

# Annual Security Report

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2021-2023

## Safe & Sound

A Guide to Safety and Security  
in the San Diego Community

City College  
Mesa College  
Miramar College



**SAN DIEGO**  
Community College District

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## PART 1: CAMPUS SAFETY AND THE CLERY ACT

In 1990, the Higher Education Act of 1965 (HEA) was amended to include the Crime Awareness and Campus Security Act of 1990. This amendment required all postsecondary institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics in memory of Jeanne Clery, a Lehigh University student who was killed in her dorm room in 1986. On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill were amendments to the Clery Act that afforded additional rights to victims of dating violence, domestic violence, sexual assault and stalking.

**Campus Safe and Sound** is the San Diego Community College District's *Annual Security Report*, published in compliance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act". Each participating institution's *Annual Security Report* must do the following:

- Disclose the institution's campus security policies and three years' worth of specified crime and arrest statistics;
- Keep a daily crime log of alleged criminal incidents that is open to public inspection;
- Provide information regarding the institution's emergency procedures;
- Issue Timely Warnings for Clery Act crimes that constitute a serious or continuing threat to the safety of students or employees;
- Create awareness and prevention programs for students and employees regarding dating violence, domestic violence, sexual assault and stalking;
- Provide information regarding certain of the institution's policies and procedures that are related to the Clery Act or the Violence Against Women Act;
- Disclose procedures victims should follow if a crime of dating violence, domestic violence, sexual assault or stalking has occurred;
- Be made available to students, faculty and staff, and applicants for employment
- The U.S. Department of Education centrally collects and disseminates the statistics reported in the *Annual Security Report* at: <https://ope.ed.gov/campussafety/#/>. Schools that fail to comply can be penalized by the U.S. Department of Education.

### The San Diego Community College District

The mission of the San Diego Community College District ("District") is to provide accessible, high-quality learning experiences, and undergraduate education at an affordable price to meet the educational needs of the San Diego community and the state.

As one of the largest of California's 73 community college districts, the San Diego Community College District serves approximately 80,000 students annually at its three credit colleges, San Diego City College, Mesa College, and Miramar College, as well as seven campuses of San Diego College of Continuing Education.

The credit colleges offer associate degrees, while the credit colleges and College of Continuing Education offer career technical certificates that prepare students for transfer to universities and/or career pathways with higher paying jobs.

The District's policies and procedures pertaining to campus safety apply to each institution. In this Annual Security Report, unless otherwise specified, information presented can be understood to apply to City College, Mesa College, and Miramar College. The San Diego College of Continuing Education does not participate in federal student financial aid programs and therefore data from this institution is not included

in this Annual Security Report. The District does not have any residential facilities. District organizations do not maintain any off-campus facilities.

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

The District Clery Compliance Committee provides oversight of the annual development and publication of the *Annual Security Report*. The Clery Compliance Committee is composed of representatives from:

- District Office People, Culture, and Technology Services/Title IX
- San Diego Community College District Police Department
- District Office Wellness and Disability Support Programs and Services/Student Services
- Facilities Services
- Public Relations and Communications
- Student Affairs representation from each College

District Office of People, Culture, and Technology Services and the San Diego Community College District Police Department (“College Police”) work together to generate, compile and report crime, arrest, and student disciplinary information contained in the *Annual Security Report*. District employees, including District faculty, managers and supervisors, and any individuals who hold significant responsibilities for students and campus activities, also provide reportable crime incident information that is included in this report. Relevant crime data from all regional law enforcement agencies are collected through the Automated Regional Justice Information System and are included in the report. This information is provided to the Title IX Coordinator, who works with the Clery Compliance Committee to prepare the *Annual Security Report*, including the crime statistics, required policy statements, and other information. College Police and District People, Culture, and Technology Services coordinate to review all data to ensure accuracy and to avoid duplication.

For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year in which the crime was reported. All of the statistics are gathered, compiled, and reported to the District community via this *Annual Security Report*. These statistics are also submitted to the U.S. Department of Education. The *Annual Security Report* is distributed to all students, faculty and staff each year by email and is available at on San Diego Community College District Police Department website at: SDCCD College Police Department. Printed copies are available upon request by calling the College Police at 619-388-6411.

### **The San Diego Community College District Police Department**

The San Diego Community College District Police Department (“College Police” or “Department”) operates under the general direction of the Vice Chancellor, Operations, Enterprise Services, and Facilities, and is overseen operationally by Chief of Police Joseph Ramos. College Police is 77 employees strong; with 40 Sworn Officers that is broken down into the Chief, 2 Lieutenants, 8 Sergeants and 29 Police Officers. On the Civilian side there are 17 College Service Officers (CSOs), 1 Security Officer II, and 19 non-uniformed civilian employees.

College Police is the largest community college police department in the state of California, authorized by Penal Code section 830.32 and Education Code section 72330. The Department is a POST certified full-service agency operating in compliance with all state standards for recruiting and training under California Penal Code 13522. The Department was officially established as a California POST certified agency on May 11, 1987. Prior to receiving POST certification, the Department was organized as a security agency. College Police is represented at the San Diego County Chiefs’ and Sheriff’s Association (SDCC&SA). It is also part of the San Diego County University and College Law Enforcement Task Force (UCLET).

**Law Enforcement Authority and Working Relationships**

The law enforcement authority of the College Police extends to any place in the state for the purpose of performing its primary duty and is identical to that of municipal and county law enforcement officers. College Police have the authority to enforce Federal, State and local laws and to conduct criminal investigations and make arrests anywhere in the State of California. Officers receive the same basic and ongoing training as city and county peace officers throughout the state, plus additional training to meet the unique needs of a campus environment.

SDCCD Police Officers provide the primary law enforcement response on and around City College, Mesa College, Miramar College, six continuing education centers and various San Diego Community College business offices, classrooms and properties. College Police patrol all District sites 7 days a week, 24 hours a day.

The College Police Department ensures that reasonable protection is provided to members of the District community while they are at locations owned or controlled by the District by using methods that fit within and contribute to the educational philosophy of the District. College Police provides a full range of public safety services including taking and responding to all crime reports, investigations, medical and fire emergency response, and traffic control. The College Police Department also enforces laws regulating underage drinking and the use of controlled substances.

While the College Police have statewide jurisdiction, the primary patrol jurisdiction is to operate on property owned or controlled by or adjacent to the District.

College Police operates 24-hours-a-day, and may be contacted at:

**Police Headquarters/Administrative Office and Investigations**

1536 Frazee Road

San Diego, CA 92108

(619) 388-6411

**Communications and Dispatch Center**

(619) 388-6405

**City College Police Substation**

Career Technologies Center

1081 16th Street, #V-100

San Diego, CA 92101

(619) 388-3461

**Mesa College Police Substation**

7250 Mesa College Drive, #Q100

San Diego, CA 92111

(619) 388-2749

### **Miramar College Police Substation**

10440 Black Mountain Road, Room #T100

San Diego, CA 92126

(619) 388-7353

### **Memorandum of Understanding**

A Memorandum of Understanding is in place with the San Diego Police Department (SDPD) detailing the manner and circumstances in which information will be shared between the agencies, and certain circumstances under which SDPD will provide assistance with incidents that require specialized resources. The MOU broadly defines operational cooperation between the two agencies regarding specific crimes that occur on, or adjacent to District property. It also specifically identifies which agency takes the lead on response and investigations of specific crimes.

### **Monitoring of Student Off-Campus Criminal Activity**

The District does not recognize any student organizations with non-campus housing facilities, nor does it monitor and record through local police criminal activity by students at non-campus locations of student organizations.

### **Daily Crime Log**

The College Police Department's Daily Crime Log provides details about crimes that have been reported to the San Diego Community College District Police Department. It is updated on a daily basis and includes the nature/classification, date reported, date occurred, time, general location, and brief description, provided the information is available.

Entries are made within two business days of the report of the information, unless the disclosure is prohibited by law or would jeopardize the confidentiality of the victim. College Police may withhold this information if there is clear and convincing evidence that releasing it would jeopardize an ongoing criminal investigation or safety of the individual, cause the suspect to flee or evade detection, or result in the destruction of evidence.

Any portion of the log older than sixty days will be made available within two business days of a request for public inspection.

The District does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

If the alleged victim is deceased as the result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Hard copies of the Daily Crime Log are available for review in the following offices on each campus during normal business hours at the College police business offices:

City College . . . . . V-100

Mesa College . . . . . Q-100

Miramar College . . . . . T-100

Disposition Definitions are provided below.

**Disposition Definitions**

Cleared by Arrest	Closed – Title IX
Cleared by Arrest (Another Agency)	Information Only
Cleared by Exception	Pending
Closed - Other	Released
Closed – Student Affairs	Unfounded

According to Federal Law, an institution may withhold any of the required fields of entry, i.e., the nature, date, time, location and/or disposition if any of the following conditions apply:

- The disclosure is prohibited by law
- If disclosure would jeopardize the confidentiality of the victim
- If disclosure would jeopardize an ongoing criminal investigation or the safety of an individual
- If disclosure would cause a suspect to flee or evade detection
- If disclosure would result in the destruction of evidence

**SDCCD Non-Discrimination Policy**

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities. The District, and each individual who represents the District, shall provide access to its services, classes, and programs without regard to national origin, religion, age, sex, gender, gender identity, gender expression, race or ethnicity, color, medical condition, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or military and veteran status, or because a person is perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics. A complete copy of the District’s Nondiscrimination Policy can be found at: [SDCCD Board Policy 3410](#).

## **PART 2: POLICIES, PROCEDURES, AND PROGRAMMING RELATED TO CRIME REPORTING, EMERGENCY RESPONSE, AND CAMPUS SAFETY**

It is the policy of the San Diego Community College District (SDCCD) Board of Trustees to protect the college community and to protect the property of the District. The District encourages all members of the District community to report potential criminal activity to College Police. Such reporting allows College Police to facilitate District safety, including by ensuring that the crime reports are evaluated for whether they should result in the issuance of a Timely Warning Notice and are included in the Annual Security Report.

### **Procedures for Reporting a Crime**

For immediate reporting of a crime to College Police or any other incident please contact our 24-hour College Police Communications Center at 619-388-6405. From campus building phones, press the college police button for immediate assistance.

Dispatchers are on duty 24 hours a day, seven days a week including holidays. You will be prompted to press "1" if you have an emergency or a crime in progress. For non-emergency reporting please stay on the line until a dispatcher answers.

### **Call Boxes**

You may also use any of the call boxes located at each campus in the parking lots or any classroom call box, generally located in the front of each classroom. Open the call box door if there is one, then push the button and use the handset or just speak into the box to communicate with the dispatcher.

You may also go to any building elevator. Push the emergency button on the intercom, located under the elevator control panel, and you will be immediately connected to a college police dispatcher, who will communicate with you through the speaker.

Additionally, criminal action and any other incidents may also be reported via email to the SDCCD Police Department at [police@sdccd.edu](mailto:police@sdccd.edu). This email is not monitored 24/7.

A member of the District community may always report a crime or other emergency situation to law enforcement by dialing 911.

Important phone numbers:

City College Police	619-388-3461
Mesa College Police	619-388-2749
Miramar College Police	619-388-7353
San Diego Police Department	619-531-2000

### **Response to Reports of Crime or Emergency**

In response to a report of a crime or other emergency, College Police will take the required action, either by dispatching a security officer to the victim's location, or by asking the victim to meet with College Police officers to file an incident report. In an emergency, College Police will summon the additional resources as necessary to respond to the emergency, including but not limited to the San Diego Police Department, San Diego Fire Department, and Emergency Medical Services. When applicable, these incident reports are forwarded to the relevant College Dean of Student Affairs and/or the District [Title IX Office](#) for review, investigation, and potential action, as deemed appropriate.

When a sexual assault, dating violence, domestic violence or stalking incident is reported to College Police, staff on the scene, including College Police, will offer the victim a variety of District and other local

resources. Additional information regarding College Police and detailed descriptions of [Policies and Procedures](#) is available at [SDCCD Police - About Us](#).

### **Campus Security Authorities**

A Campus Security Authority (CSA) is an individual at the colleges who has an obligation to notify College Police of alleged Clery Act crimes for purposes of reporting. The [Clery Act](#) defines a CSA as any of the following categories:

1. A campus police department or a campus security department of an institution, e.g., any member of College Police.
2. Any individuals who have responsibility for campus security but are not members of a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into the College or District property, such as a security guard).
3. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offense; or
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

### **Who is a CSA**

Examples of common Campus Security Authority roles at City College, Mesa College, Miramar College and the District Office may include:

- Deans of Student Affairs
- Directors of Athletics;
- Athletic coaches, including assistants;
- Title IX coordinators;
- Members of Emergency Response Teams

### **Who is Not a CSA**

Faculty members who do not have responsibility for student and campus life beyond the classroom, clerical staff, cafeteria staff, facilities staff, and maintenance staff are not considered CSA's however, they are not prohibited from reporting crimes and are encouraged to do so for accurate record keeping by the District. In addition, the District employs **Professional Mental Health Counselors** within its Student Health Services. A Professional Mental Health Counselor is an employee of a District whose official responsibilities include providing psychological counseling to members of the District's community and who is functioning within the scope of his/her/their license or certification. The District is not required to issue Timely Warning notifications with respect to crimes reported to Professional Mental Health Counselors.

### **What a CSA Must Do**

A CSA must notify College Police of crimes or criminal incidents that are reported to them that fall under the Clery Act's list of reportable crimes and occur within the College's Clery Geography for including in the Annual Security Report, regardless of whether or not the victim chooses to file a report with law enforcement or press charges. Any CSA who becomes aware of a Clery-reportable crime must report the incident to the College Police Department as soon as possible, in order to ensure that the District complies with the Timely Warning provision of the Clery Act if applicable. Information forwarded by CSA's to College Police is for statistical purposes to determine whether a timely warning should be issued to the campus community.

The following crimes must be reported by CSA's:

- Arson
- Criminal Homicide (murder and non-negligent manslaughter and negligent

- manslaughter)
- Robbery
- Burglary (except vehicle burglary)
- Motor Vehicle Thefts
- Dating Violence
- Domestic Violence
- Stalking
- Sex Offenses (rape, fondling, incest, and statutory rape)
- Aggravated Assault
- Hate Crimes
- Weapons Violations
- Alcohol Violations
- Drug Violations

### **Voluntary Confidential Reporting Options**

Confidential reporting is when an identifiable reporting party asks to remain confidential. While a member of the District community can report a crime without identifying themselves via telephone or web, the District must take action on reported crimes and cannot guarantee the confidentiality of the individual(s) reporting a crime. The District will protect the identity of persons to the extent permitted by law, and will not release any information to any party that does not have a need and a right to know the information. Additionally, the College Police Department will mark the report as confidential and will, when able, redact any personal identifying information from the police report and other documents.

Crimes can also be reported anonymously via the San Diego County Crime Stoppers website at [sdcrimestoppers.com](http://sdcrimestoppers.com).

Individuals designated as Professional Mental Health Counselors and whose job responsibilities include providing psychological counseling to members of the District community may respect a reporting party's wish for confidentiality when the counselor receives the report while functioning within the scope of their job description and licensure. These individuals constitute professional counselors within the meaning of the Clery Act. District policy, through periodic training, encourages such individuals to inform the persons they are counseling (when appropriate) of procedures to report crimes without providing personally identifiable information so that they may be included in the annual disclosure of crime statistics. It is important to note that academic counselors and Disability Support Programs and Services (DSPS) counselors are not designated mental health counselors that may respect a reporting party's wish for confidentiality.

### **Pastoral Counselors**

The District does not employ any **Pastoral Counselors** within the meaning of the Clery Act. Pastoral counselors are those individuals who are associated with a religious order or denomination, are recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor. The District is not required to issue Timely Warning notifications with respect to crimes reported to Professional or Pastoral Counselors.

### **Sex Offender Registration**

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vacation, volunteers services or is a student.

Faculty, staff and students of the San Diego Community College District may obtain information on certain registered sex offenders who are students, employees or volunteers at a specific college or facility within the District by calling College Police at 619-388-6411 to schedule an appointment.

In California, convicted sex offenders must register with the San Diego Police Department by calling (619) 531-1543.

You can search online for sex offenders in the city of San Diego by using the interactive map at [meganslaw.ca.gov](http://meganslaw.ca.gov) and in the county at [www.arjis.org](http://www.arjis.org). Or visit the San Diego Police Department, 1400 “E” Street, San Diego, CA 92101, between 8:00 a.m. and 5:00 p.m. Monday through Thursday. The National Sex Offender Public Registry is available through the U.S. Department of Justice at [www.nsopr.gov](http://www.nsopr.gov).

### **Emergency Response Communications**

SDCCD is committed to a safe educational and work environment for all students and staff, as well as the community.

Responsibility for initiating the RAVE Alert electronic emergency communications system is centralized with College Police. If relevant, any additional communications, including non-electronic communications that are directed toward specific segments of the District community will be apportioned as follows:

- Vice Chancellor of People, Culture, and Technology Services or designee – communication involving employees
- Vice Chancellor of Educational Services or designee – communication involving students
- Director of Communication and Public Relations or designee – general Public/Media, Website, Social Media

Following an emergency, the Chancellor and/or President may convene members of the Emergency Response Team (ERT) to ensure they are informed of the situation and to further activate additional and longer-term actions that may be necessary to facilitate the health and safety of the Community.

The ERT includes college officials who are notified when an emergency notification is issued. The ERT consists of the Executive Vice Chancellor, Finance and Business Services, the Vice Chancellors for People, Culture, and Technology, Educational Services, and Operations, Enterprise Services, and Facilities, along with the Director of Communication and Public Relations, the Associate Vice Chancellor of Information Technology Services, and College Presidents, if districtwide. In the event of an emergency localized on a given campus, the ERT will include the relevant campus President and Vice Presidents and/or their designees. Follow-up notifications, including an ALL CLEAR may be issued, where appropriate.

The Chancellor and/or President may also convene members of the ERT and review the process and situational response to facilitate continuous improvement.

**Timely Warnings and Emergency Notifications**

The following chart identifies the differences between emergency notifications and timely warnings:

	<b>Emergency Notifications</b>	<b>Timely Warnings</b>
<b>Scope</b>	A significant emergency or dangerous situation	Clery Crimes that have been reported to SDCCD Police or a Campus Security Authority
<b>Triggered By?</b>	An event that is currently occurring on campus, or imminently threatening campus, that represents a threat to the health and safety of students or employees	Crimes that occurred (in the past) and represent an ongoing threat to students and employees
<b>Where Event Occurs?</b>	Only on Campus (Mesa, City, or Miramar)	Anywhere on SDCCD property that is considered Clery Geography
<b>How soon is the communication issued?</b>	Immediately upon confirmation of situation	As soon as information is available

**Timely Warning Notices**

The District will issue Timely Warning Notices whenever a Clery Crime is committed on District property or on adjoining public property and the District believes that there may be a serious or continuing threat to students and employees. Examples of Clery Crimes that may be cause for the District to issue a Timely Warning are:

- Criminal Homicide (murder and non-negligent manslaughter and negligent manslaughter)
- Robbery
- Burglary (except vehicle burglary)
- Arson
- Dating Violence
- Stalking
- Sex Offenses (rape, fondling, incest, and statutory rape)
- Aggravated Assault
- Motor Vehicle Thefts
- Hate Crimes
- Domestic Violence

The intent of Timely Warning Notices is to aid in the prevention of similar crimes and to enable members of the District community to take steps to protect themselves.

**Timely Warning Notice Procedures**

The on-duty dispatcher will, as soon as pertinent information is available and/or at the request of the incident supervisor, draft an email containing the proposed Timely Warning Notice and forward it to those District and College leaders responsible for disseminating electronic and non-electronic communications. Based upon the nature and severity of the emergency, communication for awareness may be sent to the Chancellor, the Executive Vice Chancellor, Business and Technology Services; Vice Chancellor of Facilities; Director of IT; the Title IX Coordinator; the respective Campus President and the respective Campus Public Information Officer.

The text of the message will not contain confidential information, such as a victim's name, but will contain the information appropriate to assisting members of the District community in preventing similar crimes. A Timely Warning will not be transmitted if it is deemed that the notification will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

The Timely Warning Notice will only be distributed to members of the District community associated with locations or institutions at which it is deemed there is a serious or continuing threat to students and employees. Warnings will be delivered in multiple modes including, but not limited to e-mail, text messaging, social media, and/or web alerts, as appropriate.

Dissemination of the Timely Warning will be centralized to the extent possible, given the technologies and modalities being used to facilitate communications. Responsibility for initiating the RAVE Alert electronic emergency communications system is centralized with College Police. If relevant, any additional communications, including non-electronic communications that are directed toward specific segments of the District community will be apportioned as follows:

- Vice Chancellor of People, Culture, and Technology Services or designee – communication involving employees
- Vice Chancellor of Educational Services or designee – communication involving students
- Director of Communication and Public Relations or designee – general Public/Media, Website, Social Media

Updates to the District community about any particular case resulting in a crime alert will be distributed, as appropriate.

### **Emergency Notification**

Timely communication in the event of an emergency is a priority. In the event of a serious incident that poses an immediate threat to the SDCCD community, the District will issue an emergency notification. An emergency is an immediate threat to the health and safety of students or employees. The District has various systems in place for communicating information quickly.

Examples of situations or events that may be cause for the District to issue an Emergency Notification include, but are not limited to:

Active threat, terrorism, violent civil disturbance, violent crime on or close to campus (weapon displayed or discharged), explosion, hazardous materials incident, bomb threat or a significant weather- related incident such as a wild fire, flood or earthquake.

### **Emergency Notification Procedures and Annual Testing**

If it is determined by a Responsible College Official that there is an immediate threat to the health and/or safety of members of the College community, without delay, and taking into account the safety of the community, may unilaterally determine the messaging of the Emergency Notification and initiate the notification system, unless issuing a notification will, in their professional judgment, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The District's emergency communication response plan involves the following communication components, any or all of which may be used in response to a given emergency:

- Telephone calls to home and cellular telephones
- Text messaging to cellular telephones via RAVE Alert
- Email to all students and employees via RAVE Alert
- Telephone paging to employee workstations

- Messaging posting on District, Colleges and Continuing Education websites and other social media sites
- Canvas classroom announcements
- Press releases

In case of a college or district-wide emergency or college campus closure, students, faculty and staff, and the community can always check the District website for up-to-date information at [sdccd.edu](http://sdccd.edu).

District employees and students are automatically registered on the RAVE Alert platform, with contact information sourced from the Student Information System and Human Resources records. This integration ensures that they receive timely emergency notifications via text and/or email, along with relevant information and instructions. The District encourages incoming and returning students and employees to provide cell phone numbers to communicate with them in the event of a college or district-wide emergency.

Prior to the District's transition in 2024 to the RAVE Alert system, the Information Technology Services (ITS) team undertook a series of validation tests within the Blackboard Connect system. Specifically, these tests were carried out on January 20, 2023. The tests were unannounced.

The primary objective of these exercises was to validate the integration and synchronization between the SDCCD Enterprise Resource Planning (ERP) system and the Blackboard Connect platform. The validation testing was successful in confirming the seamless interaction between the SDCCD ERP system and the Blackboard Connect platform.

## **Emergency Response and Emergency Preparedness**

### **Emergency Response Plans**

Pursuant to Board Policy [AP 7400.8](#), the District has an Emergency Response Plan which outlines institutional response to serious incidents impacting the campus. Key administrators have been identified in the plan as Responsible College Officials, along with an outline for evacuation, performance expectations, and continuity of operations. College Police officers and supervisors have received training regarding their roles in the emergency response plan. On an annual basis, the District provides information about the institution's Emergency Response Plan to all students and employees.

When the College Police Communication Center (Dispatch) receives notice of an emergency or dangerous situation, dispatch will notify appropriate emergency response agencies if the emergency or dangerous situation has not already been reported. When the Chancellor or designee, or the Campus President or designee receive notice of an emergency or dangerous situation, they will notify the College Police or 911 for immediate response.

### **Responsible College Officials**

- Chancellor or designee(s): Non-criminal emergencies with Districtwide implications
- Chief of Police or designee(s): Crimes or non-criminal emergencies
- Campus President or designee(s): Non-criminal emergencies involving their College

Students and Employees may access Emergency and Safety Plan information specific to their college or district location on the website of each College: [Mesa College Emergency Plans](#), [Miramar College Emergency Plan](#), [City College Emergency Procedures](#).

### Emergency Preparedness

The District conducts numerous emergency response exercises on campus each year, such as table-top exercises and tests of its emergency evacuation systems and emergency notification system. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. These tests are announced and/or unannounced.

During the drill, occupants practice drill procedures and familiarize themselves with the location of exits, the evacuation route, designated assembly locations and the sound of the fire alarm. Students, faculty, and staff receive advance notice, including date and time of the evacuation drills. In conjunction with scheduled drills, the District sends an email notification regarding the drill, which includes information on the evacuation procedures. Drills are coordinated through the Safety Committee for each College and District Headquarters in conjunction with College Police, who also maintain the documentation of the evacuation and response drills and any noted areas of future improvement. In addition to educating the occupants of each building about the evacuation procedures during the drills, the process also provides the District staff an opportunity to test the operation of the fire alarm system components, or any other tool used during emergency situations.

For each drill, the District documents a description of the drill, the date and time of the drill, and whether it was announced or unannounced. Recommendations for improvements are also submitted to the appropriate department/offices for consideration. The results of the annual test will be reviewed and monitored by the Chancellor's Cabinet and published in the District Annual Safety Repo

### Specific Emergency Procedures

#### Shelter in Place

Under certain circumstances, College Police may advise members of the District community to shelter in place. Sheltering in place provides protection from external hazards, minimizes the chance of injury, and/or provides the time necessary to allow for a safe evacuation. This should be done by selecting a small, interior room if possible, with no or as few windows as possible. When authorities issue directives to shelter-in-place, do not walk outdoors and take refuge indoors immediately.

A shelter-in-place order may be issued in response to:

- An active shooter
- Severe weather
- Hazardous materials
- Civil unrest
- A hostage situation
- Or any situation where it is best for you to stay where you are to avoid any outside threat.

If this occurs:

- Remain CALM.
- Faculty should recommend to students and others not to leave and/or go outside.
- Select a small interior room with no or few windows as possible and close and lock all windows, exterior doors, and any other openings that lead to the outside.
- Stay away from all windows, doors.
- Facilities Management personnel should shut down all building ventilation fans and air conditioners, when and if appropriate.
- If you are told there is danger of explosion, close the window shades, blinds, or curtains.
- Select interior room(s) above the ground floor, with the fewest windows or air vents.
- Room(s) should have adequate space for everyone to be able to sit down comfortably.

- Avoid overcrowding by selecting several rooms when necessary.

For severe weather and civil unrest:

- Stay inside and move away from windows.
- Close and lock all exterior doors and offices.
- For extreme weather, relocate to lower levels in the building.
- For external chemical, biological or radiological incidents.
- Stay inside and move to an inner corridor or office.

Facilities Management personnel may shut down all building ventilation fans and air conditioners, when necessary and appropriate. Since many chemical agents are heavier than air, and tend to hold close to the ground, move to higher levels of the building if possible, to reduce the transfer of contaminated air from outside to inside.

Remain alert for instructions and updates as they become available from the emergency personnel and College administrators.

### **Evacuation Procedures**

#### **Including in Case of Fire**

At the sound of a fire alarm or if you are instructed to evacuate, proceed to the nearest exit and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify College Police at 619-388-6405.

- Remain Calm.
- Do NOT use elevators, use the stairs.
- Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform College Police or the responding Fire Department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building until instructed to do so.

### **Campus Safety and Crime Prevention Education Programs**

#### **General Safety Education and Prevention Programming**

It is the philosophy of the District that safety and security is everyone's responsibility. Students, faculty, staff and visitors are partners in creating an atmosphere that is safe and conducive for learning.

It is the goal of the District to inform students and staff in a timely manner of any criminal activity or security problem that may pose a reasonable threat to their safety. Such information will be distributed to students through this brochure, newsletters, posted notices, student publications and the District web site. District institutions provide periodic training to faculty leaders regarding primary incident response.

All District institutions participate in the See Something, Say Something campaign, using signage and events to promote primary prevention and ongoing awareness regarding indicators of possible safety concerns and the need for individuals to report such concerns to College Police or District Administration.

Faculty and staff are informed through in-house memos, bulletins, newsletters and email. The District and Colleges coordinate trainings for employees on specialized topics such as use of panic buttons vs. calling College Police via phone, how to respond to weapons in the office, and focused Safety Training for employee departments and divisions.

In addition to general safety and security programs, the District also provides educational programs focused on the importance of data and information security. Miramar Technology Services sends out periodic, non-regular emails alerting faculty/staff to current phishing efforts, scams and other cybersecurity issues, as well as working with District IT to inform and educate the campus of major security initiatives. Beginning in September 2023 and in order to publicize the District's intent to launch "Cybersecurity Awareness Month" (since October is also "Squirrel Awareness Month"), these emails were branded as "Security Squirrel Sez", rather than "just another email from someone". By employing a bit of humor, these emails are generally well received and often generate appreciative responses. Approximately 6-8 emails per year are sent, and tend to coincide with upticks in malicious activity or certain District initiatives.

The SDCCD Police Department posts crime prevention alerts, campus crime alerts, safety alerts and safety bulletins on its website at [sdccd.edu/about/departments-and-offices/police-department/alerts-and-news.aspx](http://sdccd.edu/about/departments-and-offices/police-department/alerts-and-news.aspx). In addition to highlighting SDCCD College Police events, regular safety announcements are made in a PSA (Public Safety Announcement) format via [www.facebook.com/SDCCDPolice](https://www.facebook.com/SDCCDPolice) social media channels.

SDCCD Police also offer the following trainings for District students and employees:

- RAD (Rape Aggression Defense) program is a self-defense program for women, both students and employees.
- ALICE – A program for employees taught by College Police on how to protect themselves from workplace violence and active shooters.

Finally, all effective crime prevention programs include people watching out for one another. All staff and students are asked to be alert, security conscious and involved. Please call College Police at 619-388-6405 whenever you see suspicious behavior.

### **Enhancements to Safety and Security**

The San Diego Community College District continuously endeavors to enhance the safety of its community. In the past 18 months, the District has initiated the following operational activities related to safety:

- College Police Dispatch received a new phone system that enhanced their ability to connect and communicate with the San Diego regional 911 system
- Installation of a smart camera system at the W-Building at Miramar college; the camera system is being piloted for future expansion to other District facilities
- A noted operational enhancement is the District's transition to a new Emergency Notification System (ENS), RAVE Alert, which replaced the District's current use of Blackboard Connect as the ENS

In addition to continued investments in facilities and information systems to support District safety, the District has enhanced student trainings and reorganized staffing regarding sexual harassment and violence, with the triad goal of reducing harmful behaviors, increasing awareness of reporting options and increasing support for individuals that report impacts of sexual violence or harassment. Effective September 1, 2024, the District implemented a requirement for students of mandatory completion of the Gender Equity, Sexual Harassment and Violence Prevention Training Course per California Senate Bill 2683.

### **PART 3: POLICIES, PROCEDURES, AND PROGRAMMING RELATED TO DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND STALKING**

Title IX is a federal law that prohibits schools from discriminating based on sex/gender. The San Diego Community College District strives to promote and provide an environment free from sexual and gender-based misconduct and all forms of sexual and gender-based harassment. “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance”. 20 U.S.C. § 1681 The District strives to meet all the requirements defined by Title IX, the Campus Sexual Violence Elimination (SaVE) Act, the Clery Act and the re-authorized Violence Against Women Act (VAWA).

Title IX discrimination includes sexual harassment, sexual misconduct, gender-based harassment, sexual violence, sexual assault, stalking, and intimate partner violence (domestic and dating violence). Where unwelcome sex/gender-based conduct consists of speech or expressive conduct, the District will balance Title IX enforcement with respect for free speech and academic freedom. Students and employees and others should enjoy free speech and academic freedom protections, even when speech or expression may be subjectively offensive to others.

#### **Prohibition of Dating Violence, Domestic Violence, Sexual Assault and Stalking**

The San Diego Community College District prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking. Any sexual assault, physical abuse, domestic violence, dating violence, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District’s facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. [SDCCD Administrative Procedure 3540](#).

#### **Definitions of Sexual and Gender Based Misconduct**

The following definitions are used for purposes of reporting dating violence, domestic violence, sexual assault and stalking under the Clery Act as amended by VAWA. The District also prohibits these crimes as defined in the California Penal Code. Please see the References section of this Annual Security Report for California Penal Code definitions.

Domestic Violence: the term “domestic violence” means

- 1) Felony or misdemeanor crime of violence committed-
  - (i) By a current or former spouse or intimate partner of the victim;
  - (ii) By a person with whom the victim shares a child in common;
  - (iii) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  - (iv) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - (v) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- 2) The term “crime of violence” means: an offense that has as an element the use, attempted use,

or threatened use of physical force against the person or property of another; or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense. (18 USC § 16)

**Dating Violence:** the term “dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and

- 1) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition-
  - (i) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

**Stalking:** the term “stalking” means

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to-
  - (i) Fear for the person’s safety or the safety of others; or
  - (ii) Suffer substantial emotional distress.
- 2) For the purposes of this definition-
  - (i) Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by an action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
  - (ii) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - (iii) Reasonable persons mean a reasonable person under similar circumstances and with similar identities to the victim.

**Sexual Assault:** is an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI’s Uniform Crime Reporting system. A sex offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

**Rape:** is defined as 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:** is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

**Incest:** is defined as nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory rape:** is defined as nonforcible sexual intercourse with a person who is under the statutory age of consent.

## Consent

The District defines consent for the purpose of administrative proceedings in conformity with California law, which requires California institutions to comply with the following definition:

“Affirmative consent means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- (a) The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused; or
- (b) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- (A) The complainant was asleep or unconscious;
- (B) The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity; or
- (C) The complainant was unable to communicate due to a mental or physical condition.”

(Education Code Section 67386)

In criminal proceedings, consent is defined under California criminal law as “positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.” (CA Penal Code Section 261.6)

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a. Nothing in this section shall affect the admissibility of evidence or the burden of proof on the issue of consent.

Under state law, criminal liability may attach when:

- (A) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
  - (1) Where a person is incapable, because of a mental disorder, or developmental disability, or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
  - (2) Where it is accomplished against a person's will by means of force, violence, duress, menace or fear of immediate and unlawful bodily injury on the person or another;
  - (3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused;

- (4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
- Was unconscious or asleep.
  - Was not aware, knowing, perceiving, or cognizant that the act occurred,
  - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
  - Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
- (5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief;
- (6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
- (7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(B) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(C) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

(CA Penal Code Sections 261, 262, 286, 287, or 289, or former Section 288a)

### **Education and Prevention Programming with Special Application to Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

The District engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome and consider environmental risk and protective factors as they occur on the individual, relationship institutional community, and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming **students** and new **employees** and ongoing awareness and prevention campaigns for students and employees.

### **Primary and Ongoing Prevention Programming for Students**

The San Diego Community College District acknowledges the importance of training on gender equity, sexual harassment and violence prevention.

The District has developed an online [\*\*Gender, Equity, Sexual Harassment and Violence Prevention Training Course\*\*](#) which encompasses an introduction to educational regulations and guidance including how to recognize, report, and prevent sexual assault and harassment, to ensure a working and learning environment free from gender-based discrimination. Topics covered in the training include:

- Common facts and myths about the causes of sexual violence and sexual harassment
- What constitutes sexual violence and sexual harassment, including information on how to file internal administrative complaints with the institution of higher education and how to file criminal charges with local law enforcement officials.
- The availability of, and contact information for, campus and community resources for students who are victims of sexual violence and sexual harassment.
- Methods of encouraging peer support for victims and the imposition of sanctions on offenders.
- Information regarding campus, criminal, and civil consequences of committing acts of sexual violence and sexual harassment.

The District uses the **Gender Equity, Sexual Harassment and Violence Prevention Training Course** as a *primary prevention* program. Effective September 1, 2024, the District will require all incoming and returning students to certify that they have completed the online training. Additionally, certain groups of students (student athletes; student-workers; student government leaders; and students engaged in travel on behalf of the District) are required to provide proof of completion of the training as a prerequisite for participation in the specific District program or activity.

#### ***Title IX Overview, Sexual Harassment, Consent, and Bystander Intervention for Students***

This *primary prevention* program is facilitated by the Title IX office staff and covers the following topics: History of Title IX, jurisdiction of Title IX, conduct that may violate Title IX, myths and facts about sexual harassment, how to make a report, supportive measures, overview of grievance process, appeal process, what is consent, impact of alcohol on consent, and bystander intervention.

#### ***Title IX Overview, Sexual Harassment, Consent, and Bystander Intervention for Study Abroad Students***

This *primary prevention* program is facilitated by the Title IX office staff and covers the following topics: Safety tips while travelling abroad, jurisdiction of Title IX, conduct that may violate Title IX, myths and facts about sexual harassment, how to make a report, supportive measures, overview of grievance process, appeal process, what is consent, impact of alcohol on consent, and bystander intervention.

#### ***Title IX Overview, Sexual Harassment, Consent, and Bystander Intervention for Student Athletes***

This *primary prevention* program is facilitated by the Title IX office staff and covers the following topics: History of Title IX, jurisdiction of Title IX, conduct that may violate Title IX, myths and facts about sexual harassment, how to make a report, supportive measures, overview of grievance process, appeal process, what is consent, impact of alcohol on consent, bystander intervention, NCAA Student Athlete Clearance Process and Title IX Office

#### ***Domestic Violence/Intimate Partner Violence Awareness***

This *primary prevention* program is facilitated by the Student Health Center staff, and covers the following topics: How to recognize Domestic Violence (DV), what to do for yourself or a friend involved in DV,

resources to get help, strangulation recognition of signs and symptoms, suspicious injury reporting. Static display of pamphlets at Student Health Services Office. Open to all students and faculty/staff.

### ***Healthy Relationship Workshop***

This *ongoing prevention* program is facilitated by the Mental Health Counseling staff. In recognition of Dating Violence Awareness Month, this workshop focuses on how to recognize dating red flags. Open to all students and faculty/staff.

### ***Supporting Survivors Who Come Forward***

This *ongoing prevention* program is facilitated by the Mental Health Counseling staff. In observance of Sexual Assault Awareness Week, this informative workshop discusses sensitive topics about sexual assault. Open to all students and faculty/staff.

### ***Denim Day***

For this *ongoing prevention* program, Denim is worn raise awareness about sexual assault, to help fight victim blaming, and to educate others about the sexual violence that people experience. Open to all students and faculty/staff.

### ***Rape Aggression Defense (R.A.D.)***

The Rape Aggression Defense (R.A.D.) System is a comprehensive *primary* prevention course that begins with awareness, prevention, risk reduction and avoidance, progressing on to the basics of hands-on defense training. It is dedicated to teaching women defensive concepts and techniques against various types of assault using easy, effective and proven self-defense/martial arts tactics. R.A.D. provides effective options by teaching women to take an active role in their own self-defense. In October 2000, San Diego Community College Police Department began offering the R.A.D. Program. All female **students, faculty, staff** and guests are encouraged to sign up for this training. SDCCD PD holds six R.A.D. classes per academic year, one class per semester, per institution. For additional information and classes please visit the San Diego Community College District Police Department website at: [SDCCD College Police RAD Training](#) .

### **Primary and Ongoing Prevention for Employees**

#### ***Keenan SafeColleges Online Training***

The District makes Keenan, its online dating violence, domestic violence, sexual assault, and stalking training available to all District **employees**. District **employees** are required to complete the employee version of Keenan as part of employee on-boarding as a *primary* prevention effort.

#### ***Title IX Overview for Employees***

This program is facilitated by the Title IX office staff covers the following topics: History of Title IX, jurisdiction of Title IX, conduct that may violate Title IX, how to make a report, supportive measures, overview of grievance process, appeal process. This program is offered as a *primary prevention* program.

### **Bystander Intervention**

In addition to information covered in Title IX presentations to students and employees about Bystander Intervention, the District engages in ongoing prevention programs, such as films, health fairs, awareness events (e.g., the clothesline project) at the various District Colleges are coordinated at a regular cadence throughout the academic year.

### Options to Safely be an Active Bystander

Bystanders play a critical role in the prevention of sexual and relationship violence. Bystander intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. We may not always know what to do even if we want to help. Below is a list of some options for bystander interventions. If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- 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, and try to have sexual contact 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.

### Risk Reduction – Safety Strategies

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (adapted from the Rape, Abuse, & Incest National Network)

- 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 don't 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 cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting 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 event, 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 911 in most areas of the U.S.).
- Don't leave your drink unattended. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't 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, don't 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've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact local law enforcement immediately (local

authorities can be reached by calling 911 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. Don't feel obligated to do anything you don't 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 don't 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 don't 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.

### **Policies and Procedures for Reporting and Responding to Dating Violence, Domestic Violence, Sexual Assault, Stalking, and Sexual Harassment**

The Title IX Office has responsibility for oversight of the reporting and response processes, other offices at each District location will be involved and consulted as necessary. The specific procedures for investigating and resolving complaints of prohibited conduct may depend on the Respondent's identity and relationship to the District and the date of the alleged incident. The Respondent is an individual reported to be the perpetrator of conduct that could constitute sexual harassment.

The procedures described below are only applicable to alleged incidents that occur after August 1, 2024. For alleged incidents of sexual harassment occurring prior to August 1, 2024, the policy and procedures in place at the time of the alleged incident apply. Applicable versions of those policies and procedures are available from the Title IX Coordinator and at this link [SDCCD Title IX Policies and Procedures](#) .

Following is a summary of the processes for responding, investigating and resolving complaints of dating violence, domestic violence, sexual assault, stalking and harassment.

### **Role of the Title IX Coordinator and other Title IX Administrators**

The District Title IX Coordinator is the designated individual to conduct or oversee formal investigation of allegations of harassment based on sex and to coordinate the District's response(s) to complaints of the same. The Title IX Coordinator may designate a Title IX Investigative Analyst to conduct investigations.

### **Training for Title IX Personnel**

Title IX personnel (inclusive of the Title IX Coordinator, Deputy IX Coordinator(s), Title IX Investigative Analyst, and Hearing Officer) will participate in annual comprehensive, trauma-informed training programs for campus officials involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases training specific to their role. The Title IX Coordinator/Title IX Investigative Analyst in charge of conducting the investigation shall receive a minimum of annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct the investigation and hearing process that protects the safety of victims and promotes accountability in a trauma informed manner.

Decision Makers and investigators will receive training so that they understand the concept of relevance, the proper conduct of an investigation and the grievance process generally, including hearings, appeals, the drafting factual reports, as well as the conduct of informal resolution processes. Training will also be provided on how to serve impartially, including by avoiding prejudgment of the facts at issue and how to avoid both actual and the appearance of conflicts of interest, and bias.. Documentation of training completion for Title IX personnel is maintained by the Title IX Coordinator.

### **Record Keeping**

Record-keeping related to reports of dating violence, domestic violence, sexual assault, and stalking are maintained in the District's online Maxient system, with access restricted to members of the Title IX Compliance Office. Student records are maintained in Maxient and Employee records will be maintained properly and securely by Human Resources. When preparing required reporting documents, such as the Annual Security Report, the Title IX Coordinator shall cooperate with College Police and generate reports of incidents without information likely to disclose the identity of any victim, such that College Police can correctly calculate the required information while avoiding duplication. The District does not publish the name of crime victims nor house identifiable information regarding victims in the campus police department's Daily Crime Log or online.

The Title IX Coordinator is responsible for ensuring that all records relating to sexual harassment and sexual violence reports, investigations, and adjudication of formal complaints of sexual harassment, as well as informal resolutions, and the availability and utilization of supportive measures are maintained properly and securely. Records shall be maintained in accordance with District Record Retention Policies but no less than seven (7) years. All records pertaining to pending litigation or a request for records shall be maintained in accordance with instructions from District Legal Services.

### **Reporting Options**

Members of the District community can report an incident of dating violence, domestic violence, sexual assault, or stalking to law enforcement, to the District, to both, or to neither. A report does not need to be made by the victim of an incident but may be made by a third party. Choosing to make a report, file a complaint, and/or meet with the Title IX Coordinator after a report or complaint has been made, and deciding how to proceed, can be a process that unfolds over time. A person does not have to decide whether to pursue a complaint or to name the other party/ies at the time of the report. Reporting does not mean the person wishes to pursue a complaint—it may mean the person would like help accessing resources and supportive measures. A person does not have to pursue a complaint to take advantage of the supportive measures available to them.

There is no time limit for reporting, and people should report incidents even if significant time has passed. However, the District strongly encourages prompt reporting of prohibited conduct which better enables the District to respond to the report, determine relevant issues, and provide an appropriate remedy and/or action. Prompt reporting allows for the collection and preservation of evidence, including physical evidence, digital media, and witness statements. A reporting delay may limit the District's ability to conduct an investigation or take appropriate remedial action.

Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under this procedure. A report allows the District to provide a wide variety of support and resources to impacted individuals and to prevent the recurrence 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 processes or proceedings.

**Reporting to Law Enforcement**

District personnel, including the Title IX Coordinator, District counselors, and Health Services personnel can and will assist a person making a report to contact law enforcement if they desire to do so. Again, although the District strongly encourages all members of its community to report incidents of dating violence, domestic violence, sexual assault, and stalking to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. A complainant is not required to report to law enforcement to receive assistance from the District.

An individual may make a report directly to campus police by calling 619-388-6405. The District Police will immediately initiate a criminal investigation into on-campus sexual assaults, provided the victim wishes to pursue a criminal investigation.

As stipulated in the California Constitution, Article I, Sec 28(b), also known as the Victims' Bill of Rights ("Marsy's Law"), a victim of a sexual assault, and all crime victims in general, have safeguards that provide the victim to be reasonably protected from the defendant and persons acting on behalf of the defendant, and to prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law. Crime victims may obtain additional information regarding Marsy's Law and local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

College Police will contact the San Diego Police Department if highly specialized resources are needed to complete a criminal investigation.

The San Diego Police Department may be reached:

**SDPD Headquarters**

1401 Broadway, San Diego, CA 92101

Phone: (619) 531-2000

**Central Division**

2501 Imperial Avenue, San Diego, CA 92102 Phone: (619) 744-9500

TTY: (619) 234-2477

**Eastern Division**

9225 Aero Drive, San Diego, CA 92123

Phone: (858) 495-7900

TTY: (858) 495-7995

**Mid-city Division**

4310 Landis Street, San Diego, CA 92105 Phone: (619)516-3000

**Northern Division**

4275 Eastgate Mall, San Diego, CA 92037 Phone: (858) 552-1700

TTY: (858) 552-1799

**Northeastern Division**

13396 Salmon River Road, San Diego, CA 92129 Phone: (858) 538-8000

TTY: (858) 538-8093

**Northwestern Division**

12592 El Camino Real, San Diego, CA 92130 Phone: (858) 523-7000

**Southern Division**

1120 27th Street, San Diego, CA 92154

Phone: (619) 424-0400

TTY: (619) 424-0492

**Southeastern Division**

7222 Skyline Drive, San Diego, CA 92114 Phone: (619) 527-3500

TTY: (619) 527-3592

**Western Division**

5215 Gaines Street, San Diego, CA 92110 Phone: (619) 692-4800

TTY: (619) 692-4978

**Reporting to the District**

An individual may choose to make a report to the District. It is recommended that an individual report an incident directly to the Title IX Office or to one of the Title IX Deputies, but all district faculty, managers and supervisors, police, and employees who have regular contact with students must notify the Title IX Office of any reports they receive of dating violence, domestic violence, sexual assault, or stalking.

The Title IX Coordinator and Title IX Deputies can be reached at:

**Title IX Coordinator**

Amber Eckert, District Office

3375 Rio San Diego Drive South, Suite 385

San Diego, CA 92108

619-388-6660; [titleix@sdccd.edu](mailto:titleix@sdccd.edu)

**Title IX Deputies**

District Office, Eva Alford	Title IX Deputy Coordinator/Investigative Analyst	619-388-6660
City College, Dr. Adan Sanchez	Dean of Student Affairs	619-388-3498
Mesa College, Dr. Victoria Miller	Dean of Student Affairs	619-388-2699
Miramar College, Dr. Cheryl Barnard	Dean of Student Affairs	619-388-7313
Continuing Education, Michele Madrid Novak	Dean of Student Affairs	619-388-4850

As noted, the District absolutely prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as defined by the Clery Act and by the California Penal Code. The District strongly encourages victims to report all such incidents to the District and to law enforcement but respects a victim's decision to decline to do so. If the District has notice of any such incident, the District will fulfill its obligation to take action to end, prevent, and remedy incidents of sex- or gender-based discrimination.

All District employees are considered Responsible Employees. If a Responsible Employee learns, in the course of employment, that a student may have experienced prohibited conduct, they are required to report all relevant information they know about sex-based harassment including the name of the Respondent, the Complainant, any other Witnesses, and the date, time, and location of the alleged incident. If a student or employee wishes to make a confidential report, they may make a report to a Confidential Employee, whom are employees who receive information about prohibited conduct in their confidential capacity and are not required to report to the Title IX Coordinator in their confidential capacity and are not required to report to the Title IX Coordinator. The San Diego Community College District has identified the following employees as Confidential Employees:

- Health service providers and staff in the College's Student Health Center whose primary assignment is to render medical treatment;
- Licensed professional mental health counselors and staff in the College's Student Health Center whose primary assignment is to render mental health treatment or counseling;
- Sexual assault and domestic violence counselors and advocates who work or volunteer on campus; Employee Assistance Program (EAP)

Individuals designated as a Confidential Resource are responsible for provisions outlined in state law (SB 493 66281.8(a)(2)(C)(ii)) and shall inform each student who provides them with information regarding sexual harassment of the student's ability to report to a responsible employee and direct the student to those specific reporting resources.

**Confidentiality of Reports of Dating Violence, Domestic Violence, Sexual Assault, Stalking and Harassment**

The District must balance the privacy interests of people involved in a report of prohibited conduct against the need to gather information, ensure a fair process, and stop, prevent and remedy prohibited conduct. In this context, the District tries to protect people's privacy to the extent permitted by law and District policies. Some level of disclosure may be necessary to ensure a complete and fair investigation.

The District otherwise keeps confidential the identities of parties, witnesses, and those who report prohibited conduct, except as required by law or permitted by FERPA, and protects the privacy of personally identifiable information per all applicable state and federal privacy laws, and District policies.

The District will consider a complainant's request for confidentiality alongside its institutional responsibility to provide a reasonably safe and non-discriminatory environment. If the District determines that it can honor the student-Complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating an investigation or revealing the identity of the Complainant. The District shall also take immediate steps to provide for the safety of the Complainant while keeping the Complainant's identity confidential as appropriate. The District shall notify the Complainant that the request for confidentiality will limit the steps the District will take to respond to the report of sexual harassment.

The District will maintain as confidential any accommodation or protective measure provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the accommodations or protective measures.

When situations arise in which the District must override a complainant's request for confidentiality to meet its Title IX obligations, the following factors will be considered in making this determination:

- Are there multiple or prior reports of sexual misconduct against the respondent?
- Did the respondent reportedly use a weapon, physical restraints, or engaged in battery?
- Is the respondent a faculty or staff member with oversight of students?
- Is there is a power imbalance between the complainant and respondent?
- Has the alleged respondent threatened further sexual harassment/misconduct against the complainant or others?
- Was the harassment/misconduct perpetrated by multiple individuals?
- Does the report of harassment/misconduct reveal a pattern of perpetration at a given location or by a particular group?
- Does the complainant believe that the complainant will be less safe if the complainant's name is disclosed or an investigation is conducted?
- Is the District able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation?

These instances will be limited, and the information will only be shared with individuals who are responsible for handling the District's response to incidents of Harassment based on Sex Under Title IX ("Harassment"). Even if an individual does not specifically ask for confidentiality, to the extent possible, the District will only disclose information regarding alleged incidents of Harassment to individuals who are responsible for handling the District's response. The District will notify the complainants of the information that will be disclosed, to whom it will be disclosed, and why. Regardless of whether the complainant requests confidentiality, the District will take steps to protect the complainant as necessary.

### **Amnesty**

To encourage reporting, the District will not discipline a person making a report or witnesses for student conduct policy violations that occur around the time of alleged prohibited conduct unless the District determined the violation was egregious risk or involves plagiarism, cheating, or academic dishonesty.. Examples of egregious violations include conduct that risked someone's health or safety. Persons may be particularly afraid to report prohibited conduct when alcohol, drugs, or other intoxicants were involved (for example, when there was underage drinking). This amnesty provision applies to alcohol- and drug-related student violations.

**Importance of Evidence Preservation**

In the event of a sexual assault, if a victim wishes to make a report to law enforcement or to the District, the victim may wish to do so as soon as possible in order to aid in the preservation of physical evidence of the assault. If the offense occurred in the prior 96 hours, for the preservation of evidence that may assist in proving that the alleged criminal offense occurred, a victim of sexual assault may not wish to bathe, douche, smoke, change clothing or clean the bed/ linen/area where the offense took place. The victim may also aid in the collection of evidence by not disposing of any damaged clothing or other items. While a victim may ultimately choose not to make a report of a sexual assault, the individual may wish to consider nevertheless preserving evidence as described. In California, evidence may be collected even if a victim does not wish to make a report to law enforcement.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve documentary evidence by saving text messages, instant messages, social networking pages, or other communications, and keep pictures, logs or other copies of documents, if they have any that might be useful to law enforcement or to the District during administrative proceedings.

**Resources Available to Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

In cases of dating violence, domestic violence, sexual assault, and stalking, College Police or District personnel receiving a report will inform students and employees in writing of procedures that complaints should follow, including:

- A description of the rights and options available to the person making the report including information about the existence of the disciplinary process through the college;
- The option for informal resolution;
- The importance of preservation of any evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- Options regarding the assistance of local law enforcement, campus/site officials, or other civil processes;
- The option to decline assistance, or decline notifying local law enforcement;
- Options for, and available assistance in making changes to academic, living, transportation, and working situations;
- Any interim protective measures that will be taken and their options for protective orders; and
- Resources, both within the District and in the community, including counseling, health, and mental health services, legal, visa and immigration, student financial aid, disability services, housing assistance, academic supports, and victims advocacy resources, both within the institution and in the community.

In addition, College Police or District personnel will provide them with assistance in accessing those resources, either through the Title IX Coordinator or directly.

**On-campus Resources:**

- Campus health services
- Campus mental health counseling
- College Police safety escort services, available 24 hours a day
- Mutual no contact directives
- When appropriate as a precautionary measure, supportive measure, or non-disciplinary remedy, the District may issue a written directive instructing a student or employee to refrain from communicating with another student or employee or be subject to disciplinary action
  - A student or employee may request a mutual no contact directive from the Title IX Coordinator at any time, and the Title IX Coordinator shall discuss the availability with victims when circumstances indicate such an order may be appropriate; the Title IX Coordinator shall make the final determination on whether an order shall be issued

- The Title IX Coordinator will discuss with the protected party employees whom it is appropriate to notify of the mutual no contact directive and who will be primarily responsible for assisting with enforcement of the order
- In appropriate circumstances, the Title IX Coordinator will facilitate arrangements necessary to separate individuals subject to mutual no contact directives
- Other assistance arranged through the Title IX Coordinator

#### **Off-campus Resources:**

Medical attention through [San Diego County Sexual Assault Response Team \(SART\)](#) facilities, available through intake coordination with law enforcement officials; facilities including:

#### **Rady Children’s Hospital Chadwick Center**

(858) 966-4011

[chadwickcenter.org](http://chadwickcenter.org)

#### **Palomar Health Forensic Health Services**

Sexual Abuse Response Team

Child Abuse Program

(760) 739-2150

[palomarhealth.org/forensic-health-services/sart](http://palomarhealth.org/forensic-health-services/sart)

#### **Advocacy or other Victims Assistance Organizations**

Victims are provided with written materials referring them to several San Diego County organizations providing counseling or comprehensive victim advocacy services. Two such organizations are listed immediately below:

- Your Safe Place A Family Justice Center (619) 533-6000  
<https://www.sandiego.gov/yoursafeplace>
- Center for Community Solutions 1-(888) 385-4657 24/7 Crisis Hotline  
<https://www.ccssd.org/24-7-crisis-hotline>

#### **Orders of Protection**

An order of protection is a legal order prohibiting a party, such as the aggressor in a dating violence, domestic violence, sexual assault, or stalking situation, from having contact with a victim; an order of protection may also prohibit the party from appearing at a given location, such as the victim’s residence, work, or school. Examples of orders of protection are Emergency Protective Orders (“EPOs”), Temporary Restraining Orders (“TROs”), and permanent Restraining Orders (“ROs”).

The District complies with California law in recognizing orders of protection and will assist a protected party in enforcing an order of protection of which it is aware. College Police, under certain circumstances, may issue a temporary Emergency Protective Order when responding to a domestic violence, dating violence, sexual assault, or stalking situation, but neither College Police nor the District may issue a permanent Restraining Order. College Police or the Title IX Coordinator will provide a victim with information to enable them to obtain an order of protection through the Superior Court of California, County of San Diego.

#### **Additional Advocacy or Victims’ Assistance Organizations**

Local Resources

**San Diego Access & 24-Hour Crisis Line**

(888) 724-7240

[San Diego Access & 24 Hour Crisis Line](#)

**YWCA Domestic Violence Services**

24-Hour Crisis Hotline

(619) 234-3164

[YWCA Domestic Violence Services](#)

**Salvation Army Door of Hope**

(858) 279-1100

[Salvation Army Door of Hope](#)

**Catholic Charities Diocese of San Diego Rachel's Women's Center**

(619) 696-0873

[Catholic Charities Diocese of San Diego Rachel's Women's Center](#)

The Vi McKinney

**Becky's House Domestic Violence Shelter**

(619) 239-0355

**Women's Resource Center**

(760) 757-3500 (24-Hour Hotline)

[Women's Resource Center](#)

**The San Diego LGBT Community Center**

(619) 692-2077

[San Diego LGBT Community Center](#)

**Father Joe's Villages**

(619) 446-3537

[Father Joe's Villages](#)

**South Bay Community Services**

24-Hour Hotline

(800) 640-2933

[South Bay Community Services](#)

**Victim Services, San Diego District Attorney Office**

(619) 531-4041

[San Diego District Attorney Office Victim Services](#)

**YWCA Legal Advocacy Program**

(619) 239-0355

**Legal Aid Society of San Diego**

(877) 534-2524

[Legal Aid Society of San Diego](#)

**San Diego Volunteer Lawyer Program**

(619) 235-5656

[San Diego Volunteer Lawyer Program](#)

**Family Health Centers of San Diego**

(619) 515-2300

[Family Health Centers of San Diego](#)

**County of San Diego Public Health Services**

(858) 694-3900

**Emergency Resources**

**National Domestic Violence Hotline**

(800) 799-SAFE (7233)

Text LOVEIS to 22522

[National Domestic Violence Hotline](#)

**Rape, Abuse and Incest National Network (RAINN)**

(800) 656-HOPE (4673)

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

**Men and Women's Shelters: Domestic Violence Hotline**

(800) 799-SAFE (7233)

**Love is Respect Hotline**

1 (866) 331-9474

Text "LOVEIS" to 22522

[Love is Respect Hotline](#)

#### **Anti-Violence Hotline for LGBTQ+**

(212) 714-1124

[Anit0Violence Hotline for LGBTQ+](#)

#### **LGBT National Youth Talkline**

(800) 246-7743 Mon – Fri 1pm – 9pm Sat 9am – 2pm

[LGBT National Youth Talkline](#)

#### **Take Back the Night Foundation Legal Assistance**

567-SHATTER (567-742-8837)

[Take Back the Night Foundation Legal Assistance](#)

#### **Government Resources**

U.S. Citizenship and Immigration Services

1-800-375-5283

[U.S. Citizenship and Immigration Services](#)

U.S. Citizenship and Immigration Services Military Help Line

1-877-247-4645

[U.S. Citizen and Immigration Services Military Help Line](#)

U.S. Department of Justice Office on Violence Against Women (OVW)

[U.S. Department of Justice Office on Violence Against Women \(OVW\)](#)

U.S. Department of Education, Office for Civil Rights

[U.S. Department of Education, Office for Civil Rights](#)

**Please note:** Neither the San Diego Community College District nor the San Diego Superior Court is affiliated with the above programs, nor do they endorse, evaluate, supervise, or monitor the programs. Each program is independently responsible for compliance with applicable state or federal laws.

#### **Options Available to Victims of Dating Violence, Domestic Violence, Sexual Assault, and Stalking and the District's Response to Incidents of Which It Has Notice**

##### **Supportive Measures**

The District will always provide a person making a complaint ("Complainant") with written referrals to resources as described above. A Complainant always has the choice whether or not to make use of these

resources. The Title IX Coordinator will also work with the Complainant and appropriate members of the administration to offer the Complainant reasonable and appropriate supportive measures and/or accommodations, examples of which might include, but are not limited to:

- Academic accommodations, such as extra time on assignments, exceptions to attendance policies, online submission of assignments, or tutoring;
- Late drops or withdrawals from courses;
- Transfer of courses;
- Note that the District will not presume when arranging potential course transfers that it is appropriate to transfer a potential Complainant rather than the alleged Respondent;
- Special parking arrangements;
- Accommodations related to financial aid;
- Alternative work arrangements;
- Mutual no contact directives; or
- Escorts by College Police officers.

Factors the Title IX Coordinator will consider in determining what supportive measures are appropriate include the need expressed by the Complainant, the severity or pervasiveness of the allegation, possible continuing effects on the Complainant, and the burden on the District and/or the responding party associated with implementing the arrangements. The Title IX Coordinator will arrange these accommodations while preserving the Complainant's confidentiality to the utmost extent possible.

The Title IX Coordinator will not disclose to individuals executing the arranged supportive measures/accommodations the nature of the incident leading to the accommodations unless it is necessary for that implementation. The Title IX Coordinator will disclose the identity of the individual requesting the accommodation to the minimum number of District personnel necessary to effect the accommodation, and such personnel must maintain strict confidentiality. The Title IX Coordinator will inform the victim that such a disclosure may be required to effect the accommodation prior to making the disclosure.

### **Comprehensive Response by the District to Reports of Dating Violence, Domestic Violence, Sexual Assault, and Stalking**

#### **Receipt of Report and Initial Assessment**

In response to all notifications of possible sex- or gender-based misconduct, including dating violence, domestic violence, sexual assault, or stalking, the Title IX Coordinator will commence a prompt, thorough, fair, and impartial inquiry into the matter.

While the Title IX Coordinator will attempt to abide by the wishes of the person who made the report Complainant to the extent possible, the Title IX Coordinator will take the responsive action necessary to:

- End the behavior and identify any specific corrective actions or supportive measures necessary;
- Prevent the recurrence of the behavior;
- Remedy the effects;

Generally a violent incident, including most incidents of dating violence, domestic violence, and sexual assault will require the District to proceed with a prompt, thorough, and impartial investigation meeting the elements of due process required to take disciplinary action if the allegations are substantiated.

The District applies the same policies and sanctions for both stranger and non-stranger Sexual Assault. In the application of AP 3434, a non-stranger is someone known to the Complainant, whether through a casual meeting or through a longstanding relationship, including a dating or domestic relationship. A stranger is someone unknown to the Complainant at the time of the Sexual Assault.

**Initial Assessment**

A report of prohibited conduct to the Title IX Coordinator does not necessarily lead to a full investigation. However, the Title IX Coordinator will make an assessment to determine if there is a safety risk to the campus when the District receives notifications of possible dating violence, domestic violence, sexual assault, and stalking. After receiving a report of prohibited conduct, the Title IX Coordinator will contact the appropriate parties to explain rights under Title IX and will discuss supportive measures with the parties. If the Complainant is not the reporting party, the Title IX Office may contact the reporting party for more information. The purpose of the preliminary meeting is to gain a basic understanding of the nature and circumstances of the report; it is not intended to be a full interview.

**Closure After Initial Assessment and Preliminary Evaluation**

Not all reports the Title IX Office receives are reports of prohibited conduct that can be resolved through the Title IX grievance process described below, and the Title IX Coordinator will first assess the report to determine whether the alleged conduct is conduct prohibited under AP 3434, or if the report should be closed.

Reports that will be closed are those for which the Title IX Coordinator determines that:

- 1) Even if true, the alleged conduct is not sexual harassment, as defined in AP 3434;
- 2) The conduct is not covered by this procedure or related policy;
- 3) The Respondent is not participating in the District's education program or activity and is not employed by the District;
- 4) There is not enough information to carry out the grievance process (for example, the identities of the people involved cannot be determined);
- 5) A Complainant's request that no investigation occur can be honored; or
- 6) There is not enough nexus between the conduct and the District to carry out the grievance process (for example, the conduct did not occur in the context of a District program or activity and involved only third parties).

The Title IX Coordinator will close such matters per written guidelines issued by the Title IX Office. The Title IX Coordinator will still, when appropriate, take steps to stop the reported conduct, prevent its escalation or recurrence, and address effects. Such steps may include offering resources and supportive/mitigating measures to the Complainant and providing target preventive education (including to the Respondent) and training programs.

When the reported conduct does not fall under prohibited conduct, as defined in [AP 3434](#) (such as harassment that is not sex-based), the Title IX Coordinator will, if appropriate, refer the matter to the relevant office for review and resolution. Reports of prohibited conduct that proceed through the initial assessment may be addressed through alternative resolution, formal investigation, a separate employee grievance or complaint process, or other inquiry, as described herein

If the conduct does not meet any of the definitions of Prohibited Conduct under AP 3434 or related policy, the Title IX Coordinator will assess if the conduct is covered by another applicable District Policy. The Title IX Office may consult with other offices as necessary. This may include Student Affairs Offices for complaints involving students, and Human Resources or Employee Labor Relations Offices for complaints involving staff and faculty

**Advisors**

Throughout the process, both parties may be accompanied to any meeting or proceeding by an advisor of their choice. Both parties have the right to have an advisor of their choice present at every step in the investigation and grievance process. The advisor may be a victim advocate, friend, mentor, family member, attorney, employee organization representative, or any other individual a party chooses or other supporting person. During the investigation process, the advisor is only present to support the student (or employee) and will not represent the student (or employee) nor speak on behalf of the student (or employee). Advisors are permitted to speak with the student (or employee) as necessary, privately or during investigation meetings, to fully perform a supportive role. Whoever is selected as an advisor is limited to observing and consulting with, and providing support to the complainant, witness, or accused party during the investigation.

**Informal Resolution**

In lieu of resolving a Complaint through the District's Title IX grievance procedures, the Parties may instead elect to participate in an informal resolution process. The District will not offer informal resolution to resolve a Complaint when such a process would conflict with Federal, State, or local law. The District will inform the Parties in writing of any informal resolution process it offers and determines is appropriate, if any.

Before the initiation of an informal resolution process, the District will explain in writing to the Parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the Parties agree to a resolution at the end of the informal resolution process, the Parties cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information the District will maintain and whether and how the District could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The Title IX Coordinator will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

To initiate Informal Resolution, a Complainant or Respondent may make such a request to the Title IX Coordinator at any time prior to a final determination, or the Title IX Coordinator may offer the option to the Parties, in writing. The Title IX Coordinator will obtain voluntary, written confirmation that all Parties wish to resolve the matter through Informal Resolution before proceeding and will not pressure the Parties to participate in Informal Resolution.

The District offers four categories of Informal Resolution:

- 1) **Supportive Resolution.** *When the Administrator can resolve the matter informally by providing supportive measures (only) designed to remedy the situation.* The Title IX Coordinator will meet with the Complainant to determine reasonable supportive measures that are designed to restore or preserve the Complainant's access to the Recipient's education program and activity. Such measures can be modified as the Complainant's needs evolve over time or circumstances change. This option is available when the Complainant does not want to engage the other resolution options, and the Administrator does not initiate a Complaint.
  
- 2) **Educational Conversation.** *When the Title IX Coordinator can resolve the matter informally by having a conversation with the Respondent to discuss the Complainant's concerns and institutional expectations or can accompany the Complainant in their desire to confront the conduct.* The Complainant(s) may request that the Title IX Coordinator address their allegations by meeting (with or without the Complainant) with the Respondent(s) to discuss concerning behavior and institutional policies and expectations. Such a conversation is non-disciplinary and non-punitive.
  
- 3) **Accepted Responsibility.** *When the Respondent is willing to accept responsibility for violating District Policy and is willing to agree to actions that will be enforced similarly to sanctions, and the Complainant(s) and Recipient are agreeable to the resolution terms.* The Respondent may accept responsibility for any or all of the alleged Policy violations at any point during the Resolution Process. If the Respondent indicates an intent to accept responsibility for all alleged Policy violations, the ongoing process will be paused, and the Title IX Coordinator will determine whether Informal Resolution is an option.  
  
If Informal Resolution is available, the Title IX Coordinator will determine whether all Parties and the Recipient are able to agree on responsibility, restrictions, sanctions, restorative measures, and/or remedies. If so, the Title IX Coordinator implements the accepted finding that the Respondent is in violation of District Policy, implements agreed-upon restrictions and remedies, and determines the appropriate responses in coordination with other appropriate administrator(s), as necessary.
  
- 4) **Alternative Resolution.** When the Parties agree to resolve the matter through an alternative resolution mechanism (which could include, but is not limited to, mediation, shuttle negotiation, restorative practices, facilitated dialogue, etc.).

The individual facilitating an Informal Resolution must be trained and cannot be the Investigator, Decision-maker, or Appeal Decision-maker.

It is not necessary to pursue Informal Resolution first in order to pursue the grievance process. Any party participating in Informal Resolution can withdraw from the Informal Resolution Process at any time and initiate or resume the grievance process.

The Parties may agree, as a condition of engaging in Informal Resolution, on what statements made or evidence shared during the Informal Resolution process will not be considered in the grievance process should Informal Resolution not be successful, unless agreed to by all Parties.

If an investigation is already underway, the Title IX Coordinator has discretion to determine if an investigation will be paused, if it will be limited, or if it will continue during the Informal Resolution process.

### **Investigative Process**

When an individual or the Title IX Coordinator (on behalf of the District) files a complaint, the District's Title IX Investigative Analyst, will commence an investigation into the matter to determine whether the accused individual has violated AP 3434. The Title IX Investigative Analyst will conduct this investigation and preserve the Complainant's confidentiality to the utmost extent possible, while also adhering to the District's legal mandate to end the discrimination.

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.

At a minimum, the investigation will involve interviewing and collecting information from the Complainant and any witnesses they identify and interviewing and collecting information from any other witness the Title IX Investigative Analyst deems appropriate. The District utilizes trauma informed victim interview protocols for the preliminary victim interview and comprehensive follow-up interviews as appropriate.

Prior to interviewing the responding party, the Title IX Investigative Analyst will provide the responding party with notice that the party is under investigation, including specific information regarding the alleged conduct constituting the alleged violation and applicable District Policy alleged to have been violated. The Title IX Investigative Analyst will send a written notice of the interview date, time, and location, name of participant(s), and purpose of the interview to the parties and witnesses, and any identified party advisor, in sufficient time for the party to prepare and participate.

The Title IX Investigative Analyst will interview the responding party and collect information from any other witness identified by the responding party, though the District does not deem character witnesses relevant to Title IX proceedings. The District shall seek the identification and location of witnesses not identified by the parties and a review of relevant documents as appropriate. After an interview, Parties and witnesses will be asked to verify the accuracy of the recording, transcript, or summary of their interview. They may submit changes, edits, or clarifications. If the Parties or witnesses do not respond within the time period designated for verification, objections to the accuracy of the recording, transcript, or summary will be deemed to have been waived, and no changes will be permitted.

During the investigation, the Complainant and Respondent will be provided an equal opportunity to meet with the investigator, submit evidence, identify witnesses who may have relevant information, and propose questions for the investigator to ask the other party and witnesses. The Title IX Investigative Analyst has discretion to determine which witnesses to interview and what questions to ask, and may decline to ask questions that are, for example, repetitive, harassing or not relevant to whether the reported violation(s) occurred. Disclosure of facts to witnesses shall be limited to what is reasonably necessary to conduct a fair and thorough investigation.

At all times, the Title IX Investigative Analyst will maintain a working chronology of investigation process, build a timeline of the incident and the relationship/interactions between parties and witnesses, document interviews and contacts, address privacy and retaliation considerations in interviews, and use verbatim

quotes where possible to ensure nothing lost in translation in individual interview summary  
The Title IX Investigative Analyst will independently gather other relevant information or evidence, including documents, photographs, communications between the parties, and medical records (subject to the consent of the applicable person), and other electronic records as appropriate. The Investigator will conduct a review of relevant documents as appropriate

### **Witnesses**

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. Employees (not including Complainant and Respondent) are required to cooperate with and participate in the Recipient's investigation and Resolution Process. Student witnesses and witnesses from outside the Recipient community cannot be required to participate but are encouraged to cooperate with Recipient investigations and to share what they know about a Complaint.

### **Investigative Report**

The results of the investigation of a 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 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;
- A description of all evidence gathered through the investigation;
- A table of contents if the report exceeds ten pages; and
- Any other information deemed appropriate by the District.

The investigator will not make a determination regarding responsibility.

The District will provide each Party and the Party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and otherwise permissible, in the following manner:

- The District will provide an equal opportunity to access either the relevant and otherwise permissible evidence, or the same written investigative report that accurately summarizes this evidence. The District will further provide the Parties with an equal opportunity to access the relevant and otherwise permissible evidence upon the request of any Party.
- The District will provide the Parties with a reasonable opportunity to review and respond to the investigative report.
- The District will take reasonable steps to prevent and address the Parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-discrimination grievance procedures.

It is anticipated that the District will complete the investigation within 90 business days, but may take less in more straightforward matters. When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 90-business 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.

### **Questioning the Parties and Witnesses**

The District will provide a process that enables the Decision-Maker to question Parties and Witnesses to adequately assess a Party's or Witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The District's process for proposing and asking relevant and otherwise permissible questions and follow-up questions of the Parties and Witnesses, including questions challenging credibility, will:

- Allow the Investigator or Decision-Maker to ask such questions during individual meetings with a Party or Witness;
- Allow each Party to propose such questions that the Party wants asked of any Party or Witness and have those questions asked by the Investigator or Decision-Maker during one or more individual meetings, including follow-up meetings, with a Party or Witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each Party with an audio or audiovisual recording or transcript with enough time for the Party to have a reasonable opportunity to propose follow-up questions.

### **Determination Whether Sex-Based Harassment Occurred**

Following an investigation and evaluation of all relevant and otherwise permissible evidence, the District will:

- Use the preponderance of the evidence standard of proof to determine whether sex-based harassment occurred. The standard of proof requires the Decision-Maker to evaluate relevant and otherwise permissible evidence for its persuasiveness. If the Decision-Maker is not persuaded by a preponderance of the evidence that sex-based harassment occurred, whatever the quantity of the evidence is, the Decision-Maker will not determine that sex-based harassment occurred.
- Notify the Parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that the District used to evaluate the allegations;
  - The Decision-Maker's evaluation of the relevant and otherwise permissible evidence and determination whether sex-based harassment occurred;
  - When the Decision-Maker finds that sex-based harassment occurred, any disciplinary sanctions the District will impose on the Respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the District to the Complainant, and,

to the extent appropriate, other students identified by the District to be experiencing the effects of the sex-based harassment; and

- The District's procedures and permissible bases for the Complainant and Respondent to appeal.
- The District will not impose discipline on the Respondent for sex-based harassment prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the Respondent engaged in prohibited sex-based harassment.
- If there is a determination that sex-based harassment occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to the Complainant and other people the District identifies as having had equal access to the District's education program or activity limited or denied by sex-based harassment;
  - Coordinate the imposition of any disciplinary sanctions on the Respondent, including notification to the Complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex-based harassment does not continue or recur within the District's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a Party, Witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex-based harassment occurred.

The determination regarding responsibility becomes final either on the date that the District provides the Parties with the written determination of the result of any appeal, or, if no Party appeals, the date on which an appeal would no longer be considered timely.

### **Disciplinary Sanctions and Remedies**

The District must have completed the grievance procedures (investigation, determination of responsibility and any appeal if applicable) before imposing disciplinary sanctions or any other actions. Possible disciplinary sanctions for student Respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee Respondents include written or verbal reprimand, required training or counseling, reduction in pay, demotion, suspension, or discharge.

The District need not disclose to the Respondent remedies that do not affect 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 and the District's procedures and permissible bases for the Complainant and Respondent to appeal.

Upon request, the institution will disclose the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of any crime of violence or a non-forcible sex offense (incest or statutory rape) to the alleged victim or next of kin if the victim is deceased.

Remedies for the Complainant might include, but are not limited to: a. Providing an escort to ensure that the Complainant can move safely between classes and activities; b. Ensuring that the Complainant and Respondent do not attend the same classes or work in the same work area; c. Providing counseling services or a referral to counseling services; d. Providing medical services or a referral to medical services; e. Providing academic support services, such as tutoring; f. 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 g. 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.

### **Appeal Procedures**

Following the imposition of disciplinary action, or in the event of a finding of non-responsibility, both parties will be provided with written notification of the District's determination. Both parties then have an opportunity to initiate a written appeal to the District. The Vice Chancellor of Educational Services will serve as the Decision-Maker on appeals. Grounds for appeal include bias, improper procedure, and new evidence not reasonable available previously. Following the appeal, the Vice Chancellor of Educational Services will issue written notification on whether to grant or deny the appeal, and the rationale for the decision, within 45 business days after the Officer on Appeal receives the response to the appeal or the last day to provide a response. The District will provide the written decision simultaneously to both Parties.

## **PART 4: SECURITY OF AND ACCESS TO FACILITIES, ALCOHOL, DRUG, WEAPONS, AND WORKPLACE VIOLENCE POLICIES**

### **Safety, Security, Access, and Maintenance of Campus Facilities**

The San Diego Community College District utilizes a decentralized occupational health and safety system. Safety committees operate at City College, Mesa College, Miramar College, Continuing Education, the District Service Center and the District Office building. Risk Management serves as a centralized resource to safety committees and safety officers throughout the District. Safety training initiatives are supported by the Professional Development Office of Human Resources.

Safety committees are generally chaired by the Vice President of Administration at their respective sites and are composed of a regional facilities officer, the District Risk Manager, site safety officer(s) and appointed representatives of various campus departments. For a list of current safety committee leaders, contact the Risk Management Office.

### **College Site Safety Committees**

The Mesa College Site Safety Committee provides a venue to address safety issues and promote safety in all areas across the campus. It also provides planning related to safety enhancements, emergency contingencies and disaster preparedness. The Safety Committee, together with other appropriate members and the President of Mesa College shall constitute the Safety Officers of Mesa College.

The Committee meets monthly to review safety reports, workplace accident/injury reports and recommendations from Safety Officers, determine, plan and implement safety training, direct measures for hazard abatement, and promulgate workplace safety rules.

At Miramar College, the Facilities, Health and Safety Committee reviews and makes recommendations on a broad range of facilities, health and safety related issues in support of the annual program review process. The Committee will meet a minimum of once per month during the academic year serves as a central clearinghouse for concerns relating to buildings, grounds, safety, and sustainability.

At City College, the Health and Safety Committee meets monthly.

### **Access to District Facilities**

The San Diego Community College District is a public institution and therefore is generally open to the public. District and College buildings are locked and secured on a variety of schedules consistent with the usage of the buildings and the time of the academic year.

Many campus rooms and areas are protected by intrusion alarms. Before entering such areas, the College Police dispatch should be notified at 619- 388-6405.

It is the responsibility of those who use rooms, offices and other areas to lock access doors, turn off lights and close windows. Facilities Services staff and College Police staff will check many of the areas of the campus during off hours, but the primary responsibility for security lies with the user.

Keys are provided to individual staff members on a need-to-enter basis as determined by the appropriate supervisor. Lost keys must be reported immediately to one's supervisor and to the College Police. Keys must never be loaned to other staff members or students. College Police personnel will confiscate any keys which have not been specifically issued to a particular individual. Duplication and unlawful possession of District keys is a misdemeanor. No District property may be removed from the campus without written

permission from the department chairperson or area supervisor. Unauthorized removal of District property from the campus is a violation of the law and may be prosecuted by the District.

### **Security and Maintenance of District Facilities**

The District [Facilities Services](#) personnel are responsible for upkeep and repairing District facilities to support a safe and secure environment. Facilities services teams work to maintain the campus and District buildings for light outages, overgrown vegetation, repair existing lock and door hardware, and install and maintain alarm systems and call boxes which could affect the safety of the campus. All members of the District community are encouraged to report any known problems or hazards to Facilities Management by calling 619-388-6422.

### **Workplace Violence Policy**

It shall be the policy of this District to immediately investigate all allegations of workplace violence and take appropriate corrective action to remedy any situation in which any employee of the district is threatened. To this end, the district hereby adopts a "zero tolerance" policy in which personal threats or violent behavior from another person will not be tolerated. Incidents involving threats or acts of violence by students should be processed through Policy 3100.

Workplace violence is defined as verbal threats, violent behavior or physical conduct, which interferes with employee's safety in the workplace. Workplace violence includes, but is not limited to, making written, physical, or visual contact with verbal threats or violent behavior overtones. ([AP 4870.1](#))

### **Weapons on Campus**

Pursuant to District Board Policy [3530](#) – Weapons on Campus, Firearms or any components thereof, knives, explosives or other dangerous objects, including but not limited to any facsimile firearm, knife or explosive, are prohibited on any District campus or at any District center, or in any facility of the District. Activities involving firearms or other weapons conducted under the direction of District officials or as authorized by an official law enforcement agency shall be reported to the Chancellor or designee and approved before taking place. Any person who believes that he/she may properly possess a firearm or other weapon on or in a District center or other facility of the District campus in accordance with Penal Code section 626.9 and 626.10 must promptly notify the Chancellor or designee to receive authorization for such possession. Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2 1/2 inches upon the grounds is prohibited on any District campus or at any District Center, or in any facility of the District or College(s), unless the person is authorized to possess such a weapon in the course of his/her employment, has been authorized by the Chancellor or designee to have the knife, or is a duly appointed peace officer, who is engaged in the performance of his/her duties, in accordance with Penal Code Sections 626.9 and 626.10.

### **Alcohol and Drug Policies**

#### **Alcohol Policy**

The possession, sale, and furnishing of alcohol on campus is prohibited except where specifically allowed below and is governed by California state law and these procedures. The possession, sale, consumption, or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control. College Police are primarily responsible for the enforcement of alcohol laws on campus. All district campuses have been designated "drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture, and distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the College Police. Violators are subject to disciplinary action, criminal prosecution, fine, and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person 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. It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. Organizations or groups violating alcohol or substance policies or laws may be subject to sanctions by the District. ([AP 3560](#))

### **Drug Policy**

The District shall be free from all drugs and from the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in all facilities under the control and use of the District. Any student or employee who violates this policy will be subject to disciplinary action consistent with local, state, or federal law, which may include referral to an appropriate rehabilitation program, suspension, demotion, expulsion, or dismissal. The Chancellor shall assure that the District distributes annually to each student and employee the information required by the Drug-Free Schools and Communities Act Amendments of 1989 and complies with other requirements of the Act. [BP3550](#)

The District's Student Code of Conduct, part of District Policy [5500](#) , prohibits the use, possession, or distribution of narcotics or other controlled substances, including alcohol, while on the college premises or at college- sponsored events. A student may be suspended or expelled for violation of this policy. In enforcing this prohibition the District and College Police will cooperate to also enforce all federal and state underage drinking and drug laws.

### **Drug Abuse and Alcohol Prevention Program (DAAPP)**

The District is committed to providing a drug free environment and has adopted and implemented program and policies to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees. The District also prohibits the use of tobacco products and electronic delivery devices on campus or at college/district sponsored events.

As required under the Drug-Free Schools and Communities Act of 1989, the District has adopted and made available to students a drug and alcohol abuse education program. In significant part, the program entails the use of already existent campus resources, such as mental health counseling, veterans counseling, health fairs, or Health Services, in conjunction with an online drug and alcohol abuse training program and enforcement of the District enforcement of its prohibition of the use, possession, or prohibition of alcohol or drugs. To view the program content in its entirety, please visit [sdccd.edu/daapp/](http://sdccd.edu/daapp/).

The institutions also prohibit the use of tobacco products and electronic delivery devices on campus or at college/district sponsored events. Any type of drug use, including alcohol, is dangerous and potentially life threatening. Drugs and alcohol adversely affect the body, mind and behavior. The effects vary from person to person and from usage to usage. Even low doses of drugs and alcohol can impair judgment and coordination. If you use drugs or alcohol, you risk overdose, accidents, dependence, ill health, as well as legal, financial and personal problems. The federal laws against drugs are divided into two categories: possession and distribution. The penalties are severe depending upon the type of drug, quantity of the drug, and any prior offenses. Possession will earn up to one year in prison and a \$5,000 fine. Distribution will earn up to life in prison and an \$8 million fine. State laws vary and may be more severe.

District Board Policy [5500](#) – Student Rights, Responsibilities, Campus Safety and Administrative Due Process *Student Code of Conduct* - states that use, possession, distribution, manufacture, cultivation, or sale of any controlled substances including marijuana, narcotics or other hallucinogenic drugs or substances is prohibited while on the college premises or at college- sponsored events. A student may be suspended or expelled for violation of this policy.

**Community Treatment, Rehabilitation, or Reentry Programs**

Alcoholics' Anonymous Information

24-Hour Phone line: (619) 265-8762

[aasandiego.org](http://aasandiego.org)

Narcotics Anonymous information

English: (619) 584-1007

Toll Free: (800) 479-0062

Español: (619) 546-0774

[sandiegona.org](http://sandiegona.org)

The District also provides assistance to employees through the Benefits Office or through the Employee Assistance Program (EAP).

SDCCD employee benefits

(619) 388-6587

To access help for EAP services call 888-625-4809 or visit [liveandworkwell.com](http://liveandworkwell.com).

**Tobacco/Smoking**

Pursuant to District Board Policy [0505](#) – Smoke and Tobacco-Free District Property, smoking or the use of any tobacco product is prohibited on all properties owned or controlled by the District. Through enforcement of this provision the District ensures that it complies with relevant sections of the California Government Code and San Diego Municipal Code regulating smoking in a public place or place of employment. All students, employees and visitors on District property are subject to Board Policy 0505 regulations, which will be strictly enforced at all times.

Student Health Services at each college offer Cessation Program Referrals to educate the college community about the risks of tobacco and the availability of Smoking Control Programs. Visit or call the Student Health Services at the colleges for additional information:

**Student Health Services**

City College: 619-388-3450

Mesa College: 619-388-2774

Miramamar College: 619-388-7881

Additional information is available in the Campus Police Office. For complete information on SDCCD Board Policy 0505 and Administrative Procedure 0505.2 visit: [sdccd.edu/about/leadership/board-of-trustees/board-policies](http://sdccd.edu/about/leadership/board-of-trustees/board-policies)

**PART 5: CRIME STATISTICS**

Crime statistics tables for City College, Mesa College and Miramar College are on the following pages. San Diego College of Continuing Education is no longer participating in the Higher Education Act's (HEA) Title IV student financial aid assistance program and is therefore not required to classify campus crime statistics and security information.

The tables distinguish crimes committed on campus from those on public property. Public property is defined as the reasonably contiguous geographic area around the Colleges or around a building the District controls and uses for educational purposes (e.g. thoroughfares, streets, parks, restaurants and public parking facilities). SDCCD does not have any residential facilities, non-campus student organizations or housing facilities. For Clery purposes only, crimes in the following categories, as defined by the uniform crime reporting handbook are included in the crime statistics. Complete UCR definitions are included in the resources section of this report.

**Murder and non-negligent manslaughter**

- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft

- Arson
- Dating Violence
- Domestic Violence
- Stalking
- Larceny-theft\*
- Simple assault\*
- Intimidation\*
- Destruction/damage/vandalism of property\*

*\*(These classifications are only included in Clery statistics if they are hate crimes).*

- Liquor Law Arrest
- Drug Law Arrest
- Weapons Law Arrest

- Liquor Law Violations – Referred for Disciplinary Action
- Drug Law Arrest – Referred for Disciplinary Action
- Weapons Law Arrest - Referred for Disciplinary Action

**2023 City College Campus Crime Statistics**

<b>Criminal Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Criminal Homicide, Murder & Non-negligent Manslaughter	2023	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2023	0	0	0	0	0
Rape	2023	0	0	0	0	0
Fondling	2023	2	0	0	0	2
Incest	2023	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
Robbery	2023	1	0	1	0	2
Aggravated Assault	2023	5	1	2	0	8
Burglary	2023	0	1	0	0	1
Motor Vehicle Theft	2023	4	0	7	0	11
Arson	2023	1	0	1	0	2

<b>Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2023	5	0	0	0	5
Drug Law Arrests	2023	21	2	8	0	31
Weapons Law Arrests	2023	6	1	0	0	7
Liquor Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0

Weapons Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
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Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2023	1	1	2	0	4
Dating Violence	2023	0	0	0	0	0
Stalking	2023	0	0	0	0	0

ONE HATE CRIME WAS REPORTED IN 2023 FOR CITY COLLEGE, CLASSIFIED AS VANDALISM AND CHARACTERIZED BY RACE, GENDER, SEXUAL ORIENTATION, AND ETHNICITY THAT OCCURRED ON CAMPUS.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES.

**2023 Mesa College Campus Crime Statistics**

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2023	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2023	0	0	0	0	0
Rape	2023	1	0	0	0	1
Fondling	2023	1	0	0	0	1
Incest	2023	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
Robbery	2023	0	0	0	0	0
Aggravated Assault	2023	1	0	1	0	2

Burglary	2023	0	0	0	0	0
Motor Vehicle Theft	2023	1	0	1	0	2
Arson	2023	0	0	0	0	0

<b>Arrest and Disciplinary Referrals-</b>						
<b>Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2023	0	0	1	0	1
Drug Law Arrests	2023	3	0	0	0	3
Weapons Law Arrests	2023	1	0	0	0	1
Liquor Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0

<b>Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Domestic Violence	2023	2	9	0	0	11
Dating Violence	2023	0	0	0	0	0
Stalking	2023	1	9	0	0	10

ZERO HATE CRIMES WERE REPORTED IN 2023 FOR MESA COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

## 2023 Miramar College Campus Crime Statistics

<b>Criminal Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Criminal Homicide, Murder & Non-negligent Manslaughter	2023	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2023	0	0	0	0	0
Rape	2023	0	0	0	0	0
Fondling	2023	0	0	0	0	0
Incest	2023	0	0	0	0	0
Statutory Rape	2023	0	0	0	0	0
Robbery	2023	0	0	0	0	0
Aggravated Assault	2023	0	0	0	0	0
Burglary	2023	1	0	0	0	1
Motor Vehicle Theft	2023	0	0	0	0	0
Arson	2023	0	0	0	0	0

<b>Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2023	0	0	0	0	0
Drug Law Arrests	2023	3	0	0	0	3
Weapons Law Arrests	2023	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0

Drug Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2023	0	0	0	0	0

Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2023	0	0	0	0	0
Dating Violence	2023	0	0	0	0	0
Stalking	2023	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2023 FOR MIRAMAR COLLEGE.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

### 2022 City College Campus Crime Statistics

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2022	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2022	0	0	0	0	0
Rape	2022	0	0	0	0	0
Fondling	2022	0	0	0	0	0
Incest	2022	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
Robbery	2022	0	0	1	0	1
Aggravated Assault	2022	3	1	2	0	6

Burglary	2022	5	1	0	0	6
Motor Vehicle Theft	2022	0	0	1	0	1
Arson	2022	0	0	0	0	0
<b>Arrest and Disciplinary Referrals-</b>						
<b>Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2022	2	0	1	0	3
Drug Law Arrests	2022	39	2	8	0	49
Weapons Law Arrests	2022	12	0	1	0	13
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0

<b>Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Domestic Violence	2022	3	0	0	0	3
Dating Violence	2022	0	0	0	0	0
Stalking	2022	1	0	0	0	1

ZERO HATE CRIMES WERE REPORTED IN 2022 FOR CITY COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

## 2022 Mesa College Campus Crime Statistics

<b>Criminal Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non- Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Criminal Homicide, Murder & Non-negligent Manslaughter	2022	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2022	0	0	0	0	0
Rape	2022	0	0	0	0	0
Fondling	2022	0	0	0	0	0
Incest	2022	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
Robbery	2022	0	0	0	0	0
Aggravated Assault	2022	0	0	2	0	2
Burglary	2022	0	0	0	0	0
Motor Vehicle Theft	2022	0	0	0	0	0
Arson	2022	1	0	0	0	1
<b>Arrest and Disciplinary Referrals-</b>						
<b>Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non- Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2022	3	0	1	0	4
Drug Law Arrests	2022	4	0	6	0	10
Weapons Law Arrests	2022	1	0	0	0	1
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0

Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0
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Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Domestic Violence	2022	2	0	0	0	2
Dating Violence	2022	0	0	0	0	0
Stalking	2022	0	0	0	0	0

ONE HATE CRIME WAS REPORTED IN 2022 FOR MESA COLLEGE, CLASSIFIED AS A VANDALISM AND CHARACTERIZED BY RACE THAT OCCURRED ON CAMPUS.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

**2022 Miramar College Campus Crime Statistics**

Criminal Offense (Reported By Hierarchy)	Year	On Campus	Non-Campus	Public Property	Unfounded	Total
Criminal Homicide, Murder & Non-negligent Manslaughter	2022	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2022	0	0	0	0	0
Rape	2022	0	0	0	0	0
Fondling	2022	0	0	0	0	0
Incest	2022	0	0	0	0	0
Statutory Rape	2022	0	0	0	0	0
Robbery	2022	1	0	0	0	1

Aggravated Assault	2022	2	0	0	0	2
Burglary	2022	1	0	0	0	1
Motor Vehicle Theft	2022	0	0	2	0	2
Arson	2022	0	0	0	0	0
<b>Arrest and Disciplinary Referrals-</b>						
<b>Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2022	4	0	0	0	4
Drug Law Arrests	2022	4	0	0	0	4
Weapons Law Arrests	2022	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2022	0	0	0	0	0

<b>Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Domestic Violence	2022	0	0	0	0	0
Dating Violence	2022	0	0	0	0	0
Stalking	2022	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2022 FOR MIRAMAR COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

## 2021 City College Campus Crime Statistics

<b>Criminal Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Criminal Homicide, Murder & Non-negligent Manslaughter	2021	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2021	0	0	0	0	0
Rape	2021	0	0	0	0	0
Fondling	2021	1	0	0	0	1
Incest	2021	0	0	0	0	0
Statutory	2021	0	0	0	0	0
Robbery	2021	0	0	0	0	0
Aggravated Assault	2021	0	0	1	0	1
Burglary	2021	4	0	0	0	4
Motor Vehicle Theft	2021	0	0	11	0	11
Arson	2021	1	0	0	0	1

<b>Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2021	2	0	2	0	4
Drug Law Arrests	2021	31	0	10	0	41
Weapons Law Arrests	2021	5	0	2	0	7
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

<b>Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Domestic Violence	2021	0	0	0	0	0
Dating Violence	2021	0	0	0	0	0
Stalking	2021	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2021 FOR CITY COLLEGE.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

### 2021 Mesa College Campus Crime Statistics

<b>Criminal Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Criminal Homicide, Murder & Non-negligent Manslaughter	2021	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2021	0	0	0	0	0
Rape	2021	0	0	0	0	0
Fondling	2021	0	0	0	0	0
Incest	2021	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
Robbery	2021	0	0	0	0	0

Aggravated Assault	2021	0	0	2	0	2
Burglary	2021	0	0	0	0	0
Motor Vehicle Theft	2021	0	0	1	0	1
Arson	2021	0	0	0	0	0

<b>Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2021	1	0	1	0	2
Drug Law Arrests	2021	2	0	2	0	4
Weapons Law Arrests	2021	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

<b>Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Domestic Violence	2021	1	0	2	0	3
Dating Violence	2021	0	0	0	0	0
Stalking	2021	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2021 FOR MESA COLLEGE

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

**2021 Miramar College Campus Crime Statistics**

<b>Criminal Offense (Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Criminal Homicide, Murder & Non-negligent Manslaughter	2021	0	0	0	0	0
Criminal Homicide, Negligent Manslaughter	2021	0	0	0	0	0
Rape	2021	0	0	0	0	0
Fondling	2021	0	0	0	0	0
Incest	2021	0	0	0	0	0
Statutory Rape	2021	0	0	0	0	0
Robbery	2021	1	0	0	0	1
Aggravated Assault	2021	1	0	0	0	1
Burglary	2021	0	0	0	0	0
Motor Vehicle Theft	2021	1	0	2	0	3
Arson	2021	0	0	0	0	0

<b>Arrest and Disciplinary Referrals- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Liquor Law Arrests	2021	3	0	0	0	3
Drug Law Arrests	2021	1	0	1	0	2

Weapons Law Arrests	2021	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0
Weapons Law Violations Referred for Disciplinary Action	2021	0	0	0	0	0

<b>Violence Against Women Act- Offense (Crimes Not Reported By Hierarchy)</b>	<b>Year</b>	<b>On Campus</b>	<b>Non-Campus</b>	<b>Public Property</b>	<b>Unfounded</b>	<b>Total</b>
Domestic Violence	2021	1	0	0	0	1
Dating Violence	2021	0	0	0	0	0
Stalking	2021	0	0	0	0	0

ZERO HATE CRIMES WERE REPORTED IN 2021 FOR MIRAMAR COLLEGE.

SDCCD DOES NOT HAVE RESIDENTIAL FACILITIES

**PART 6: REFERENCE****Additional Definitions**

There are numerous terms used by the San Diego Community College District in our policy and procedures.

**Clery Crime Definitions, Per the Uniform Crime Reporting Handbook****Aggravated Assault**

An unlawful attack by one person upon another wherein the offender uses a weapon or displays it in a threatening manner, or 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. This also includes assault with disease (as in cases when the offender is aware that he/she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc.).

**Arson**

To unlawfully and intentionally damage, or attempt to damage, any real or personal property by fire or incendiary device.

**Burglary**

The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

**Criminal Homicide**

These offenses are separated into two categories: murder and non-negligent manslaughter, and negligent manslaughter.

a) Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.

b) Manslaughter by negligence: The killing of another person through gross negligence.

**Motor Vehicle theft**

The theft or attempted theft of a motor vehicle.

**Robbery**

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,

violence, and/or causing the victim fear.

**Drug law Violations**

(Except Driving Under the Influence) The violation of state and local laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. Drug/Narcotic Violations - The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Drug Equipment Violations—The unlawful manufacture, sale, purchase, possession, or transportation of equipment or devices utilized in preparing and/or using drugs or narcotics.

**Liquor law Violations**

(Except Driving Under the Influence and Drunkenness) The violation of laws or ordinances prohibiting: the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages.

**Weapon law Violations**

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.

**Hate crimes**

A hate crime is a criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias. Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, religion, disability, sexual orientation or ethnicity/national origin.

- Race. A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity, which distinguishes them as a distinct division of humankind (e.g., Asians, blacks or African Americans, whites).
- Gender. A preformed negative opinion or attitude toward a person or group of persons

based on their actual or perceived gender (e.g., male or female).

- **Gender identity.** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals). Gender non-conforming describes a person who does not conform to the gender-based expectations of society (e.g., a woman dressed in traditionally male clothing or a man wearing makeup.) A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Religion.** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists).
- **Sexual orientation.** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Ethnicity.** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- **National origin.** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin

group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

- **Disability.** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### **Larceny/theft**

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Examples are thefts of bicycles, motor vehicle parts and accessories, shoplifting, pocket-picking, or the stealing of any property or article that is not taken by force and violence or by fraud.

### **Simple Assault**

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.

### **Intimidation**

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.

### Terms Related to Clery Geography

#### **On campus**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used

by students, and supports institutional purposes (such as a food or other retail vendor).

### **Public property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

### **Non-campus building or property**

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### Definitions of Domestic Violence, Sexual Assault, and Stalking Under the California Penal Code

#### **Domestic Violence**

13700. As used in this title:

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship.

(c) "Officer" means any officer or employee of a local police department or sheriff's office, and any peace officer of the Department of the California Highway Patrol, the Department of Parks and Recreation, the University of California Police Department, or the California State University and College Police Departments, as defined in Section 830.2, a peace officer of the Department of General Services of the City of Los Angeles, as defined in subdivision (c) of Section 830.31, a housing authority patrol officer, as defined in subdivision (d) of Section 830.31, a peace officer as defined in subdivisions (a) and (b) of Section 830.32, or a peace officer as defined in subdivision (a) of Section 830.33.

(d) "Victim" means a person who is a victim of domestic violence.

#### **Dating Relationship**

243 PC Assault and Battery (10) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement independent of financial considerations.

#### **Rape/Statutory rape**

261.

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

(2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by an intoxicating or anesthetic substance, or a controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) If the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) For purposes of this section, the following definitions apply:

(1) "Duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and the victim's relationship to the defendant, are factors to consider in appraising the existence of duress.

(2) "Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.<sup>261.5.</sup> (a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of

## Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

## 261.6.

(a) In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, “consent” means positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

(b) A current or previous dating or marital relationship is not sufficient to constitute consent if consent is at issue in a prosecution under Section 261, 286, 287, or 289, or former Section 262 or 288a.

(c) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

## 261.7.

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

262. (a) Rape of a person who is the spouse of the perpetrator is an act of sexual intercourse accomplished under any of the following circumstances:

- (1) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

- (2) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known, by the accused.

- (3) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

- (A) Was unconscious or asleep.

- (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

- (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

- (4) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

- (5) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

- (A) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or

retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

- (B) As used in this section, “menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

263. The essential guilt of rape consists in the outrage to the person and feelings of the victim of the rape. Any sexual penetration, however slight, is sufficient to complete the crime.

### **Sexual Battery**

243.4. (a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e) (1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for

a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

(4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

### **Stalking**

646.9. (a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison .

[...]

(b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in subdivision (a) against the same party, shall be punished by imprisonment in the state prison for two, three, or four years.

(c) (1) Every person who, after having been convicted of a felony under Section 273.5, 273.6, or 422, commits a violation of subdivision (a) shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment,

or by imprisonment in the state prison for two, three, or five years.

(2) Every person who, after having been convicted of a felony under subdivision (a), commits a violation of this section shall be punished by imprisonment in the state prison for two, three, or five years.

(d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006. (e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “credible threat.”

(h) For purposes of this section, the term “electronic communication device” includes, but

is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic communication” has the same meaning as the term defined in Subsection 12 of Section 2510 of Title 18 of the United States Code.

(i) This section shall not apply to conduct that occurs during labor picketing.

(j) If probation is granted, or the execution or imposition of a sentence is suspended, for any person convicted under this section, it shall be a condition of probation that the person participate in counseling, as designated by the court. However, the court, upon a showing of good cause, may find that the counseling requirement shall not be imposed.

(k) (1) The sentencing court also shall consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to 10 years, as determined by the court. It is the intent of the Legislature that the length of any restraining order be based upon the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.

(2) This protective order may be issued by the court whether the defendant is sentenced to state prison, county jail, or if imposition of sentence is suspended and the defendant is placed on probation.

(l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

(m) The court shall consider whether the defendant would benefit from treatment pursuant to Section 2684. If it is determined to be appropriate, the court shall recommend that the Department of Corrections and Rehabilitation make a certification as provided in Section 2684. Upon the certification, the defendant shall be

evaluated and transferred to the appropriate hospital for treatment pursuant to Section 2684.

285. Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Definitions of Sexual Harassment, Dating Violence, Domestic Violence, Sexual Assault, and Stalking Under Title IX of the Education Amendments of 1972 (§ 106.30):

### **Sexual Harassment**

Conduct on the basis of sex that satisfies one or more of the following:

- (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct;
- (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or
- (3) Sexual assault, dating violence, domestic violence or stalking.
  - a. **Sexual Assault** means an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation
  - b. **Dating violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship shall be determined based on a consideration of the following factors:
    - i. The length of the relationship.

- ii. The type of relationship.
- iii. The frequency of interaction between the persons involved in the relationship.

- c. **Domestic violence** means violence committed by a current or former spouse, or intimate partner, who is cohabitating with or has cohabitated with the victim as a spouse of intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of California.
- d. **Stalking** means 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.

### Victims' Bill of Rights 2009: Marsy's Law California Constitution, Article I, Section 28(b)

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

- (1) To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
- (2) To be reasonably protected from the defendant and persons acting on behalf of the defendant.
- (3) To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.

- (4) To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
- (5) To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
- (6) To reasonable notice of and to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
- (7) To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
- (8) To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
- (9) To a speedy trial and a prompt and final conclusion of the case and any related post- judgment proceedings.
- (10) To provide information to probation department officer conducting a presentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
- (11) To receive, upon request, the presentence report when available to the defendant, except for those portions made confidential by law.
- (12) To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
- (13) To restitution.
- (A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
- (B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
- (C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
- (14) To the prompt return of property when no longer needed as evidence.
- (15) To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified upon request, of the parole or other release of the offender.
- (16) To have the safety of the victim, the

victim's family, and the general public considered before any parole or other post-judgment release decision is made.

- (17) To be informed of the rights enumerated in paragraphs (1) through (16).

Thank you for contributing to a safe and secure San Diego Community College District. Requests for a printed copy of Safe and Sound may be directed to [TitleIX@sdccd.edu](mailto:TitleIX@sdccd.edu)



# SAN DIEGO

## Community College District

3375 Camino del Rio South  
San Diego, CA 92108-3883  
619-388-6500  
sdccd.edu

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