding responsibility or from the date of the District's notice of dismissal of a formal complaint or any allegations.

#### **A. Grounds for Appeal**

The **Appeal Officer** for an appeal will be a trained decision-maker who has not been involved in any aspect of the process as Title IX Coordinator, Advisor, Investigator or Decision-Maker. In filing an appeal of the District's determination regarding responsibility or the District's dismissal of a formal complaint, the Party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome;
- New evidence exists that was not reasonably available at the time the District's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome; or
- The District's Title IX Coordinator, Investigator, or Decision-Maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome.

#### **B. Appeal Procedure**

If the Complainant or Respondent submit an appeal to the Title IX Coordinator, the Title IX Coordinator will:

- Notify the other Party in writing within **5 business days** of receiving a Party's appeal;
- Allow the non-appealing Party at least **10 calendar days** from the date of receipt of the appeal to submit a written statement in support of, or challenging, the outcome;

The Appeal Officer will issue a written decision on whether to grant or deny the appeal, and the rationale for the decision, within **30 business days** after the Appeal Officer receives the non-appealing party's response to the appeal or the last day for the non-appealing party to provide a response. The District's **Title IX Coordinator** will provide the written decision simultaneously to both Parties.

The Appeal Officer may extend or otherwise modify the deadlines provided above. Either Party may seek an extension by submitting a written request to the Appeal Officer explaining the need for the extension and the proposed length of the extension. The Appeal Officer will respond to the request within 48 hours in writing and will inform the Parties simultaneously whether the extension is granted.

## **XII. INFORMAL RESOLUTION**

If the District's Title IX Coordinator determines that a formal complaint is appropriate for informal resolution, he/she/they may provide the Parties with the opportunity to participate in an informal resolution process, including, but not limited to, mediation, at any time prior to reaching a determination regarding responsibility.

The District's Title IX Coordinator will provide the Complainant and Respondent written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the Parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The District's Title IX Coordinator must obtain the Parties' voluntary, written consent to the informal resolution process. If the Parties reach an agreement, the District does not have to complete a full investigation and adjudication of a report of sexual harassment. 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.

The informal resolution process is not available to resolve allegations that an employee sexually harassed a student.

### **XIII. RETALIATION PROHIBITED**

The District prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. Individuals who experience retaliation may file a complaint using the formal complaint process described above. The exercise of rights protected under the First Amendment does not constitute retaliation.

### **XIV. DISSEMINATION OF POLICY AND PROCEDURES**

The District will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the District.

When hired, employees are required to sign acknowledging that they have received the policy and procedures. The District will place the signed acknowledgment of receipt in each employee's personnel file.

### **XV. TRAINING**

The District will provide a comprehensive trauma-informed training program to Title IX Coordinators, investigators, District appointed Advisors, Decision-Makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment herein, the scope of the District's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the District's Title IX Coordinator, investigators, Decision-Makers, and any person who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment.

### **XVI. FILE RETENTION**

The District will retain on file for a period of at least seven years after closing the case copies of:

- The original report or complaint;
- Any actions taken in response to the complaint, including supportive measures;
- The investigative report including all evidence gathered and any responses from the Parties;
- The District's determination regarding responsibility;
- Audio or audiovisual recording or transcript from a hearing;
- Records of any disciplinary sanctions imposed on the Respondent;
- Records of any remedies provided to the Complainant;
- Any appeal and the result;
- Any informal resolution and the result; and
- All materials used to train Title IX Coordinators, investigators, Decision-Makers, and any person who facilitates an informal resolution process. The District will make these training materials publicly available on its website.

The District will make these documents available to the U.S. Department of Education Office for Civil Rights upon request.

### **XVII. COMPLAINT REPORTING**

The **Chancellor** shall provide the Board of Trustees, upon request, a report of complaints filed pursuant to AP 3434. This report must disaggregate the complaints by complaint type (Student Complainant and Student Respondent, Student Complainant and Employee Respondent, Employee Complainant and Student Respondent, Employee Respondent and Employee

Respondent, etc.). This report must also disaggregate the complaints by the Complainant's race, age, gender, religion, or any other characteristic identified by the Board.

## ***Common Myths and Facts about the Causes of Sexual Violence***

---

1. **Myth:** Victims provoke sexual assaults when they dress provocatively or act in a promiscuous manner. **Fact:** Rape and sexual assault are crimes of violence and control that stem from a person's determination to exercise power over another. Neither provocative dress nor promiscuous behaviors are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is sexual assault, regardless of the way that person dresses or acts.
2. **Myth:** If a person goes to someone's room or house or goes to a bar, s/he assumes the risk of sexual assault. If something happens later, s/he can't claim that s/he was raped or sexually assaulted because s/he should have known not to go to those places.  
**Fact:** This "assumption of risk" wrongfully places the responsibility of the offender's action with the victim. Even if a person went voluntarily to someone's home or room and consented to engage in some sexual activity, it does not serve as blanket consent for **all** sexual activity. When in doubt if the person is comfortable with an elevated level of sexual activity, stop and ask. When someone says "no" or "stop," that means "STOP!" Sexual activity forced upon another without valid consent is sexual assault.
3. **Myth:** It is not sexual assault if it happens after drinking or taking drugs.  
**Fact:** Being under the influence of alcohol or drugs is not an invitation for sexual activity. A person under the influence does not cause others to assault her/him; others choose to take advantage of the situation and sexually assault her/him because s/he is in a vulnerable position. **A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity.**
4. **Myth:** Most sexual assaults are committed by strangers. It's not rape if the people involved know each other.  
**Fact:** Most sexual assaults and rape are committed by someone the victim knows. A study of sexual victimization of college women showed that about 90% of victims knew the person who sexually victimized them. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance or co-worker sexually victimized the person. It is important to remember that sexual assault can occur in both heterosexual and same-gender relationships.
5. **Myth:** Rape can be avoided if women avoid dark alleys or other "dangerous" places where strangers might be hiding or lurking.  
**Fact:** Rape and sexual assault can occur at any time, in many places, to anyone.
6. **Myth:** A person who has really been sexually assaulted will be hysterical.  
**Fact:** Victims of sexual violence exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary with each person. There is no "right way" to react to being sexually assaulted. Assumptions about the way a victim "should act" may be detrimental to the victim because each victim copes in different ways.
7. **Myth:** All sexual assault victims will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge or didn't want to look like they were sexually active.  
**Fact:** There are many reasons why a sexual assault victim may not report the assault to the police or campus officials. It is not easy to talk about being sexually assaulted and can feel very shameful. The experience of retelling what happened may cause the person to relive the trauma. Another reason for delaying a report or not making a report is the fear of retaliation by the offender. There is also the fear of being blamed, not

being believed and being required to go through judicial proceedings. Just because a person does not report the sexual assault does not mean it did not happen.

8. **Myth:** Only young, pretty women are assaulted.

**Fact:** The belief that only young, pretty women are sexually assaulted stems from the myth that sexual assault is based on sex and physical attraction. Sexual assault is a crime of power and control. Offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Men and boys are also sexually assaulted, as well as persons with disabilities. Assumptions about the “typical” victim might lead others not to report the assault because they do not fit the stereotypical victim.

9. **Myth:** It’s only rape if the victim puts up a fight and resists.

**Fact:** Many states do not require the victim to resist in order to charge the offender with rape or sexual assault. Those who do not resist may feel if they do so, they will anger their attacker, resulting in more severe injury. Many assault experts say that victims should trust their instincts and intuition and do what they believe will most likely keep them alive. Not fighting or resisting an attack does not equal consent.

10. **Myth:** Someone can only be sexually assaulted if a weapon was involved.

**Fact:** In many cases of sexual assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats or a combination of these tactics to overpower the victim. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a sexual assault.

## ADMINISTRATIVE REPORTING

Filing a Complaint with the SMCCCD Title IX Office:

To report any sexual harassment, sexual assault, domestic violence, dating violence, or stalking, or threats of any of these committed by a student, staff, faculty, or other member of the campus community, with or without filing a police report and whether on or off campus, contact the Title IX Coordinator or Deputy Title IX Coordinators. You can also submit an ONLINE REPORT.

Retaliation is prohibited against any person who assists someone with a report of sexual misconduct, or participates in any manner in an investigation or resolution of the sexual misconduct report. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.

MANDATORY REPORTERS - As a reminder, all SMCCCD faculty members, staff members and administrators, who learn of suspected instances of discrimination, sexual harassment or sexual misconduct, directly or indirectly, have

a DUTY TO REPORT the information immediately to the District Title IX Coordinator or the Deputy Title IX Coordinator at your campus.

As a recipient of federal funds, the District is subject to Title IX of the Education Amendments of 1972 which prohibits discrimination based on sex in education programs and activities. Title IX protects students, employees, applicants for admission and employment, and other persons from all forms of sex discrimination, including discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. All students, (as well as other persons) at the District are protected by Title IX—regardless of their sex, sexual orientation, gender identity, part- or full-time status, disability, race, or national origin—in all aspects of the District’s educational programs and activities. The essence of Title IX is that an institution may not exclude, separate, deny benefits to, or otherwise treat differently any person on the basis of sex.

## Obligations of Mandated Reporters

A list of persons whose profession qualifies them as “mandated reporters” of child abuse or neglect is found in California Penal Code Section 11165.7. The list is extensive and continues to grow. It includes all school/district employees, administrators, and athletic coaches. All persons hired into positions included on the list of mandated reporters are required, upon employment, to be provided with a statement, informing them that they are a mandated reporter and their obligations to report suspected cases of abuse and neglect pursuant to California Penal Code Section 11166.5.

All persons who are mandated reporters are required, by law, to report all known or suspected cases of child abuse or neglect. It is not the job of the mandated reporter to determine whether the allegations are valid. If child abuse or neglect is reasonably suspected or if a pupil shares information with a mandated reporter leading him/her to believe abuse or neglect has taken place, the report must be made. No supervisor or administrator can impede or inhibit a report or subject the reporting person to any sanction.

To make a report, an employee must contact an appropriate local law enforcement or county child welfare agency, listed below. This legal obligation is not satisfied by making a report of the incident to a supervisor or to the school. An appropriate law enforcement agency may be one of the following:


- A Police or Sheriff’s Department (not including a school district police department or school security department).
- A County Probation Department, if designated by the county to receive child abuse reports.
- A County Welfare Department/County Child Protective Services.

The report should be made immediately over the telephone and should be followed up in writing. The law enforcement agency has special forms for this purpose that they will ask you to complete. If a report cannot be made immediately over the telephone, then an initial report may be made via e-mail or fax. A report may also be filed at the same time with your school district or county office of education (COE). School districts and COEs, however, do not investigate child abuse allegations, nor do they attempt to contact the person suspected of child abuse or neglect.

School districts and COEs may have additional policies adopted at the local level relating to the duties of mandated reporters. School staff should consult with their district to determine if there are additional steps that must be taken.

These policies do not take the place of reporting to an appropriate local law enforcement or county child welfare agency.

## New Required Training for School Employees

Effective January 1, 2015, Assembly Bill 1432 (D-Gatto) requires all local educational agencies (LEAs) to train all employees each year on what they need to know in order to identify and report suspected cases of child abuse and neglect. “All employees” includes anybody working on the LEA’s behalf, such as teachers, teacher’s aides, classified employees, and any other employees whose duties bring them into direct contact and supervision of students. LEAs must also develop a process to provide proof that employees received training. An online training module has been developed specially for educators and is located at [California Child Abuse Mandated Reporter Training](#) . Alternative training methods may be used but, if an LEA uses training other than the online training module, the LEA must report that fact to the CDE and inform the CDE of the training that was used. A form for this purpose is available at [Reporting Form for LEAs Who Use Alternative Training For Mandatory Reporting](#) (PDF).

### Rights to Confidentiality and Immunity

Mandated reporters are required to give their names when making a report. However, the reporter's identity is kept confidential. Reports of suspected child abuse are also confidential. Mandated reporters have immunity from state criminal or civil liability for reporting as required. This is true even if the mandated reporter acquired the knowledge, or suspicion of the abuse or neglect, outside his/her professional capacity or scope of employment.

### Consequences of Failing to Report

A person who fails to make a required report is guilty of a misdemeanor punishable by up to six months in jail and/or up to a \$1,000 fine (California Penal Code Section 11166[c]).

### After the Report is Made

The local law enforcement agency is required to investigate all reports. Cases may also be investigated by Child Welfare Services when allegations involve abuse or neglect within families.

### Child Protective Services

The Child Protective Services (CPS) is the major organization to intervene in child abuse and neglect cases in California. Existing law provides for services to abused and neglected children and their families. More information can be found at Child Protective Services.

### SMCCD College Public Safety

The SMCCD Public Safety Department's well-trained, courteous, and non-commissioned staff provides personal safety, security, crime prevention, preliminary investigations, and other services to the campus community 24 hours a day, 7 days per week. SMCCCD Public Safety are non-sworn and unarmed. SMCCCD Public Safety staff are trained and instructed in non-violent crisis intervention skills, allowing them to avoid and defuse most confrontational situations. All staff are trained in basic CPR and emergency response for major incidents (e.g., inclement weather conditions, earthquakes, medical emergencies, power failures, fire, evacuation procedures, acts of violence, hazardous substances, bomb threats, weapons use, or threats).

The SMCCCD Public Safety Department acts as the first responder for all criminal incidents, provides general patrol of campus facilities and property, investigates collisions, manages traffic safety and parking, coordinates emergency preparedness planning, and provides crime prevention support and information. The department responds to all reports of fire and/or medical aid while working in support of the local fire and police services at each campus.

SMCCCD Public Safety officers do not have authority to make arrests, but they work closely with federal, state, and local law enforcement agencies. Public Safety officers have the authority to ask individuals for identification and determine if that person has lawful business on campus property.

All Public Safety staff are held to the highest standard of maintaining an individual's confidentiality and are available to assist in filing reports on incidents. The Public Safety Department maintains a professional working relationship with the local and county municipalities. Most criminal incidents on our campuses are referred to the respective police departments in which SMCCCD maintains active MOUs (memoranda of understanding) for handling crimes on campus.

Per **Education Code: 67380(a)(4) - Post Campus Safety Plan**: Each Public Safety Office Canada College Bldg 23, College of San Mateo Bldg 1-110, and Skyline College Bldg. 6 maintains a hard copy of our Emergency Operations Plan. A copy of the SMCCD Safety Plan will be made immediately available upon request within our Public Safety Offices.



SMCCCD Emergency Operations Plans are also found at the following Web address:

<https://www.smccd.edu/publicsafety/emergencypreparedness.php>

Each campus also maintains the following Health and Safety Websites that report out any increases to health, safety, emergency preparedness and any special safeguards that have been established for particular facilities or activities, any actions taken in the preceding 18 months to increase safety, and any changes in safety precautions expected to be made during the next 24 months. These records are posted and available online in perpetuity.

College of San Mateo - <https://collegeofsanmateo.edu/safetycommittee/>

Skyline College - <https://www.skylinecollege.edu/healthsafetycommittee/index.php>

Cañada College - <https://www.canadacollege.edu/safetycommittee/>

All crime victims and witnesses are strongly encouraged to immediately report any crime to the SMCCCD Public Safety Department as well as the appropriate law enforcement agency. Prompt reporting will ensure timely warning notices to the campus and timely disclosure of crime statistics. A Public Safety officer can be reached directly by calling (650) 738-7000 and speaking with dispatch or following the campus prompts if no dispatcher is available.

SMCCCD Drug Free Policy

CHAPTER 2: Administration and General Institution BOARD  
POLICY NO. 2.26 (BP 3550, 3560)

BOARD POLICY

San Mateo County Community College District

Subject: BP 2.26 Drug-Free Workplace and Educational Environment  
Revision Date: 10/12; 19

Policy References: Drug Free Schools and Communities Act, 20 U.S. Code Section 1145g; 34 C.F.R. Sections 86.1 et seq. and 668.46(b); 49 C.R.F. Part 40; Drug Free Workplace Act of 1988, 41 U.S. Code Section 702; Business and Professions Code Section 25608

---

1. It is the policy of the San Mateo County Community College District to maintain a drug-free workplace and educational environment for its employees and students in accordance with the requirements of the Federal Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989. In addition to this policy, the District continues to maintain its employee and student policies pertaining to the possession and use of alcohol, marijuana and other drugs on District property. Employees and students who are under the influence of an intoxicant while on District property are subject to disciplinary action, pursuant to current policies which regulate employee and student conduct.
2. The manufacture, distribution, dispensation, possession, or use of alcohol in the workplace or educational facilities and on any District property is strictly prohibited except as permitted by law and included in District procedures. The possession, sale or furnishing of alcohol on District property is governed by California state law and is controlled by the Department of Alcohol and Beverage Control. However, the enforcement of alcohol laws on District property is the primary responsibility of the Public Safety Department in conjunction with local law enforcement. It is unlawful to sell, furnish or provide alcohol to anyone under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.
3. As appropriate and permitted by law, the Chancellor is authorized to enact procedures regarding serving alcoholic beverages on campus. Alcoholic beverages shall not be served on campus except in accordance with these procedures.
4. The manufacture, distribution, dispensation, possession or use of controlled substances in the workplace or educational facilities or on any District property is strictly prohibited except as permitted by law. The Public Safety Department, in conjunction with local law enforcement, strictly enforces federal and state laws regarding the illegal possession, sale, manufacture or distribution of any controlled substance as defined by law.
5. It is the responsibility of each District student to adhere to the requirements of this drug-free policy. Students found to be in violation of this policy by the illegal manufacturing, distributing, dispensing, possessing or using alcohol, marijuana or a controlled substance on District property will be subject to disciplinary measures up to and including expulsion, pursuant to District policy.
6. It is the responsibility of each District employee to adhere to the requirements of this drug-free policy and to notify the Office of Human Resources within five (5) days of any criminal drug statute conviction for violations occurring in the workplace or educational setting. Employees found to be in violation of this policy by the illegal manufacturing, distributing, dispensing, possessing or using alcohol, marijuana or a controlled substance in the workplace, educational facility or on any District property, or by failing to notify the District criminal drug statute convictions as required, will be subject to disciplinary measures up to and including dismissal, pursuant to established District and collective-bargained policies and procedures.

7. Within ten (10) days after receiving notice from an employee of any criminal drug statute conviction, the Office of Human Resources will notify all Federal agencies from which Federal grants are received, pursuant to requirement of the Act.
8. Within thirty (30) days of receiving notice of such conviction, the Chancellor or designee shall initiate the appropriate personnel action or require the employee to participate in a drug-abuse assistance or rehabilitation program.
9. Notice of the District Drug-Free Workplace and Education Environment policy will be included in regular student publications and will be made available to employees annually.
10. The District maintains a program of random alcohol, marijuana and controlled substances testing for all persons who perform safety-sensitive functions such as driving passenger vehicles or operating a vehicle with a weight that is subject to this policy, as defined by the Omnibus Transportation Employee Testing Act of 1991 (hereinafter referred to as "the Omnibus Act"). This policy applies only to those District employees who are directly identified by the Chancellor (or designee) and appropriate administrator as holding and performing functions which have been identified as safety-sensitive and who are considered to be covered by the Federal regulations. These employees include all District employees who hold a commercial driver's license which is necessary to perform job-related duties such as operating a commercial motor vehicle or carrying fifteen (15) or more passengers, including the driver.
11. Employees who are covered by the Omnibus Act will be so notified and receive written information pertaining to it, its testing requirements, and their rights therein.
12. Pursuant to the Omnibus Act, District employees who are affected by this Act are subject to alcohol, marijuana and controlled substance testing. The presence in the body, possession, use, distribution, dispensing and/or illegal manufacture or sale of prohibited drugs is not condoned while conducting District business, or while in work areas, or in District vehicles on or off District property. Driving and/or otherwise performing safety-sensitive work while under the influence of alcohol, marijuana, a controlled substance, or impaired as the result of a legally prescribed medication, are considered "prohibited conduct" for the purpose of this Act.
13. Each driver who has engaged in prohibited conduct (found to be operating under the influence of alcohol, marijuana or a controlled substance) shall be advised of resources available in evaluating and resolving problems associated with the misuse of alcohol, marijuana and use of controlled substances, including the names and locations of substance abuse professionals and counseling and treatment programs. Those employees who are found to be impaired as the result of using a prescription drug will not be permitted to perform safety-sensitive job duties and will be directed to their treating physician to regulate use of their medication.
14. The referral of a driver to an assistance program or substance abuse professional shall not preclude the imposition of disciplinary action. The employee will be accorded all rights and benefits as specified in the Americans with Disabilities Act and other applicable medical and leave laws as appropriate. Disciplinary procedures which may be imposed on the employee will adhere to District and collectively-bargained policies and procedures.
15. The Chancellor (or designee) shall assure that the District distributes the information required by the Drug-Free Schools and Communities Act Amendments of 1989 to all students and employees annually.

### Campus Security Authorities

In some instances, individuals on the Campus may choose to file a report with one of the “Campus Security Authorities” in accordance with the Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). Campus Security Authorities are college officials having “significant responsibility for student and campus activities.” On SMCCCD, “Campus Security Authorities” include, but are not limited to, the following: Campus Security Authorities include but are not limited to:

- Director of Public Safety
- All Public Safety Officers
- Student Conduct Managers
- Title IX Coordinator(s)
- Diversity, Equity & Inclusion Administrators
- Diversity, Equity & Inclusion and Program Manager
- Associate Vice President of Student Affairs

- Student Success Personnel
- Human Resources Staff
- High School Programs Staff
- Dean of Student Life
- Director Disability Resource Center
- Disability Resource Center Staff
- Director of Enrollment Services
- Enrollment Services and Financial Aid Staff
- Multicultural Services Staff
- Director of TRiO
- TRiO Specialist(s)
- All Workforce Development Staff
- Athletic Director and Assistant Athletic Director
- Athletic Coaches and Trainers
- Director and Associate Director of the Early Learning Center
- Early Learning Center Staff
- International Education Staff
- Office of the President Staff
- Library Staff
- Club and Program Advisors
- Director of the Counseling Center

Note: “Professional Counselors,” whose official responsibilities include providing mental health counseling, when acting in that capacity for SMCCCD within the scope of their license or certificate, are exempt from disclosing information on crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, counselors are encouraged, when they deem it appropriate, to inform persons being counseled of the procedures to report crime on a voluntary basis for inclusion into the annual crime statistics. There are no pastoral counselors on campus.

It is important to note that Title IX representatives are not professional counselors and may be required to report certain incidents to law enforcement agencies.

Call the SMCCCD Public Safety Department or 911 if:

- Someone is injured or ill
- You see fire or smell smoke
- You see anything suspicious or suspicious behavior
- Someone is hurting another person
- You see someone stealing
- You discover something has been stolen or encounter stolen property
- You see someone forcing entry into a building or vehicle
- You see anything that may be a safety or hazardous situation

Call immediately; do not assume that someone else has called or will call. Provide SMCCCD Public Safety

Department with accurate, detailed information including your name, the location of the incident/ emergency, the circumstances, the status of the victim(s), and a general description of what happened. Stay on the line until the operator or officer ends the call. Crimes can be reported at any time of the day, seven days a week, and 365 days per year. Reports are confidential within the guidelines established by the General Education Provisions Act, the Campus Security Act, and applicable California State laws. Public Safety officers will respond to reports of emergencies, crimes, or criminal activity. Officers will complete an incident report for any crime that occurs on any of the San Mateo Community College District's properties, campuses or on land owned and/or controlled by SMCCCD.

## Campus Security Policies, Crime Prevention & Safety Awareness Programs

### Crime Prevention and Security Awareness

During orientation, campus event functions, health fairs, pre-registration and at the start of fall, spring and summer semesters, students are informed of services offered by the Department of Public Safety at the San Mateo County Community College District. Handouts and publications are shared with students outlining area resources, phone numbers, and safety tips. An orientation presentation is available to all new employees, students, and international students. A common theme is to encourage students and employees to be aware of their responsibility for their own safety and the safety of others. Periodically, the Department of Public Safety prepares short memorandums/emails on current or pending safety issues of the season for dissemination to the campus community.

When time is of the essence, information is released to the College community through Campus Notice e-mails ([mysmccd.edu](mailto:mysmccd.edu)); AlertMe Emergency Text Message Notification; Emergency Announcement System (EAS); Public Safety Patrol; computer generated phone call or via the Public Safety website homepage.

### Safety Campaigns like:

- Auto Theft Prevention
- How to Protect Your ID
- Auto Burglary Prevention
- See Something, Say Something

### Crime Prevention and Self-Awareness

#### How to be an Active Bystander

An active bystander is a person who witnesses a harmful or dangerous situation and chooses to speak up or step in to keep the situation from continuing or escalating. Bystanders play a critical role in the prevention of sexual and relationship violence. We want to promote a culture of respect and accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.

- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on or off campus resources listed in this document for support in health, counseling, or with legal assistance.

### Bystander Intervention Strategies (3 Ds)

- Direct
  - Directly confront the harasser.
  - Before you decide to respond directly, assess the situation: Are both you and the person being harassed physically safe? Can you tell if the person being harassed would like someone to speak up? If so, you may want to choose a direct response.
- Distract
  - Interrupt the incident in some way.
  - Instead of addressing the harasser, engage directly with the person who is being targeted. Do not talk about or refer to the harassment, talk about something completely unrelated. Ask for the time, complement the person's shoes, or spill a drink.
- Delegate
  - Ask someone to assist.
  - Get help from someone else. Ask a staff member or RA to help. Ask someone who knows the victim better to intervene. Call campus security or another authority. Delegating is particularly profound since it breaks through the diffusion of responsibility that so often happens when there are multiple people around.

### Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, and Incest National Network, [www.rainn.org](http://www.rainn.org) )

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you do not know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cellphone is with you and charged and that you have cab money.
- Do not allow yourself to be isolated with someone you do not trust or someone you do not know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the United States).
- Do not leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
- Do not accept drinks from people you do not know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not drink from punch bowls or other large, common open containers.

- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they have had, or is acting out of character, get them to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 9-1-1 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

If you need to get out of an uncomfortable or scary situation here are some things that you can try:

- Remember that being in this situation is not your fault. You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Do not feel obligated to do anything you do not want to do. “I don’t want to” is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you do not want to hurt the person’s feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

### Crime Prevention Programs

Public Safety officers are readily available to facilitate any student organization or program in a crime prevention educational endeavor; by providing brochures, videos, and personal experience on the subject matter.

The San Mateo Community College District and SMCCCD Public Safety Services are committed to providing a safe and secure learning and working environment. The safety of each student and employee is of paramount concern. Information regarding the following topics is provided to assist students and employees in learning about these topics, learning about how to avoid and prevent these types of offenses, and what to do in the event you or someone you know becomes a victim or has questions or concerns.

Public Safety resources are available for:

- Identity theft – General Guide <https://www.smcsheriff.com/identity-theft>
- Domestic Violence <https://hsa.smcgov.org/domestic-violence>
- Elder Abuse [https://www.sanmateocourt.org/self\\_help/abuse\\_harassment.php](https://www.sanmateocourt.org/self_help/abuse_harassment.php)



- Stalking [http://www.sanmateocourt.org/court\\_divisions/civil/civil\\_restraining\\_orders.php](http://www.sanmateocourt.org/court_divisions/civil/civil_restraining_orders.php)
- Sexual Assault/Rape <https://www.smc-connect.org/locations/rape-trauma-services-a-center-for-healingand-violence-prevention>
- Dating and Personal Safety Tips <http://www.datehookup.com/content-dating-safety-a-self-defenseresource-guide-for-women.htm>
- Violence Against Women Act [https://nnedv.org/resource-library/?cat\\_ct=fact-or-tip-sheetsguidancedocuments](https://nnedv.org/resource-library/?cat_ct=fact-or-tip-sheetsguidancedocuments)

Additional information regarding sexual assault, sexual battery, dating and domestic violence, and sexual harassment is available at the College of San Mateo, Skyline College, and Cañada College health centers.

### Safety and Security Programs and Presentations

At San Mateo Community College District (SMCCCD), there are a series of programs offered throughout the year to students, faculty and staff that promote safety and security. The programs are offered by the SMCCCD Public Safety Department. The SMCCCD Public Safety Department wants to encourage students, faculty, staff, and visitors to be aware of their own responsibility for their security and the security of others.

Classes are offered per request and staffing availability can be accommodated. If any department or organization would like to schedule an offered program, contact the Director of Public Safety or (650)738-7000

Offered programs include, but are not limited to the following:

- Emergency Preparedness
- Campus Security Authority
- Introduction to the Campus and Public Safety Department (new student orientation) • Driver Safety
- Building Captain Safety
- De-escalation

### Safety Escorts on Campus

The SMCCCD Public Safety Department offers an escort program to all students, faculty, and staff to and from any location on campus. To request an officer's assistance, call our dispatcher line at (650)738-7000 and a Public Safety officer will be able to provide you with a safety escort.

### Crime Prevention

Personal Safety is a shared responsibility. You are encouraged to think and act in ways that increase your personal safety, the safety of your belongings, and the protection of your vehicle. A program in Personal Safety is offered by the Department of Public Safety and can be requested by contacting the Director of Public Safety or (650)7387000

Below are some tips that can help you prepare yourself and your property. This list is not meant to be an allinclusive list, but merely a list to start you thinking about your personal and property safety and security. For more information go to: <http://www.ncpc.org/>

## Guard Yourself

- Be physically and psychologically prepared to defend yourself. By preparing, you will have more options in a confrontation.
- When walking on campus, especially at night, use well-traveled, open routes to get to your destination. If possible, walk with another person or call the SMCCCD (San Mateo County Community College District) Public Safety Department on (650)738-7000 for an escort.
- Avoid using isolated stairwells.
- Walk assertively, without daydreaming, and be alert to everything around you. Dress for movement; wear low-heeled shoes if possible and do not carry too many bulky packages.
- At night, never walk alone unless absolutely necessary. Wait in a well-lit place if someone is meeting you. Contact a Public Safety officer direct at (650)738-7000 and follow the campus prompt or call our dispatcher line at (650)738-7000 for a safety escort.
- Have your car keys in your hand before leaving the building. Get into your vehicle quickly and lock your doors, immediately. Caution: If you see someone loitering around your vehicle, leave and call (650)7387000 for a Public Safety officer escort before approaching.
- Be aware of your surroundings and any signs that something is out of place.
- In the Office: Some employees carry a loud whistle or other noise device to alert nearby colleagues in case of emergency. Lock building doors. Do not prop open outside building doors that are supposed to remain locked.
- If you are working late, notify the SMCCCD Public Safety Department so that they can check on you periodically.
- On the street: Police advise saying “No” to requests for money from strangers and avoid confrontation by not saying or doing anything to provoke further conversation.
- If you feel threatened, try to avoid the danger by getting away from it quickly.
- Get Help
- Scream loudly for help, “Call the Police!”
- From any campus phone, dial ext. 7000 for the SMCCCD Public Safety Department or dial 9-1-1 for the police.
- Dial 9-1-1 for police or fire from any campus phone.

## ***Safety Escorts***

The SMCCCD Public Safety Department offers an escort program to all students, faculty, staff and members of our community. This is an officer escort to and from any location on our campuses. A public safety officer can be requested by calling (650)738-7000 and speaking to our dispatcher or entering the extension of the campus you are calling from.

## Emergency

### Procedures

## Power Failure/Outage

### Procedures for Students, Staff, and Faculty:

1. Remain calm
2. Call the Department of Public Safety
3. Advise the dispatcher of your name, location, telephone number, and additional locations that are without power. The dispatcher will immediately notify the appropriate department or agency of the outage

4. Provide assistance to other individuals in your immediate area
5. Secure files, turn off computers, unplug electronic equipment, and lock windows and doors as you leave
6. If you are in an unlit area, proceed cautiously to an area that has emergency lights
7. If you are trapped in an elevator, remain calm. Use the emergency telephone, or emergency call button. Public Safety officers, facilities, or the fire department will be dispatched to your location for assistance.
8. Stand-by for instruction from Public Safety personnel and/or Administration

#### Fire

Individuals who use wheelchairs or have mobility impairment prepare for an emergency ahead of time by instructing coworkers or fellow students on how to assist in an emergency.

If you see smoke or fire:

1. Call the Fire Department immediately by activating the nearest fire alarm pull station, contacting the Public Safety Department or by calling 9-9-1-1
2. Give your name and the location of the fire. Do not hang up until the dispatcher tells you to do so
3. If you are outdoors, seek shelter in a safe nearby building
4. If you are indoors, and it is safe to do so, close all windows and doors; open all curtains and blinds. Relocate all combustibles away from windows
5. ALWAYS EVACUATE A BUILDING IF THE ALARM IS SOUNDING.
6. If time permits, turn off computers, unplug electrical equipment, take your purse or wallet, and close windows and doors before leaving
7. If you have a mobility impairment, request assistance from those nearest you. If no one is there to render assistance, proceed to the nearest stairway landing, and shout for help
8. When fire alarms sound, do not use the elevators. An elevator may become a trap. Assist (help carry, if necessary) all disabled persons in using the stairs
9. If there is a closed door in your exit path, touch the door lightly with the back of your hand to ensure it is not warm. If it is not warm, open slowly. Be prepared to close the door quickly if smoke or flames are present
10. If there is smoke in your only exit path, crawl on hands and knees, keeping your head as close to the ground as possible to avoid inhaling toxic fumes
11. Relocate to your designated assembly area, which should be a distance of at least 500 feet from the building, and stay out of the way of emergency personnel

#### Earthquake

1. If indoors, stay there. Duck, cover, and hold. Get under a desk or table and hold on, or stand in a corner or doorway that provides structural support above and does not have doors on it (do not go in a doorway with doors; they can swing back and forth violently). Protect your head, neck, and face. If in a high-rise building, stay away from windows and outside walls. Do not attempt to use elevators
2. After the initial shock, evaluate the situation. If emergency help is necessary, call the Police at 9-9-1-1. Protect yourself at all times and be prepared for aftershocks
3. After the shaking subsides, go outdoors; and stay clear of buildings, walls, power lines, and trees
4. Follow the procedures for Fire, Hazardous Materials, and Serious Injuries as necessary
5. Identify and assist the injured
6. Keep phone lines clear except when necessary to report serious hazards or injuries
7. Do not return to an evacuated building unless directed to do so by a Public Safety Official, Fire or Police personnel. Assemble and reunify at designated reassembly points on campus

8. If outdoors, move quickly away from buildings, utility poles, and other structures

## Medical Emergencies

If a serious injury or illness occurs on campus, the role of staff members is to call (9) 9-1-1. Give your name, location, telephone number and describe the nature of the medical problem.

Staff members should quickly perform these steps:

1. Call 9-9-1-1 or have someone close by do this for you.
2. Call the Public Safety Department and/or the College Health Center/Nurse.
3. Ask the victim "Are you okay?" and "What's wrong?"
4. Check breathing and pulse
  - a. If you are trained, administer artificial respiration or CPR if necessary
5. Control serious bleeding by applying direct pressure on the wound
6. Keep the victim still and comfortable. Have the victim lie down if necessary.

Staff members should continue to assist the victim until help arrives:

1. Try to determine the extent of the injury or probable cause of illness
2. Protect the victim from disturbances, reassure the victim and Do Not move him or her unless absolutely necessary.
3. Look for emergency ID, gather information from witnesses and give all information to the emergency personnel arriving on the scene.

## Psychological Crisis

Psychological Emergency: A person's temporary inability to cope with a life problem, usually accompanied by a high degree of emotional upset and /or behavior that is outside normal parameters. Examples include suicidal ideation, disconnect from reality, extreme agitation, paranoia, and hallucinations.

Staff members should

1. Respond to the person with calmness and acknowledge their distress.
2. Do not leave the person unattended.
3. Contact the Public Safety Department.
4. If no response from Public Safety, contact 9-9-1-1.
5. Give your name, location and contact phone number.
6. Describe the nature of the situation and provide name(s) of person(s) involved, if known, and any other pertinent information.
7. The Public Safety Department will contact Psychological Services as appropriate.

In accordance with appropriate laws and school regulations, college staff members involved in treatment will promptly share and report information about outbreaks or epidemics or other unusual medical situations to the local health department.

## Violent Intruder Hazard

### Employees and Students

1. Follow directions per emergency notification
  - a. Lockdown/Barricade
  - b. Run, Hide, Fight (see Appendix)

RUN: Have an escape route/plan in mind; leave belongings and vehicles behind; and keep your hands visible.

HIDE: If you cannot run, hide in an area out of the shooter's view. Block entry to your hiding place, lock doors, and silence your electronic devices. Do not go near windows and close blinds if possible. Stay hidden until help arrives. (To lock certain doors on campus, depress red button on yellow box next to the door.)

FIGHT: Attempt to incapacitate the intruder, act with physical aggression and throw items at the intruder.

This is a last resort.

2. Call 9-1-1
3. Notify the Public Safety Department immediately. Provide the dispatcher with all available information regarding the threat
4. Silence phones
5. Assist those with disabilities in your vicinity (see Access and Functional Needs Annex)
6. Until the situation has been assessed, remain in classroom or office area unless authorization is received from appropriate authority
7. Follow all instructions from Law Enforcement

## Emergency and Crisis Communications

### Overview of Emergency Communication

#### Introduction

The San Mateo County Community College District Crisis Communications Plan provides procedures for the coordination of communications both internally and externally in the event of a crisis situation. The plan outlines the roles, responsibilities and protocols necessary to guide the administration in sharing information with all of the district's audiences during an emergency or crisis. This plan is designed to handle all situations including those which would not necessarily evoke the activation of the Emergency Operations Plan, but do require an organized message be put forth to the stakeholders of the district. This plan can be utilized as an Annex in the EOP, or can function as a standalone document.

#### Guiding Principals

In all communications during a crisis, SMCCCD will strive to be accessible, prompt, compassionate, honest, and informative. Sharing information with the local and extended campus community is, and shall remain, a district communication priority. Students, staff, parents, as well as the media will want to know what is happening. Sharing information does not include sharing every detail, but rather controlling the flow of information that is released. This allows people to make decisions, and is part of providing post-incident care. The district shall strive to share accurate updated information, on a regular schedule, in a transparent manner. The District's communication practices align with the tenants of crisis communication, and include the following (Bernstein, 2015):

1. Anticipate Crises
2. Identify a Crisis Communication Team
3. Identify and Train Spokespersons
4. Establish Notification and Monitoring Systems
5. Identify and Know Your Stakeholders
6. Develop Holding Statements
7. Assess the Crisis Situation
8. Prepare and Deliver Timely, Accurate, and Clear Communications to All Relevant Stakeholders
9. Post-Crisis Analysis

When an emergency occurs in the Community, it is vital to communicate information in an efficient manner. This may require immediate access to communication channels and stakeholders. Communication may be internal to the organization (to students/employees), or external to the District (surrounding community). Communication may require public information or notifications to community members, employees, students, and stakeholders. The communication between the surrounding community and the District is bi-directional. Community members include residential neighboring tenants, members, city officials, and non-student/employee campus pedestrians.

### Risks and Vulnerabilities

Three categories of incidents represent the risks and vulnerabilities that this plan is designed to address, although not all of the below will necessarily result in the activation of this plan:

- ❖ Emergencies: Incidents that threaten human life, safety, health, property or the environment. Examples might include:
  - Student or staff death (suicide or homicide) related to the District
  - Student or staff violence
  - Natural disasters
  - Terrorism
- ❖ Business Interruptions: Incidents that interrupt the process of education, research or other transactions essential to the District's mission. Examples might include:
  - Critical utility outages
  - Demonstrations or unlawful building occupations
  - ITS system failures or disruptions
  - Data breaches

### Authority

*The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act)*

#### TIMELY WARNINGS:

The Clery Act requires institutions of higher education to alert the campus community to certain crimes that are reported to campus security authorities or local police agencies, and are considered to represent a threat to students and employees. These alerts must be done in a manner that is timely and that will aid in the prevention of such crimes. The Clery Act does not include a specific definition of "timely." However, the intent of a timely warning is to enable people to protect themselves; therefore, warnings should be issued as soon as pertinent information is available. The decision to issue a timely warning will be made on a case-by-case basis, considering the nature of the crime, the danger to the campus community, and the possible risk of compromising law enforcement efforts.

Colleges must include in the annual security report a policy statement that accurately reflects the institution's timely warning policy and practice. The policy specifies the circumstances under which the college will issue a timely warning, how those timely warnings will be distributed, and the individual or office responsible for issuing a timely warning. Colleges must take appropriate steps to ensure that timely warnings are communicated to individuals with disabilities, including those who have hearing or vision disabilities, as effectively as they are to

others. Information on the annual report on campus crime is available at:  
<http://www.smccd.edu/publicsafety/annualreport.shtml>

#### *Family Educational Rights and Privacy Act (FERPA)*

FERPA is a federal law that protects the privacy of student education records. The law applies to all educational agencies and institutions that receive funds under any U.S. Department of Education program. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to students when they reach the age of 18 or attend a school beyond the high school level. Students to whom the rights have transferred are "eligible students." The Family Policy Compliance Office at the U. S. Department of Education administers FERPA.

Records created and maintained by the institution's public safety unit are not likely to fall into the protected definition of "education records." Treatment records are also not considered education records. In a college setting, treatment records typically include those created and maintained at the campus health clinic. Postsecondary institution officials must balance safety interests and student privacy interests. FERPA contains exceptions, including the "health or safety emergency exception," and exceptions to the definition of education records, including "law enforcement unit records," which provide school officials with tools to support this goal. FERPA regulations permit college officials to disclose personally identifiable information from education records without consent to appropriate parties only when there is an actual, impending, or imminent emergency, such as an articulate-able and significant threat. Information may be disclosed only to protect the health or safety of students or other individuals. The U.S. Department of Education would not find an institution in violation of FERPA for disclosing FERPA-protected information under the health or safety exception as long as the institution had a rational basis, based on the information available at the time, for making its determination that there was an articulate-able and significant threat to the health or safety of the student or other individuals.

#### *Health Insurance Portability and Accountability Act (HIPPA) Compliance*

HIPPA is the United States legislation that provides data privacy and security provisions for safeguarding medical information. The purpose of HIPPA is to provide continuous health insurance coverage, reduce the administrative burdens and costs of healthcare, and protect Patients' Personal or Protected Health information (PHI).

The Standards for Privacy of Individually Identifiable Health Information, commonly known as the HIPAA Privacy Rule, establishes the first national standards in the United States to protect PHI. Information that is covered under PHI includes:

1. Patient's name, address, birth date and Social Security number;
2. Individual's physical or mental health condition;
3. Any care provided to an individual;
4. Information concerning the payment for the care provided to the individual that identifies the patient; or
5. Information for which there is a reasonable basis to believe could be used to identify the patient.

#### *California Emergency Services Act*

The California Emergency Service Act (Chapter 7 of Division 1 of Title 2 of the Government Code) in Article 3, Section 8568, states: "The state emergency plan shall be in effect in each political subdivision of the state, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof." Section 8568 of the Act states, in part, that "the State Emergency Plan shall be in effect in each political subdivision of the State, and the governing body of each political subdivision shall take such action as may be necessary to carry out the provisions thereof." Local emergency plans are, therefore, considered to be extensions of the California Emergency Plan. The California Civil and Government Codes contain several references to liability release (Good Samaritan Act) for those providing emergency services.



## California Standardized Emergency Management System (SEMS)

The Standardized Emergency Management System (SEMS) is the cornerstone of California's emergency response system and the fundamental structure for the response phase of emergency management. SEMS is required by the California Emergency Services Act (ESA) for managing multiagency and multijurisdictional responses to emergencies in California. The system unifies all elements of California's emergency management community into a single integrated system and standardizes key elements. SEMS incorporates the use of the Incident Command System (ICS), California Disaster and Civil Defense Master Mutual Aid Agreement (MMAA), the Operational (OA) Area concept and multiagency or inter-agency coordination. State agencies are required to use SEMS and local government entities must use SEMS in order to be eligible for any reimbursement of response-related costs under the state's disaster assistance programs.

## Incident Command System (ICS)

The Incident Command System (ICS) is a key component of NIMS and consists of five functional areas: Command, Operations, Planning, Logistics, and Finance/Administration. The latter four areas also known as General Staff positions or Sections each headed by a Section Chief. ICS is not the same as California's SEMS, nor NIMS, yet all three system are complementary and do not conflict.

## Defining Terms

### Emergency

As defined in The San Mateo County Community College Emergency Operations plan, an emergency is any unusual situation that threatens the members of the campus community, the facilities of the district, or the personal property of the members of the community. Emergencies can include natural disasters, or human made disasters such as accidents, criminal acts, or civil unrest. They can originate on campus, in the surrounding community or strike simultaneously in both locations.

### Crisis

A Crisis will include all emergency situations as listed in the paragraph above. In addition, a crisis can be less threatening in nature and still necessitate the activation of this plan. These situations can include the death of a student or faculty member, a disruption in business such as a power outage, or things of a similar nature.

Any one of these situations or a combination of them can bring about the need for crisis communications. It can be determined at the time of the incident how much of a response is necessary to effectively address the situation.

### Joint Information System (JIS)

- Provides the mechanism to organize, integrate, and coordinate information to ensure timely, accurate, accessible, and consistent messaging across multiple jurisdictions and/or disciplines with nongovernmental organizations and the private sector.
- Includes the plans, protocols, procedures, and structures used to provide public information.

Public Information Officers and established Joint Information Centers (JICs) are critical supporting elements of the JIS. In an emergency, the JIS provides the mechanism for integrating public information activities to ensure coordinated and consistent message development, verification, and dissemination. The JIS also supports the third principle under the NIMS public information element. Organizations participating in incident management retain their autonomy.

The departments, agencies, organizations, or jurisdictions that contribute to the JIS do not lose their individual identities or responsibility for their own programs or policies.

The JIS can be:

1. As simple as two PIOs talking on the phone about an incident that involves both of their agencies.
2. A PIO at the Emergency Operations Center (EOC) talking to a PIO at the site of the incident.
3. PIOs from several departments working together at a single location.
4. Many PIOs from many agencies working from several locations—all working together to ensure clear and accurate information is being delivered to the public.

Through the JIS, PIOs are able to create coordinated and consistent messages by collaborating to:

- Identify key information that needs to be communicated to the public.
- Craft messages that convey key information, and are clear and easily understood.
- Prioritize messages to ensure timely delivery of information without overwhelming the audience.
- Verify accuracy of information through appropriate channels, including Incident Command and relevant agencies and program areas.
- Disseminate messages using the most effective means available.

The San Mateo County Community College District maintains one PIO for each campus, and one District PIO. College PIOs maintain accountability to communicate to their Campus communities, until relived by the District PIO. The District maintains strong collaboration between all PIO personnel and Emergency Response Leadership. However, in active events, the Incident Commander must approve all District emergency communications.

#### Joint Information Center (JIC)

- A central location that facilitates operation of the Joint Information System.
- A location where personnel with public information responsibilities perform critical emergency information functions, crisis communications, and public affairs functions.

JICs may be established at various levels of government or at incident sites, or can be components of Multiagency Coordination (MAC) Systems (e.g., MAC Groups or EOCs). A single JIC location is preferable, but the system is flexible and adaptable enough to accommodate virtual or multiple JIC locations, as required.

College of San Mateo, Cañada College, and Skyline College shall determine the location of the JIC in coordination with the Emergency Manager and Campus Leadership. Preplanned locations have been established based on proximity to Campus/District Response Teams (CAT/EOC)

Skyline College	College of San Mateo/District Office	Cañada College
Lot L	Lot 1	Lot 1

Student Code of Conduct

CHAPTER 7: Student Services ADMINISTRATIVE  
PROCEDURE NO. 7.69.1 (AP 5500)

ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District

Subject: AP 7.69.1 Standards of Student Conduct, Prohibited Actions and Disciplinary Procedures

Adoption Date: 8/13, 11/15; 1/16

Policy Reference: Education Code Sections 66250 et seq., 66300, 66301 and 76030 et seq.; Government Code Sections 12926.1 and 12940 et seq.; ACCJC Accreditation Standards I.C.8 and 10

---

The following actions are prohibited and may lead to appropriate disciplinary action:

1. Disruptive behavior, continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, the open and persistent defiance of the authority of, or persistent abuse of, College/District personnel, or violating the rights of other students.
2. Assault, battery or any threat of force or violence to a student or District/College personnel on District/College premises or at any time or place while under the supervision of District/College personnel.
3. Causing, attempting to cause, or threatening to cause physical injury or threat of force or violence to the person, property or family of any member of the College community, whether on or off College/District premises as defined below, except in self-defense.
4. Aiding or abetting, as defined in Section 31 of the Penal Code, the infliction or attempted infliction of physical injury to another person.
5. Harassing, intimidating or threatening a student who is a witness in a school disciplinary proceeding, administrative proceeding or law enforcement investigation for the purpose of preventing the student from being a witness or retaliation for being a witness.
6. Causing or attempting to cause, threatening to cause or participating in an act of hate violence, as defined in Education Code Section 233(e).

7. Engaging in intimidating conduct or bullying against another student through words or actions, including direct physical contact; verbal assaults, such as teasing or name-calling; social isolation or manipulation; and cyberbullying.
8. Disorderly conduct or engaging in physical or verbal disruption of instructional or student services activities, administrative procedures, public service functions, or authorized curricular or co-curricular activities or prevention of authorized guests from carrying out the purpose for which they are on campus.
9. Terroristic threats against school officials, students or school property as defined in Education Code Section 48900.7(b).
10. Theft of, damage to, or threat of damage to property belonging to or located on College/District controlled property or facilities, or to the private property located on College/District premises.
11. Knowingly receiving stolen property belonging to the College District.
12. Participation in hazing.
13. Unauthorized entry into, or use of, or misuse of College/District owned or operated facilities.
14. Forgery, alteration, or misuse of College/District documents, records, or identification.
15. Misrepresentation of oneself or of an organization as an agent of the College/District.
16. Dishonesty (such as cheating, plagiarism, or knowingly furnishing false information to the College and its officials).
17. Infringement or violation of copyright laws.
18. Disorderly conduct or lewd, indecent, or obscene conduct or expression including profanity or vulgarity; any expression which is obscene, libelous or slanderous according to current legal standards or which so incites students as to create a clear and present danger of the commission of unlawful acts, or the substantial disruption of the orderly operation of the Community College on any College/District-owned or controlled property or at any College/District-sponsored or supervised function.
19. Extortion or breach of the peace on College/District property or at any College/District-sponsored or supervised function.
20. Unlawful use, sale, possession, offer to sell, furnishing, or being under the influence of any controlled substance (listed in the California Health and Safety Code), alcohol, or an intoxicant of any kind, or a poison classified by laws defining controlled substances while on College/District property, or at College/District functions; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia.
21. Possession, sale, use, or otherwise furnishing of explosives, dangerous chemicals, deadly weapons or other dangerous objects on College/District property or at a College/District function without prior authorization of the Chancellor, College President, or authorized Designee. Possession of an imitation firearm, knife or explosive on College/District property with the intent to threaten, frighten or intimidate.
22. Smoking in any area where smoking has been prohibited by law or by regulation of the College/District. This includes e-cigarettes and other vapor products.
23. Failure to satisfy College/District financial obligations
24. Failure to comply with directions of College/District officials, faculty, staff, or campus security officers who are acting within the scope of their employment. Continued and willful disobedience or open and persistent defiance of the authority of College/District personnel providing such conduct as related to District/College activities or College attendance or on College/District property.
25. Failure to identify oneself when on College/District property or at a College/District-sponsored or supervised event, upon request of a College/District official acting in the performance of his/her duties.
26. Stalking, defined as a pattern of conduct by a student with intent to follow, alarm, or harass another person, and which causes that person to reasonably fear for his or her safety, and where the student has persisted in the pattern of conduct after the student has been told to cease the pattern of conduct. Violation of a restraining order shall constitute stalking under this policy.

27. Gambling: Betting, wagering or selling pools; playing card games for money; using District resources (telephones, computers, etc.) to facilitate gambling.
28. Committing sexual harassment as defined by law or by District policies and procedures.
29. Engaging in harassing or discriminatory behavior based on nationality, religion, age, gender, gender identity, gender expression, race or ethnicity, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, or on any basis prohibited by law.
30. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct or where the presence of the student causes a continuing danger to the physical safety of students or others.
31. Failure to adhere to safety rules and regulations as directed.
32. Violation of other applicable Federal, State and Municipal statutes and District and College rules and regulations in connection with attendance at programs or services offered by the College/District or while on College/District property or at College/District sponsored activities.
33. Unauthorized computer usage, including: unauthorized entry into a file to use, read, or change the contents, or for any other purpose; unauthorized transfer of a file; unauthorized use of another individual's identification and password; use of computing facilities to interfere with the work of another student, faculty member, or District official; use of computing facilities to send obscene or abusive messages; use of computing facilities to interfere with the normal operations of District computing.

A. Actions: Students who engage in any of the above are subject to the procedures outlined in AP 7.69.2 and the sanctions included in 7.69.3.

B. Definitions: When used in this policy:

1. Student – any person taking or auditing classes at a College in the District or who has been admitted to any of the Colleges within the District.
2. District premises – any building or grounds owned, leased, operated, controlled or supervised by the District.
3. District or School Property – includes both personal and real property owned or controlled by the District.
4. District or College sponsored activity – any activity on or off the District or College premises that is directly initiated or supervised by the District or a District organization
5. Weapon – any object or substance designed or used to inflict a wound or cause injury
6. Reckless – conduct which one should reasonably be expected to know would create a substantial risk of harm to a person or property or which would otherwise be likely to result in interference with normal College/District sponsored activities
7. Will and Shall – are used in the imperative sense.

C. Disciplinary Action while criminal charges are pending: Students may be accountable both to law enforcement and to the District for acts that constitute violations of law and of this policy. Disciplinary action at the College/District will normally proceed during the pendency of criminal proceedings, and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

D. No student shall be suspended from a College unless the conduct for which the student is disciplined is related to College/District activity or attendance. Any violation of law, ordinance, regulation or rule regulating or pertaining to, the parking of vehicles, shall not be cause for removal, suspension, or expulsion of a student.

CHAPTER 7: Student Services ADMINISTRATIVE  
PROCEDURE NO. 7.69.2 (AP 5520)

ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District

Subject: AP 7.69.2 Student Disciplinary Procedures

Revision Date: 12/12; 8/13; 2/16

Policy Reference : Education Code Section 66017, 66300, 72122 and 76030 et seq.; Penal Code Section 626.4

---

These procedures are designed to provide uniform standards to assure due process rights that are guaranteed by federal and state constitutions when a student is charged with a violation of the San Mateo County Community College Student Code of Conduct, as defined in Board Policy 7.69. This procedure will be used in a fair and equitable manner and not for purposes of retaliation. It is not intended to substitute for criminal or civil procedures that may be initiated. All proceedings held in accordance with these procedures shall relate only to an alleged violation of established standards.

Disciplinary Officer: Each College President will designate an administrator to serve as the College's Disciplinary Officer. The Disciplinary Officer shall be responsible for investigating and processing the alleged violation of the Student Code of Conduct.

I. Non-Expulsion Disciplinary Process

Step 1. Incident Occurs

Within twenty (20) days from the time that the Disciplinary Officer is informed of allegations which may constitute a violation of the Student Code of Conduct, the Disciplinary Officer shall conduct a factfinding investigation to determine whether to pursue an Administrative Conference or a Student Disciplinary Hearing.

For the purpose of evaluating whether the student's conduct is a violation of the Student Code of Conduct, no consideration shall be given to the student's actual or perceived disability unless such disability is being asserted by the student as a defense to, in mitigation of a potential violation.

*Immediate Interim Suspension:* In cases where the alleged violation is deemed by the Disciplinary Officer to pose an imminent threat to the health and safety of the college community, the student may be suspended immediately pursuant to Education Code Section 66017, provided that a reasonable opportunity is afforded a suspended person for a hearing within ten (10) days.

## Step 2. Administrative Conference or Student Disciplinary Hearing

Based on the review of the alleged code of conduct violations, the Disciplinary Officer shall determine if the matter goes to an Administrative Conference or to a Student Disciplinary Hearing.

### Administrative Conference

The Disciplinary Officer shall schedule a meeting with the student involved to inform the student of the alleged offense. The student will be notified of charges/alleged violations and the basis for the charges. Based on the information at the Conference, the Disciplinary Officer may either dismiss the charges for lack of merit or notify the student of one or more disciplinary actions being taken (described in Step 3). The student may request the opportunity for a Student Disciplinary Hearing.

### Student Disciplinary Hearing

Hearing Notice: A notice of the hearing will be sent to the student and shall specify the date, time, and place of the hearing, a statement of the charges against the student, and the date, time, and location that the tangible evidence will be made available for inspection. A copy of the disciplinary procedures shall also be enclosed.

Student Disciplinary Board: The Disciplinary Board shall include: one (1) student selected from the pool submitted by the Associated Student Organization governing body, one (1) faculty member selected from the pool submitted by the Academic Senate and one (1) staff member from a pool submitted by CSEA and the Management Group. A Judicial Officer will also be appointed to assure the process is followed.

No person shall serve as a member of the Disciplinary Board if that person has been personally involved or could otherwise not act in a neutral manner. The student may request the names of the Disciplinary Board members and may challenge for cause any member of the Disciplinary Board by addressing the challenge to the Disciplinary Board Chairperson, who shall determine whether the cause for disqualification has been shown.

The scope of the duties of the Disciplinary Board is to weigh the evidence presented in relation to the alleged violation and, based on the evidence, submit a recommendation to the Disciplinary Officer regarding the student's responsibility for violations of the Code of Conduct.

### Formal Hearing Process:

- Absence of the Student: The hearing shall proceed in the absence of the student.
- Chairperson: Prior to the hearing, the Board shall select a Chairperson. The chairperson shall preside over the hearing.
- Behavior: Disruptive behavior will not be tolerated and will result in exclusion of individuals.
- Hearing Process: A document describing the process for conducting disciplinary hearings will be distributed to all members of the Disciplinary Board. The Judicial Officer will assure the process is followed.

- **Charges:** The Chairperson shall distribute copies of the charges and incident reports to the members of the Board, read the charges aloud, and ask the student if the charges have been received.
- **Representation:** The disciplinary hearing is an internal due process hearing conducted by the colleges of the San Mateo County Community College District. Parties are not allowed to be represented by legal counsel at any time during the hearing process.
- **Participants:** A student may be accompanied by a person of his or her choice who is an observer only. Each person present will be asked to identify themselves by name.
- **Witnesses:** Each side shall be entitled to call witnesses. All witnesses shall be excluded from the hearing process except when testifying.
- The Disciplinary Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the accused student and/or witnesses during the hearing if direct confrontation of witnesses creates an unreasonable risk of psychological or physical harm. Accommodations of such concerns may be addressed by providing separate facilities, providing participation by telephone, videophone, videoconferencing, videotape, audio tape, written statement, or other means, as determined in the judgment of the Disciplinary Officer. Any testimony of a witness that is not subject to the direct examination of an accused student shall only be admitted if the witness signs under penalty of perjury that the testimony is true and accurate.
- **Plea:** The student shall admit or deny responsibility for each charge. If the student admits each charge and wishes to present no evidence of mitigating circumstances or other defense, the Board shall retire to make its decision. If the student denies any or all of the charges, or wishes to present evidence of mitigating circumstances, the hearing shall proceed.
- **Recording:** The hearing may be recorded by the college and shall be the only recording made. The recording shall remain the property of the college. If recorded, no witness who refuses to be recorded may be permitted to give testimony. Committee deliberations shall not be recorded.
- **Information:** Formal rules of evidence shall not apply. All relevant information is admissible, including but not limited to testimony of witnesses, physical objects, police or security officer reports, photographs, and copies of documents. Any and all information will be entered for the record.
- **Disciplinary Board Deliberation:** The Disciplinary Board shall retire to deliberate in closed session with only the members of the Board and the Judicial Officer present. The Disciplinary Board shall reach its decision based only upon the evidence presented and shall not consider matters outside of the record. The Board shall recommend disciplinary sanctions to the Disciplinary Officer based upon its findings.

### Step 3. Disciplinary Action(s) Recommended

If a student is found responsible for violating the Student Code of Conduct, either through the Administrative Conference or Disciplinary Hearing process, one or more of the following types of disciplinary actions may be recommended.

- **Warning:** An oral statement to the student that he/she is violating the Student Code of Conduct; that continuation or repetition of the conduct may be cause for further disciplinary action.
- **Reprimand:** A written notice of violation of the Student Code of Conduct.
- **Disciplinary Probation:** Formal written notice by the Disciplinary Officer of violation of the Student Code of conduct which includes exclusion from participation in specified activities or locations for a period not to exceed one (1) calendar year. Further violation of the Student Code of Conduct will result in more severe sanctions.
- **Restitution:** Formal action by the Disciplinary Officer to require the reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation. • **Removal from classes/program/activity:** (Note: This disciplinary action may occur at any time.) Exclusion of a student by an instructor or an administrator from a class and/or facility for the day of the offense and/or the



next class meeting or day. An instructor removing a student from class shall make written report or meet with the appropriate Division Dean and/or Disciplinary Officer to discuss the cause for the removal. Any college instructor, for good cause, may remove a student from the classroom for the day of the incident and the next regular class meeting. For removal from class, the following process should be followed:

1. Before ordering the removal of any student from class, the instructor shall first give or make reasonable efforts to give the student an oral or written notice of the reasons for the proposed removal.
  2. Immediately following the removal from class, the instructor shall document the removal and notify the Division Dean and/or Disciplinary Officer of the action.
  3. If the student is a minor, the parents or legal guardian shall, within 48 hours, be notified in writing by the Disciplinary Officer.
- Suspension: Exclusion of the student from all colleges, programs, and activities in the District for a definite period of time. An administrative hold shall be placed on the student's electronic record, but shall not be reflected on the academic transcript.
  - Expulsion: Exclusion of a student by the Board of Trustees from all colleges, programs and activities in the District for an indefinite time period, including all rights and privileges. If an expulsion is recommended, the process in section II, Expulsion Disciplinary Process, should be followed.

Any level of sanction may also include a behavioral contract, community service, and/or any other directives to make amends and/or reduce the likelihood of repeating prohibited behavior.

#### Step 4. Written Decision

1. Within five (5) days following receipt of the Disciplinary Board's recommendation, the Disciplinary Officer shall make a written decision.
2. The Disciplinary Officer may adopt the recommendations made or make changes.
3. The Disciplinary Officer should then promptly send a copy of the decision to the student by certified mail. A copy will also be sent to the College President. If the student is a minor, the report shall be sent to the parent or guardian. If the recommended disciplinary action is expulsion, the recommendation for this action will be made to the Board of Trustees. Expulsion proceedings will be completed upon action by the Board of Trustees.
4. A student may appeal the decision using the process outlined in Step 5.
5. The College President shall notify the District Chancellor of any decision to suspend a student.
6. Disciplinary Records: The Disciplinary Officer shall maintain all records of a disciplinary hearing.  
Disciplinary files shall be retained for at least five (5) years from the time of a final determination.

#### Step 5. Appeal to the College President

1. A student may appeal to the College President within two (2) days of the delivery of the decision to the student. Because suspended students are not allowed on District property, such appeals shall be submitted in writing by email or letter to the College President within two days after receipt of the written decision.
2. The student may request the College President to review findings or a sanction recommended as a result of the Student Disciplinary Hearing only if it addresses either 1) due process or 2) new information.
  - Due Process: Specific instances or conduct that the accused student claims resulted in a Student Disciplinary Hearing that was not conducted fairly in light of the charges and information presented, and that denied the student a reasonable opportunity to prepare and to present a response to the allegations.
  - New Information: If there is new information sufficient to alter a factual finding or recommendation not brought out in the original hearing, because such information was not known to the student at the time of

the original Student Disciplinary Hearing. Information shall not be considered “new information” if the student could have learned of the information by avenues reasonably available to him/her.

3. The decision on appeal shall be reached within five (5) days after receipt of the appeal documents. Copies of the College President's appeal decision shall be sent to the student and the Chairperson of the Disciplinary Board.

#### Step 6. Appeal to the Chancellor

1. The student may appeal, in writing, to the Chancellor within five (5) calendar days after receipt of the decision of the President of the College. The Chancellor, or his/ her designee, shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Chancellor shall be provided to the student within ten (10) calendar days of the review of the student's written appeal. The student shall be advised in writing of his/her further rights of appeal.
2. The student may request the Chancellor to review findings or a sanction recommended as a result of the Student Disciplinary Hearing only if it addresses either 1) due process or 2) new information.
  - Due Process: Specific instances or conduct that the accused student claims resulted in a Student Disciplinary Hearing that was not conducted fairly in light of the charges and information presented, and that denied the student a reasonable opportunity to prepare and to present a response to the allegations.
  - New Information: If there is new information sufficient to alter a factual finding or recommendation not brought out in the original hearing, because such information was not known to the student at the time of the original Student Disciplinary Hearing. Information shall not be considered “new information” if the student could have learned of the information by avenues reasonably available to him/her.
3. The decision on appeal shall be reached within five (5) days after receipt of the appeal documents. Copies of the Chancellor's appeal decision shall be sent to the student and the Chairperson of the Disciplinary Board.

#### Step 7. Appeal to the Board of Trustees

The student may appeal, in writing, to the Board of Trustees within five days after receipt of the decision of the Chancellor. The Board of Trustees shall provide the student with a hearing, if requested, and shall review the appeal. A written notice of the decision of the Board of Trustees shall be mailed to the student and to appropriate staff members, within twenty (20) calendar days following the review. The decision of the Board of Trustees is final.

### II. Expulsion Disciplinary Process

Students who have been accused of violating the Code of Conduct go through the Steps 1-4 listed above. If, in Step 3, the recommendation is for Expulsion, the following describes the additional process for that sanction.

Expulsion of a student is the indefinite termination of student status and all attending rights and privileges. Expulsion of a student is accomplished by action of the Board of Trustees on recommendation of the College President and the Chancellor. An expelled student shall not be allowed to register in any subsequent semester without the approval of the College President. The process is as follows:

1. The College President shall forward to the Chancellor a letter of recommendation for expulsion which includes a brief statement of charges and a confidential statement of background and evidence relating to the charge(s).
2. The Chancellor shall review the recommendation for expulsion with the Office of County Counsel.
3. The Chancellor, as Secretary for the Board of Trustees, shall forward a letter to the student by certified mail to the address last on file with the District, at least three days prior to the meeting, advising him/her of the charges and the intention of the Board of Trustees to hold a closed session to consider his/her expulsion. The letter shall include the date, time and place of the Board's meeting. Unless a student requests a public

hearing in writing at least 48 hours prior to the scheduled hearing, the hearing shall be conducted in closed session.

4. The student is entitled to be present during presentation of the case and may be accompanied by a representative. If the student chooses to be represented by an attorney, the student must so notify the Chancellor no later than five working days prior to the hearing. The student has the right to examine any materials upon which charges against him/her are based, and shall be given the opportunity to present his/her evidence refuting the charges to the Board of Trustees. The student or his/her representative may cross-examine any witness. The district bears the burden of proof.
5. The report of final action taken by the Board of Trustees in public session shall be made a part of the public record and forwarded to the student. Other documents and materials shall be regarded as confidential and will be made public only if the student requests a public hearing.

### III. Definitions:

Party – The student or any persons claimed to have been responsible for the student's alleged grievance, together with their representatives. "Party" shall not include the Grievance Hearing Committee or the College Grievance Officer.

Student – A currently enrolled student, a person who has filed an application for admission to the college, or a former student. A grievance by an applicant shall be limited to a complaint regarding denial of admission. Former students shall be limited to grievances relating to course grades to the extent permitted by Education Code Section 76224(a).

Respondent – Any person claimed by a grievant to be responsible for the alleged grievance. Judicial Officer – Member of the Student Disciplinary Board responsible for ensuring that the Formal Hearing process is followed according to established procedures.

Day – Unless otherwise provided, day shall mean a day during which the college is in session and regular classes are held, excluding Saturdays and Sundays.

CHAPTER 7: Student Services ADMINISTRATIVE PROCEDURE NO. 7.69.3

ADMINISTRATIVE PROCEDURE  
San Mateo County Community College District

Subject: AP 7.69.3 Student Disciplinary Sanctions

Adoption Date: 11/14

Policy Reference : Education Code Section 76030 et seq.; California Penal Code Section 626.4

- 
1. The rights and responsibilities of students are not fundamentally different from those of other members of the community. District officials administer the academic community under statutory authority in accordance with the directions of the Board of Trustees. Discipline is administered outside of civil authority or concurrent with civil authority in matters which affect the academic community.
  2. Students charged with misconduct may be subject to the following sanctions:
    - a. Warning: An oral statement to the student that he/she is violating the Student Code of Conduct; that continuation or repetition of the conduct may be cause for further disciplinary action. This action may be taken by any faculty or staff or by the Disciplinary Officer when the case is referred to him/her.
    - b. Reprimand: A written notice by the Disciplinary Officer of violation of the Student Code of Conduct. A reprimand may include the possibility of more severe disciplinary sanctions in the event of future infractions of the Student Code of Conduct.
    - c. Disciplinary Probation: Formal written notice by the Disciplinary Officer of violation of the Student Code of Conduct which includes exclusion from participation in specified activities or locations for a period not to exceed one (1) calendar year. Further violation of the Student Code of Conduct will result in more severe sanctions.
    - d. Restitution: Formal action by the Disciplinary Officer to require the reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

- e. Removal from Classes/Facility: Exclusion of a student by an instructor or an administrator from a class and/or facility for the day of the offense and/or the next class meeting or day. An instructor removing a student from class shall make written report or meet with the College Disciplinary Officer to discuss the cause for the removal. After-the-fact review by the College President or designee shall occur if the student alleges in writing that an instructor or administrator has abused his/her administrative discretion.

Any College instructor, for good cause, may remove a student from the classroom for the day of the incident and the next regular class meeting.

- i. Before ordering the removal of any student from class, the instructor shall first give or make reasonable efforts to give the student an oral or written notice of the reasons for the proposed removal.
- ii. Immediately following the removal from class, the instructor shall document the removal and notify the Division Dean and/or Disciplinary Officer of the action.
- iii. If the student is a minor, the parents or legal guardian shall be notified in writing by the Disciplinary Officer as soon as possible and the parent will be asked to attend a conference regarding the removal.

- f. Suspension: Action by the College President to exclude the student from all Colleges and District/College programs and activities for a definite period of time. This action shall be posted on the student's electronic record, but shall not be reflected on the academic transcript. AP 7.69.3 Student Disciplinary Sanctions (continued)

- Short term Suspension: Exclusion of the student by the Vice President, Student Services, for good cause from one or more classes for a period of up to ten consecutive days of instruction.
- Long-term Suspension – Exclusion of the student by the Vice President, Student Services, for good cause from one or more classes for the remainder of the school term, or from all classes and activities for one or more terms.

This does not prohibit, where an interim suspension is required in order to protect lives or property and to insure the maintenance of order, an interim suspension pending a hearing, provided that a reasonable opportunity for a hearing be afforded a suspended person within ten (10) instructional days (Education Code, 66017).

Suspension for more than ten days may have impact on a student's financial aid eligibility or financial aid award.

- g. Expulsion: Action by the Board of Trustees to terminate student status in the District indefinitely. The Board of Trustees may expel a student for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the students or others.

Final action by the Board of Trustees shall be taken by the Board of Trustees at a public meeting. Action to expel a student will be posted on the academic transcript.

#### Barring Non-Students From Campus

The Vice President, Student Services, or Chief of Public Safety may prohibit any person (nonstudent) from being on campus in accordance with California Penal Code Section 626.4, *Withdrawal of Consent to Remain on Campus*, when there is reasonable cause to believe that such person has willfully disrupted the orderly operation of the college. In no case shall a non-student be barred from campus for longer than 14 days from the date upon which the non-student was initially barred. If a non-student is barred from the campus, the Vice President, Student Services, or Chief of Public Safety, must promptly provide a written report to the College President.

The person who has been barred from campus may submit a written request for a hearing. The request for the hearing shall be granted not later than seven days from the date of receipt of the request. The hearing will be conducted in accordance with the provisions of this procedures relating to interim suspensions. Any person who has been barred from campus who knowingly reenters the campus, except to come to a meeting or hearing, is subject to arrest (Penal Code Section 626.4).