



2017-2018  
ANNUAL CAMPUS SAFETY  
AND SECURITY REPORT  
Published September 29, 2018

- Campus Crime Prevention Policy
- Campus Drug Policy
- Campus Crime Statistics Report
- Violence Against Women Policy



## **SOUTH COAST COLLEGE CAMPUS SECURITY / CRIME PREVENTION POLICY**

**South Coast College– Orange County Jeanne Clery Disclosure of Campus Security Policy and  
Campus Crime Statistics Report**

### **INTRODUCTION**

South Coast College (*the “College”*) is providing the following information to all of its employees and students as part of the College’s commitment to safety and security pursuant to the requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. If you should have questions about any of the information provided in this Report, please contact:

Kevin Magner  
Dean of Operations  
South Coast College  
2011 Chapman Ave.  
Orange, CA 92868 (714) 867-5009  
kjmagner@southcoastcollege.com

### **CAMPUS SECURITY AND CRIME PREVENTION POLICY**

The College’s Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Report is distributed through the South Coast College internet.



## **REPORTING CRIMES AND EMERGENCIES**

A safe environment is everyone's responsibility. Students, faculty and staff are encouraged to report all criminal acts, suspicious activities or emergencies promptly and have the right to report these matters confidentially. Victims or witnesses to a crime are encouraged to file a report of the incident. Reports can be filed on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics by contacting the Dean of Operations, Kevin Magner. Reports are kept in a secure location in the office of the Dean of Operations, Room 103. Names of victims or witnesses are not disclosed in the crime report. It is the policy of the College that all criminal acts or other emergencies be properly documented and reported to local authorities as required by law.

Students and employees should promptly report all criminal actions and emergencies occurring on or around the College facilities to:

Director of Operations, Kevin Magner, either in person or by calling (714) 867-5009. If the Dean of Operations is not available, you may contact the Receptionist at (714) 867-5009; Jila Andelibi, Dean of Finance, at (714) 830-0251; Yolanda Krieger, Court Reporting Program Director, or William Dixon, Paralegal Program Director, and the Orange Police Department by dialing 911 or (714) 744-7444.

In the event of fire or medical emergencies, staff and employees should contact the Orange Police by dialing 911 and then notify the Dean of Operations.

### **Timely Warning**

#### **Policy**

It is the policy of South Coast College to comply with provisions of The Clery Act regarding the issuance of Timely Warnings. In the event that a situation arises, either on or off campus, that, in the judgment of the Campus President constitutes a serious or continuing threat to students and employees, a campus wide Timely Warning will be issued.



## Procedure

Under the provisions of The Clery Act, schools have a responsibility to alert the school community of certain crimes in a manner that is timely and will aid in the prevention of similar crimes. These crimes include all The Clery Act crimes that are:

- Reported to school security authorities; and
- Are considered by the school to represent a serious or continuing threat to the students and employees. As a reminder The Clery Act crimes include:
  - Criminal Homicide – Murder & Non-negligent Manslaughter – Negligent Manslaughter
  - Sex Offenses – Forcible – Non-forcible
  - Robbery
  - Aggravated Assault
  - Burglary
  - Motor Vehicle Theft
  - Arson

Issuance of a Timely Warning will be decided on a case by case basis in light of all facts surrounding the crime, the continuing danger to the school community and the possible risk of compromising law enforcement efforts. Before a Timely Warning is issued the Campus President must consult with their applicable Director of Operations and the Dean of Finance and Administration who oversees all aspects of Human Resources. If the collective decision is made to issue a Timely Warning the Campus President has the responsibility to issue the warning within two business days.

In the event of a Timely Warning, it will be posted to the school's website under the NEWS category should a Timely Warning occur.

- A description of the offense
- Description of the suspects
- Additional information (any other information that pertains to the incident that ensures all members of the community [students, administration, and faculty] understand the nature of the incident.

Warnings will be issued through the following means:

1. E-mail to faculty, staff and students. Text messages may also be utilized.
2. Post a copy of the warning in each classroom, lab, break room (student and staff) and all entrances and exits. The warning will be reproduced on fluorescent orange paper. This color paper will be used only for Timely Warnings.
3. Post to the NEWS portion of the campus specific section of the campus web site.
4. The Campus President or another member of the school's management team will visit each classroom or lab to inform all students of the situation. In the event that a warning is issued, the Campus President will inform all applicable local law enforcement agencies.



## **SECURITY AND ACCESS TO THE COLLEGE**

It is the policy of the College that access to all campus facilities be limited to authorized personnel, students and invited visitors. Visitors are at all times subject to College policies and conduct codes. Students and employees are responsible for the conduct of their guests at all times. Students, staff and faculty are required to have their valid identification card in their possession at all times while on campus and must be prepared to present it upon request. Visitors must sign in at the front desk and should be escorted by a staff or faculty person at all times.

## **ACCESS TO ACADEMIC BUILDINGS**

The front receptionist desk is located in the north entrance on the first floor at 2011 West Chapman Avenue. It is staffed Monday through Friday from 7:00 a.m. until 8:00 p.m. After hours, the building is protected with locked security doors and devices including cameras, and proper procedures are followed to ensure limited access to secured areas. The front doors will be locked at 10:00 p.m. weekdays Monday through Thursday and at 8:00 p.m. on Friday by the custodial staff. Exterior lighting is provided around the building and parking areas, and shrubs and hedges are kept low for safety reasons. Suspicious persons will be questioned and asked to leave the campus. All students, faculty, staff and graduates in the building must have their identification card in their possession at all times and must be prepared to present it upon request. All visitors must be escorted by a staff or faculty person at all times..

## **SCHOOL-SPONSORED HOUSING**

At the present time, the College does not have any school-sponsored housing.



## **CAMPUS LAW ENFORCEMENT**

The College does not maintain a security staff, rather, the Dean of Operations, Program Directors, receptionist, and custodial staff are instructed in security, security problems, specific school rules and regulations and the proper procedures of how to enforce them. These procedures and rules and regulations are reviewed periodically to ensure that security needs are being met. In the event of an emergency of any sort, staff and students are to immediately contact any of these people. In any emergency situation, any individual providing assistance should call 911. Evening staff are available to assist students, faculty and staff of the College. Someone is on duty during all hours the building is occupied. Reception and custodial personnel are responsible for ensuring that persons entering the building are employees, students, their families or invited guests. They are authorized to request identification from those individuals who are unfamiliar to them. The Dean of Operations has the authority to evict unauthorized persons from the campus premises and will notify local law enforcement authorities of all actual or suspected criminal activities, including trespassing. The staff does not have the authority to arrest individuals. Students are required to carry their South Coast College identification card at all times and to present them upon request. The staff may not make arrests, but are instructed to promptly contact Kevin Magner, Dean of Operations if any illegal activity occurs. It is the policy of South Coast College to promptly, accurately and completely document all criminal activity with the Orange Police Department as deemed appropriate. Other staff members will assist, as appropriate, with this reporting. Students should contact appropriate personnel immediately in the case of an incident.

## **RELATIONSHIPS WITH LOCAL AND STATE POLICE**

South Coast College is located in the city of Orange, California. The college maintains a close working relationship with the Orange Police department, with periodic contact initiated by the College personnel to ensure that the College is aware of criminal offenses and arrests occurring on or near the campus so that they can be properly reported, and if necessary, provide for timely warning reports on crimes that represent a continuing threat. Timely warning reports are provided to the campus community via the following means: email, letters, posters in campus common areas, notices placed in faculty and staff mailboxes, announcements read in class, etc.



## **PROGRAMS TO INFORM STUDENTS AND EMPLOYEES ABOUT CAMPUS SECURITY**

All current employees and students receive the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Report on an annual basis. All new College employees and students are instructed on crime awareness, prevention and campus security during orientation, and encouraged to take responsibility for their own security, as well as for the safety of others.

The orientation program, which takes place six times per year, includes a description of campus security policies and procedures, suggestions on how to avoid becoming a crime victim, evacuation plans for the campus and procedures for reporting any criminal activity or emergency.

## **PROGRAMS TO INFORM STUDENTS AND EMPLOYEES ABOUT THE PREVENTION OF CRIMES**

The college also provides in-service programs designed to heighten awareness of crime and its prevention. These in-service programs are conducted by local law enforcement officials and/or local experts in the field once each year. Topics for these informational programs may include personal safety & self-defense, living in a city, crime prevention, and neighborhood watch programs. Crime prevention presentations may include the topics of sexual assault, domestic violence, workplace violence and hate crimes. All students, staff and faculty are invited to attend these presentations. In addition to the annual campus security report, students and staff are notified of specific security concerns as they arise throughout the year.

In the event the College, working with local police, determines that a particular criminal offense continues to be a threat to the campus community, it will notify the campus community by bulletin board notices, notices read by instructors in classrooms and notices on the student intranet web site.

Students are requested to review the College's *Catalog* where sections discussing Crime Awareness and Campus Security and the Student Conduct Policy can be found. Employees are requested to review the College's *Employee Handbook* where information regarding Standards of Conduct and Safety can be found.



## **OFF-CAMPUS STUDENT ORGANIZATIONS**

At the present time, the College does not have any off-campus student organizations.

## **DRUG AND ALCOHOL POLICIES**

South Coast College is committed to achieving a safe, healthy, productive work environment for all employees and students, free from effects of illegal drugs and employee/student alcohol consumption. It is the policy of South Coast College to prohibit illegal drug usage, possession, sale and distribution on or in the South Coast College property, or while performing South Coast College business, and to prohibit alcohol/drug usage which may affect a person's job performance. Having an illegal drug in the body while on or in South Coast College property and /or being under the influence of alcohol/drugs while on duty or performing South Coast College business are prohibited. South Coast College conducts a biannual review of its drug and alcohol policies and procedures for effectiveness and makes any changes deemed necessary.

South Coast College provides assistance to our employees and students in getting help. However, it is the responsibility of each employee or student to seek assistance before alcohol and drug problems lead to a violation of school policy. Once a violation of this policy occurs, subsequently seeking assistance or voluntarily entering a rehabilitation program will not necessarily lessen any disciplinary action and may be disregarded in any disciplinary decision.

Violation of this policy or any other policy of South Coast College relating to alcohol or drugs may result in disciplinary action, up to and including suspension pending termination. Because of the importance to all employees and students of enforcement of the College's drug and alcohol policies, disciplinary action involving these policies may be implemented with or without warning to the disciplined employee or student.

Students receiving Title IV funds who are convicted of a criminal drug offense during the period of enrollment for which the funds were awarded will lose eligibility for all Title IV funds. In such cases the student will be given written information on how they can regain eligibility.

### **Procedure**

South Coast College provides an employee/student assistance program for persons with drug or alcohol problems which provides:





1. Assistance in the form of referral for any employee or student who feels he or she has developed an addiction to, dependency upon, or is suffering from the use of alcohol or drugs.
2. Leave of absence in accordance with school policy, on the same basis and with the same restrictions and limits as other disabilities.
3. Reinstatement to the same or similar job, when practical, upon successful completion of a rehabilitation program.

It is the responsibility of all managers to make employees and students aware of the assistance program and to assure that no person who requests diagnosis and treatment will have his or her job tenure or promotional opportunities jeopardized by this request. Any employee or student suffering from drug or alcohol usage or dependency who rejects treatment when requested by the school or who leaves the treatment program prior to being properly discharged is subject to disciplinary action up to and including suspension pending termination. The recurrence of a drug or alcohol dependency may also result in disciplinary action.

The employee assistance program's job is to assist employees and students in finding methods or resolving problems that affect their job performance. Most people are not aware of the resources which are available to them. Sometimes they are so overburdened by their problems they have difficulty reaching out for help. The counselor can assist employees and students in obtaining the needed help in a humane and confidential manner.

The earliest possible identification and treatment of the problem best serves the interest of both the employee/student and the College. The decision to undertake treatment is the responsibility of the employee or the student. The overall objective is to retain valuable employees and students by providing assistance when the problem becomes evident rather than waiting until the employee or student is no longer employable.

Various health risks are associated with the misuse of illegal drugs, legal drugs and/or alcohol. These health risks should be discussed with a qualified health professional, such as a primary care physician. There are also online sites which describe risks for specific types of substance abuse. We recommend the Federal Drug Administration web site at [www.fda.gov/drugs](http://www.fda.gov/drugs) . Other reputable sites include The Mayo Clinic at [www.mayoclinic.com](http://www.mayoclinic.com) and Web MD at [www.webmd.com](http://www.webmd.com).

When the problem is chemical abuse, the employee or student is given information on the different programs available. The employee assistance program offers to do a free individualized evaluation to determine what kind of help the person needs. From this evaluation, the appropriate treatment program (inpatient versus out-patient) is determined.



Drug dependency is a medically recognized illness with physical, physiological, emotional, and social implications. Treatment must focus on educating individuals to their disease, as well as assist and support them in developing the necessary skills to manage their lives in a more productive manner.

**California's Medical Marijuana Program**

**Students, faculty, and staff who qualify under California's Proposition 215 to use marijuana for medical reasons are not permitted the use, storage, or possession of marijuana or paraphernalia on College property or at a College-sponsored event.**

**Students who violate this policy are subject to discipline.**



**Definitions for the purpose of this policy:**

“Drug” as defined by the Federal Food, Drug, and Cosmetic Act and also includes the drugs specified under “illegal drug” below.

“Having an illegal drug in the body” means the presence in a detectable amount of any illegal drug (or chemical substance or residue from which the presence of any illegal drug may be reasonably inferred) in the body of an employee.

“Illegal drug” means any drug (1) that is not legally obtained in California, or (2) that is being used in a manner different from that lawfully prescribed, or (3) that can be legally obtainable but has not been legally obtained. “Illegal drug” includes the following drugs unless used in accordance with a valid prescription:

Heroin	Hallucinogens	Codeine
Morphine	Amphetamines	Cocaine
Dilaudid	Barbiturates	Marijuana
Tranquilizers	Sedatives	MDMA (Ecstasy)
	PCP	

“Legal drug” means prescribed drugs and over-the-counter drugs which have been legally obtained and are being used for the purpose for which they have been prescribed or manufactured. Alcohol is also considered a legal drug, except in cases of underage drinking.

“Management” means supervisors, managers, directors and officers of South Coast College.

“Under the influence” means that an employee or student is affected in an observable manner by the presence of alcohol, or alcohol and other substances, in any detectable amount in the body” The symptoms of influence need not involve misbehavior or obvious impairment of physical or mental ability such as slurred speech or difficulty in maintaining balance.

In keeping with section 120(a) through (d) of The Higher Education Act of 1965, as amended, including the Drug-Free Schools and Communities Amendments of 1989 (Public Law 101-226), a “Drug Free Schools and Campuses” publication, the Drug Prevention Policy, is provided to all College students, staff and faculty annually.



For more drug and alcohol policy information, see the Drug and Alcohol Policy Section. Pursuant to federal and state drug laws, students are prohibited from the unlawful manufacture, distribution, possession, sale or use of illicit/illegal drugs. The College also enforces state laws regarding underage drinking. This prohibition applies while on the property of the school or when participating in any institutional activity. Students or employees who violate this policy will be subject to disciplinary action up to, and including, expulsion from school or termination of employment.

South Coast College supports and endorses the Federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act amendments of 1989. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or abuse of alcohol by an employee or student on South Coast College's property or as part of any South Coast College activity is prohibited. Any student or employee of South Coast College found to be abusing alcohol or using, possessing, manufacturing, or distributing controlled substances in violation of the law on South Coast College property or at South Coast College events shall be subject to disciplinary action. For employees, the school will take appropriate personnel action for such infractions, up to and including termination. Students who violate this policy will be subject to sanctions that include suspension and dismissal from South Coast College. For purposes of this policy, "conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence or both, by any judicial body charged with the responsibility of the federal or state criminal drug statutes.

### **Health Risks**

Abuse of alcohol and use of drugs is harmful to one's physical, mental, and social wellbeing. With excessive drug use, life becomes centered on drugs to the exclusion of health, work, school, family, and general well-being. Accidents and injuries are more likely to occur if alcohol and drugs are used. Alcohol and drug users can lose resistance to disease and destroy one's health. Increasing tolerance developed by the user complicates the effects of drug use. This tolerance may be psychological, physiological, or both and may lead to greater danger of overdose. Alcoholism is the number one drug problem in the United States. Alcoholism takes a toll on personal finances, health, social relationships, and families. Abuse of alcohol or use of drugs may cause an individual driving a motor vehicle to injure himself or herself or others and may subject the person to criminal prosecution. Drunk drivers are responsible for more than half of all traffic fatalities.

The following summarizes the effects and dangers of the major categories of drugs:  
**Amphetamines:** Physical dependency, heart problems, infections, malnutrition, and death may result from continued high doses of amphetamines.  
**Narcotics:** Chronic use of narcotics can cause lung damage, convulsions, respiratory paralysis, and death.



**Depressants:** These drugs, such as tranquilizers and alcohol, can produce slowed reactions, slowed heart rate, damage to liver and heart, respiratory arrest, convulsions, and accidental overdoses.

**Hallucinogens:** These drugs may cause psychosis, convulsions, coma, and psychological dependency.

### **Counseling, Treatment, or Rehabilitation Programs**

As indicated previously, the administration of South Coast College maintains a list of hospital and community agencies available to assist employees and students seeking alcohol and drug counseling and treatment. Employees and students who have a substance-dependency problem are strongly encouraged to obtain counseling and treatment. Anyone seeking additional information about health problems and treatment related to alcohol and drug problems can contact the Campus President or Human Resources. Requests for assistance will be held in complete confidentiality and will be provided on a need-to-know basis only.

### **Sanctions**

A student who violates any provision of this policy shall be subject to appropriate disciplinary action, up to and including suspension and/or administrative withdrawal from South Coast College. Students may reapply for admission, through review, at a later date.

A student suspected of the possession, sale, manufacture, use, or distribution of a controlled substance, may be suspended from the student's program of study and may become ineligible for continued participation in the Higher Education Act (HEA), Title IV Student Assistance Programs. If convicted, the student's relationship with South Coast College will be terminated, and the student may lose the ability to participate in the HEA, Title IV Student Assistance Programs.

In addition, any student or employee who violates the standards of conduct as set forth in this policy may be subject to referral for prosecution.

A student who violates any provision of this policy shall be subject to appropriate disciplinary action, up to and including suspension and/or administrative withdrawal from South Coast College. Students may reapply for admission, through review, at a later date.

### **Legal Sanctions**

Students and employees are reminded that unlawful possession, distribution, or use of illicit drugs or alcohol may subject individuals to criminal prosecution. South Coast College will refer violations of prescribed conduct to appropriate authorities for prosecution.



Federal and state sanctions for illegal possession of controlled substances range from up to four years' imprisonment and up to \$20,000 in fines for each offense. Under federal laws, possession of drugs such as heroin or cocaine may result in sanctions of not less than five years and up to life imprisonment for a first offense involving 100 grams or more. Offenses involving lesser amounts, 10-99 grams, may result in sanctions up to and including 20 years' imprisonment and a fine of up to \$4 million.

Under California law, possession of marijuana is a misdemeanor, punishable by not more than one year in county jail or in state prison for a period of not less than one year or more than 10 years. Under California law, a person may still be deemed to be in possession of a controlled substance even if the controlled substance has been consumed. Delivery or sale of marijuana to a minor is punishable by up to five years in state prison. Possession or distribution of any controlled substance, such as heroin or cocaine, shall be punished by imprisonment in the state prison for two, three, or four years.

The state of California may impose a wide range of sanctions for alcohol related offenses. For example, a person under the age of 21 who presents or offers false identification for the purpose of obtaining alcohol is guilty of a misdemeanor and may be fined at least \$250 or be required to perform community service. The driver's license of any person found to have .08 blood alcohol while driving a motor vehicle may be suspended or revoked.

The term "controlled substance" as used in this policy means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act, 21 U.S.C. 812, and as further defined by regulation 21 C.F.R. 1208.01 et seq. The term does not include the use of a controlled substance pursuant to a valid prescription or other use authorized by law.

### **Federal, State, and Local Laws and Sanctions Regarding Alcohol**

It is South Coast College's belief that all disciplinary sanctions should assist in education and provide the opportunity for personal growth. The following is a summary of federal, state, and local laws regarding drugs and alcohol.

#### **Laws regarding the use of alcohol**

South Coast College has established an alcohol use policy based on the tenet that those serving and drinking alcohol will do so legally and responsibly, with concern for others around them, and with an understanding of the social, personal and legal issues involved.

It is the responsibility of persons or groups that use, possess, distribute, or produce alcohol to be familiar with and abide by all laws regarding the sale and use of alcoholic beverages. The following is a summary of the more important laws that directly relate to the College's Alcohol and Substance Abuse Policy:



1. The purchase, possession, or consumption of any alcoholic beverages (including beer and wine) by any person under the age of 21 is prohibited (Business and Professional Code, 25658 and 25662).
2. It is a misdemeanor for anyone to sell, furnish, or give or cause to sell, furnish, or give any alcoholic beverage to a minor (Business and Professional Code 25658(a)).
3. It is prohibited to advertise alcoholic beverages in such a way as to encourage minor to drink (Business and Professional Code 25664).
4. It is a misdemeanor for a minor to have any alcoholic beverage in his or her possession on any street or highway or in any public place or in any place open to the public (Business and Professional Code 25662(a)).
5. Any minor who purchases any alcoholic beverage, or any minor who consumes any alcoholic beverage, or any minor who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor and shall be punished by a fine of not less than \$100.00, no part of which shall be suspended (Business and Professional Code 25658(b)). 6. Minors attempting to purchase alcoholic beverages will be fined \$250.00 or required to perform 24-32 hours of community service for the first offense and \$500.00 for a second or subsequent offense. Violators may also be required to perform 36-48 hours of community service for a second offense (Business and Professional Code 25658.5).
7. No minor shall knowingly drive any motor vehicle carrying any alcoholic beverage, unless the minor is accompanied by the parent or legal guardian (California Vehicle Code 23224(a)).
8. Peace officers who lawfully enter premises may confiscate alcoholic beverages which are in plain view and possessed by or provided to minors at social gatherings. Alcoholic beverages in open containers that are confiscated may be destroyed while those in unopened containers shall be impounded for no more than seven (7) working days after which they too may be destroyed. Unopened containers may be released within the sever (7) days to the owner or resident of the property provided they are 21 years of age (Business and Professional Code 25662(b)).
9. Any person providing an alcoholic beverage to a minor will be contributing to the delinquency of a minor and guilty of a misdemeanor (Penal Code 272).
10. Possession of Alcohol in a Public Place  
It is unlawful to be in possession of alcoholic beverages in a public place (Orange Municipal Code 9.16.050). A public place is defined as any location where all members of the public have unrestricted access. This includes, but is not limited to, outside walkways within the College Campus and walkways and balconies within the Residence Halls/Apartments.
11. Intoxicated Person  
The use of intoxicating liquor by the average person in such quantity as to produce intoxication causes many commonly known outward manifestations which are "plain" and "easily seen or discovered." [People of the State of California v. Johnson, 185 P.2d 105 (Cal.App. Sup.Ct. L.A.Cty. 1947), p. 106]., the sale or furnishing of alcoholic beverages to an obviously intoxicated person is a misdemeanor (Business and Professional Code 25602).
12. Operation of a Vehicle



- a. It is unlawful for any person who is under the influence of an alcoholic beverage or any drug or under the combined influence of an alcoholic beverage and any drug, to operate a bicycle (California Vehicle Code 21200.5) or a motor vehicle (California Vehicle Code 23152(a)).
- b. No person shall drink any alcoholic beverage while driving a motor vehicle upon any highway (California Vehicle Code 23220).
- c. No person shall have in his or her possession, on his or her person, while driving a motor vehicle upon any highway, any bottle, can, or other receptacle, containing an alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed (California Vehicle Code 23223).

### 13. Sale of Alcohol

It is a misdemeanor to sell alcoholic beverages without a license from the State Alcoholic Beverage Control Board (Business and Professional Code 23300 and 23301). Included are forms of indirect sales such as selling tickets which may be exchanged for drinks, tickets of admission which include an alcoholic beverage or “passing the hat” during an event to cover the cost of alcohol.



	<b>State Law</b>	<b>Federal Law</b>
<b>Legal Drinking Age</b>	You must be 21 to drink or work at a bar in California, and you can work in a restaurant that sells alcohol at age 18.	You must be 21 to drink or work at a bar in California, and you can work in a restaurant that sells alcohol at age 18.
<b>BAC Limits</b>	California's maximum legal blood-alcohol content is .08 percent.	BAC maximum is .08. Minors are held to stricter standards under zero tolerance laws, which hold the driver to much lower blood alcohol content levels for criminal and/or license suspension purposes.
<b>Penalties</b>	\$200-\$500 average fine, average jail time of 6 months suspension after the first offense, and an average probation of 5 years.	Varies from state to state.
<b>Regulations</b>	In terms of possession of alcohol by minors, it exempts use by minors while under their parents' supervision.	For minors in possession, first offense is \$250 and/or 24 to 32 hours of community service, and the second offense is up to a \$500 fine and/or 36 to 48 hours of community service.



Criminal Sanctions under California Law for the unlawful possession or distribution of illicit drugs and alcohol include the following:

1. Imprisonment in State prison for possession of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11350).
2. Imprisonment in State prison for two to four years for possession or sale of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11351).
3. Imprisonment in State prison for three to five years for possession for sale of cocaine base (Health and Safety Code Section 11351.1).
4. Fine not exceeding \$50,000 for possession for sale of heroin (Health and Safety Code Section 11352.5).
5. Fine of not more than \$100 for possession of less than 28.5 grams of marijuana (one ounce); imprisonment in county jail and/or fine of not more than \$500, or imprisonment in State prison for possession of concentrated cannabis (Health and Safety Code Section 11357).
6. Imprisonment in State prison for possession or sale of marijuana (Health and Safety Code Section 11359).

	<b>State Law</b>	<b>Federal Law</b>
<b>Cocaine (50-4999 grams)</b>	<p>Possession can be prosecuted as a misdemeanor or felony with up to 3 years in prison. Penalties for possession for sale is 2, 3, or 4 years in the state prison. Possession for sale will often serve from 1 year in county jail or 18month sentence in the state prison. Various enhancements do exist in the California Code which may result in very long prison terms, such as being in possession for sale, or selling multiple kilogram quantities of the drug.</p>	<p>Not less than 5 years and not more than 40 years.</p> <p>If death or serious injury, not less and 20 years or more than life.</p> <p>Fine of not more than \$5 million if an individual, \$25 million if not an individual.</p>
<b>Cannabis (1 to 49 plants; less than 50 kg)</b>	<p>Possession of one ounce or less can result in a fine of \$100 (plus fees). Possession of more than an ounce can result in a fine of \$500 (plus fees) and 6 months in jail.</p>	<p>Not more than 5 years; Fine not more than \$250,000, \$1 million other than individual</p>
<b>Heroin/Opiates</b>	<p>Possession can now be prosecuted as a misdemeanor or felony with up to 3 years in prison. Penalties for possession for sale is 2, 3, or 4 years in the state prison. Those convicted of possession for sale or sale/trafficking will often serve from 1 year in county jail, or 18-month sentence in state prison based upon the quantities and extent of their drug dealing if it is their first offense.</p>	<p>A first conviction for possession can result in up to one year in jail as well as a fine (minimum of \$100). Additional convictions will result in mandatory jail time as well as increased minimum fines.</p>



A copy of the South Coast College Drug and Alcohol Policies will be distributed annually in writing to each employee and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study.

EDGAR Part 86, Sec. § 86.100(a). Such notification will occur as follows:

Students: Upon initial enrollment at South Coast College and at registration thereafter

Employees: At hiring and annually thereafter

A copy of the South Coast College Drug and Alcohol Policies is maintained in the Office of the President and on the South Coast College website:

<http://southcoastcollege.edu/images/pdf/da.pdf>

### **List of Community Services Available**

A Better Tomorrow

1320 West Pearl  
Anaheim, CA 92801  
(888) 224-6303

Provides a multitude of programs for treating chemical addictions and mental health issues

Alcoholics Anonymous

2191 North Orange Olive Road  
Orange, CA 92865  
(714) 637-9860

Provides group counseling, therapy for alcohol dependency

Catholic Charities

1800 East McFadden Ave.  
Santa Ana, CA 92705  
(714) 347-9600

Provides marriage, family, child, and individual counseling

Chapman Clean House

1412 East Chapman Ave.  
Orange, CA 92866  
(866)288-9779

Substance Abuse Treatment, Intervention Services, Intervention & Transport Service, Inpatient Care, Family Program, Dual Diagnosis Program and insurance accepted.



Children & Family Services  
800 N. Eckhoff St.  
Orange, CA 92868  
(714) 704-8000  
Provides in-home counseling for families

Mental Health Association of Orange  
12755 Brookhurst St.  
Garden Grove, CA 92840  
(714) 638-8277  
Residential Treatment Center for women only, self-pay facility.

Salvation Army  
1515 W. North Street  
Anaheim, CA 92801  
(714) 491-1450  
Social & Human Services



## PROGRAMS AND PROCEDURES REGARDING SEXUAL ASSAULT

Educational programs promoting the awareness of rape, acquaintance rape and other sex offenses are presented informally on campus. Guest speakers present discussions on rape awareness, reducing the risk of being a rape victim and what to do if you are attacked. Brochures on sexual assault issues are available in Operations, Room 103. Should a student be sexually assaulted, it is the student(s) option to notify the appropriate law enforcement authorities, including on-campus authorities and local police. At the student's request, housing personnel, security, the Dean of Operations, the Executive Committee or other College officials will assist in notifying the proper authorities. Victims of sexual assault or rape should follow these recommended steps:

1. Go to a safe place following the attack.
2. Do not shower, bathe or destroy any of the clothing you were wearing at the time of the attack.
3. Go to a hospital emergency room for medical care.
4. Make sure you are evaluated for the risk of pregnancy and venereal disease. (A medical examination is the only way to ensure you are not injured and it could provide valuable evidence should you decide to prosecute.)
5. Call someone to be with you; you should not be alone.

It is also recommended that victims call the Rape Crisis Hotline at (714) 957-2737. It is open 24 hours a day and their counselors can help answer medical and emotional questions at any hour and in complete confidence. Reporting the rape to the police is up to the victim, but it is important to remember that reporting a rape is not the same as prosecuting a rape. Victims are strongly encouraged to call the police and report the rape. If the victim requests, the College will assist in identifying off-campus counseling or mental health services. After any campus sexual assaults are reported, the victims of such crimes have the right to request that College personnel take steps or actions reasonably feasible to prevent any unnecessary or unwanted contact or proximity with alleged assailants, including relocation in College housing, if applicable or the transfer of classes.

Other rape crisis centers or mental health agencies available to assist a victim of sexual offenses include:

Rape Crisis Hotline/Sexual Assault Assistance Program  
(714) 957-2737 (Northwest Orange County) or  
(949) 831-9110 (South Orange County)  
1821 East Dyer Road, Suite 200, Santa Ana, CA 92705  
National Sexual Assault Hotline  
(800) 656-4673 or [www.rainn.org](http://www.rainn.org) (24 hour assistance)



## **Disciplinary Action and Sanctions**

On-campus disciplinary procedures against students will be in accordance with the College published Student Conduct Policy. Both the accuser and the accused are entitled to have others present during a disciplinary proceeding. Both will be informed of the outcome of any campus disciplinary proceeding. For this purpose, the outcome of a disciplinary proceeding means only the College's final determination with respect to the alleged sexual offense and any sanction that is imposed against the accused. Sanctions, which may be imposed following a final determination of a disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, may include warning, probation, suspension or dismissal. See more regarding specific violence against women acts in the VIOLENCE AGAINST WOMEN ACT Section that follows.

## **INFORMATION REGARDING REGISTERED SEX OFFENDERS**

California's Megan's Law provides the public with certain information on the whereabouts of sex offenders so that members of our local communities may protect themselves and their children. The law requires the California Department of Justice to produce monthly a CD-ROM or other electronic medium containing information on serious and high-risk sex offenders. Access to the CD-ROM is mandated to be available for public viewing at all Sheriff's Departments, at Police Departments in cities with a population of 200,000 or more, and through the California Department of Justice.

Additional information pertaining to registered sex offenders may be accessed at the following local Sheriff and Police Department stations:

Orange Police Department  
1107 N. Batavia St.  
Orange, CA 92867 714-744-7444 [www.cityoforange.org](http://www.cityoforange.org)

Orange County Sheriff's Headquarters  
550 North Flower, 2<sup>nd</sup> Floor  
Santa Ana, CA 92702  
(714) 647-7040  
Available Monday through Friday from 8:00 a.m. until 4:00 p.m.



Anaheim Police Department  
425 South Harbor Blvd.  
Anaheim, CA 92805  
(714) 765-1563

Available Tuesday through Thursday from 8:00 a.m. until 4:00 p.m. (Appointment required)

Costa Mesa Police Department  
99 Fair Drive  
Costa Mesa, CA 92626  
(714) 754-5079

Available Tuesday through Friday from 7:00 a.m. until 4:00 p.m. (Appointment required)

Santa Ana Police Department  
60 Civic Center Plaza  
Santa Ana, CA 92701  
(714) 245-8300

Available Monday through Friday from 9:00 a.m. until 4:00 p.m. (Appointment required)

In California law, Assembly Bill 488, sponsored by the Attorney General, now provides the public with internet access to detailed information on registered sex offenders. This expanded access allows the public for the first time to use their personal computers to view information on sex offenders required to register with local law enforcement under California's Megan's Law. Previously, the information was available only by personally visiting police stations and sheriff offices or by calling a 900 toll number. The new law was given final passage by the California Legislature on August 24, 2004 and signed by the Governor on September 24, 2004.

Information about Megan's Law and registered sex offenders can be accessed via the California Attorney General's web page at: <http://meganslaw.ca.gov>





## **POLICIES FOR PREPARING THE ANNUAL DISCLOSURE OF CRIMINAL STATISTICS**

All incidents are reported and documented on the Incident Report, which is sent to the Dean of Operations, Kevin Magner. Reports are kept in a secure location in the office of the Dean of Operations, Room 103. The annual crime report is prepared by gathering campus crime statistics and data from local and state police and sheriff departments and other relevant information by Kevin Magner, Dean of Operations.

### **CRIME STATISTICS**

The following statistics are provided for your information in compliance with the Jeanne Clery Disclosure of Campus Security Act and Campus Crime Statistics Act. South Coast College prepares the crime statistic policies annually by gathering all reported data and preparing a report for its employees and students. Set forth in the first box below are statistics available to the College concerning the occurrence on the College's campus which were reported to local police agencies. The second box below sets forth available statistics concerning the number of criminal offenses in relation to hate crimes on the College's campus, non-campus buildings and property, and public property. Finally, in the third box arrests and "referrals for campus disciplinary action" for liquor law violations, drug law violations, and illegal weapons possession are listed. Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## CAMPUS CRIME STATISTICS

### 1. General Crime Statistics

#### Criminal Homicide

- *Murder & non-negligent manslaughter*

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	0	0	0

- *Negligent manslaughter*

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	0	0	0

#### Sex Offenses

- *Forcible sex offenses*

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	1	0	1	0

- *Non-forcible sex offenses*

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	0	0	0

#### Robbery

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	4	0	0	0

#### Aggravated Assault

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	1	0	3

#### Burglary

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	1	0	0

**Motor Vehicle Theft**

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	0	0	0

**Arson**

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	0	0	0

**Vandalism**

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	1	0	0	0

**Arrests**

**Liquor Law Violations\***

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	0	0	0

**Drug Abuse Violations\***

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	3	2	5	0

**Weapons Violations\***

On Campus			Non-Campus			Public Property		
2015	2016	2017	2015	2016	2017	2015	2016	2017
0	0	0	0	0	0	1	1	0

1. Arrests for, and persons referred for campus disciplinary action for liquor law violations, drug violations, and illegal weapons possession. This category does not include students referred for disciplinary action unless the violation(s) was also a violation of law.

Arrests by specific category is listed below.

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Drug Abuse Violations	0	0	0	0	0	0	5	5	8
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	1	1

Arrests by specific category is listed below.

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Drug Abuse Violations	0	0	0	0	0	0	5	5	8
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Weapons Violations	0	0	0	0	0	0	0	1	1

2. Hate Crimes by category of prejudice, and any other crime involving bodily injury reported to local police agencies or to a campus security authority that show evidence of prejudice based on race, gender, religion, sexual orientation, ethnicity or disability.

Murder/Non-negligent man slaughter

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0



Negligent manslaughter

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Sex offenses – Forcible

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Sex Offences – Non-forcible

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Robbery

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0



Aggravated Assault

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Burglary

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Motor Vehicle Theft

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Arson

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Simple Assault

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0



Larceny – Theft

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Intimidation

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Destruction/Damage/Vandalism of Property

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Race	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0

Violence Against Women

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Domestic Violence	0	0	0	0	0	0	0	0	0

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Dating Violence	0	0	0	0	0	0	0	0	0

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Sexual Assault	0	0	0	0	0	0	0	0	0

	On Campus			Non-Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Stalking	0	0	0	0	0	0	0	0	0



# VIOLENCE AGAINST WOMEN ACT POLICY

## INTRODUCTION

The South Coast College is dedicated to fostering a campus learning environment that is free from any forms of sexual misconduct and gender-based discrimination. Students, who are victims of sexual misconduct including; sexual harassment, sexual assault, stalking, domestic violence, dating violence, or other gender-based harassment or discrimination are encouraged to report these actions to the appropriate administrator. Sexual harassment, sexual violence and other gender-based harassment occurring in the college setting implicates a federal law called Title IX of the Higher Education Amendments of 1972, which prohibits discrimination on the basis of gender in education programs or activities. Reports of any allegations of this nature trigger certain responsibilities on the part of the College. This policy and its accompanying procedures are intended to ensure safe non-discriminatory campus environments among the College locations where academic success is paramount. Furthermore, it is the unwavering goal of the South Coast College to deter gender-based misconduct through:

1. Education and preventative programs;
2. Accessible services for victims and others affected by sexual or gender-based misconduct;
3. Fundamentally fair methods of investigation and resolution on any report of misconduct; and
4. Safeguards to ensure that recurrence is prevented and the acts of misconduct do not persist.

## REFERENCES

Education Code § 66281.5, 67382 and 67385;  
California Penal Code § 242, 243, 245, and 261 et seq.;  
California SB 967; 20 U.S. Code § 1092(f); 34  
Code of Federal Regulations § 668.46(b)(11);  
Government Code § 12950.1; Title 5 § 59320, 59324, 59326, 59328, and 59300 et seq.; 34  
Code of Federal Regulations § 106.8(b)  
U.S. Department of Education, "Dear Colleague Letter:"  
<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>

## SCOPE OF THE POLICY AND PROCEDURES

### The College-Student Correspondence

South Coast College institution's primary correspondence and notification mechanism with students shall be through the student email account provided by the student. At the College's discretion, students may be notified via U.S. certified mail, delivery in person, or by an alternate email on record from the student.





## Jurisdiction

The College's jurisdiction concerning alleged Student Code of Conduct violations extends to The College or any of its college activities occurring on The College property. This jurisdiction may also apply to student-to-student or student-to-employee off-campus conduct and/or actions, including electronic activity (such as e-mail, texting, 4 telephone contact, social media), when the College administrator, or designee, determines that the off campus conduct affects, disrupts, or interferes with the educational mission of the campus.

## SEXUAL MISCONDUCT POLICY (FOR STUDENTS)

### Sexual and Other Sexual Assaults on Campus

- I. Any sexual assault or physical abuse, including, but not limited to rape as defined by California law, whether committed by an employee, student or member of the public, that occurs on the College property, is a violation of the College policies and procedures, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. Students, faculty, and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance. The President shall establish administrative procedures that ensure that students, faculty, and staff who are victims of sexual and other assaults receive appropriate information and treatment, and that educational information about preventing sexual violence is provided and publicized as required by law.
- II. Reference: Education Code Section 67382, 67385; 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b)(11) (CCLC)  
Other Misconduct Offenses (Will Fall under Title IX When Sex or Gender-Based)
  1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
  2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of gender;
  3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
  4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
  5. Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally (that is not speech or conduct otherwise protected by the 1st Amendment).
  6. Violence between those in an intimate relationship to each other; and
  7. Stalking, defined as repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the community; or the safety of any of the immediate family of members of the community.



## RESOURCES FOR STUDENTS

South Coast College is committed to maintaining a positive learning, working and living environment. The College will not tolerate acts of sexual harassment or sexual violence or related retaliation against or by any employee or student. When sexual harassment or sexual violence has occurred and is brought to the attention of a responsible administrator, steps will be taken to end the harassment or violence, prevent its reoccurrence, and address its effects. The following resources list the confidentiality obligations of South Coast College personnel at South Coast College with respect to reports of sexual misconduct:

### Student Counseling and Health Services (Confidential Reporting)

South Coast College has available confidential counseling for all registered students attending these institutions. Whether you are seeking support after a sexual assault or another form of sexual misconduct, **contact Rebecca Remsen, Title IX coordinator, to obtain referrals to services..**

### Title IX Coordinator (Non-Confidential Reporting)

The Title IX Coordinator, Dean of Operations, is responsible for promoting an institutional environment that is free of gender bias, sexual harassment, and other forms of sexual misconduct. In addition, the Title IX Coordinator's role is to monitor and evaluate the institution's Title IX compliance efforts and make recommendations for any appropriate changes and improvements. The Title IX Coordinator oversees the administration of this policy and procedures in a neutral and equitable manner.

### Campus Security (Non-Confidential Reporting)

Students may report sexual misconduct to **Rebecca Remsen, Title IX coordinator**, or a local law enforcement agency where the misconduct occurred. To submit a campus security report involving sexual misconduct, contact the Dean of Operations at (714) 867-5009.

### South Coast College Faculty and Staff (Non-Confidential Reporting)

Students who report sexual misconduct behaviors to faculty and staff should not expect confidentiality. As mandated reporters, faculty and staff are obligated to report all statements of sexual misconduct to **Rebecca Remsen, Title IX coordinator**.

## REPORTING SEXUAL MISCONDUCT

### Time of Reporting a Complaint

South Coast College does not limit the time for filing a complaint of sexual misconduct. Due to the passage of time, the College's ability to investigate and respond effectively may be reduced substantially; however, this will not hinder offering remedies and oncampus/off-campus services to the complainant.



## Requesting Confidentiality in Connection with a Report to the College

When the College becomes aware of sexual violence, the College may have an obligation to proceed with an investigation, regardless of a complainant's wishes, in order to ensure campus safety. You are not required to participate if you choose not to; however, this may limit the College's ability to respond to the incident. If you request that your name or other identifying information not be used in an investigation, the College will consider your request in light of the context of its responsibility to provide a safe and nondiscriminatory environment. In most cases, information including your name may be shared with the respondent, witnesses and with college officials who have a legitimate need to know. Beyond that, the College will take steps to protect your identity and the identity of all individuals involved. **Anonymous allegations directed at anyone cannot be addressed.**

### Confidentiality

Any Information provided to The College employees may be shared with other The College employees, law enforcement, and other parties consistent with law, and only on a "need to know" basis. The College employees shall endeavor to honor any complainant's or victim's request for confidentiality; however, confidentiality cannot always be assured. The College may weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the campus community. Interim

### Accommodations

The Title IX Coordinator, or designee, will work with the students affected by the sexual misconduct report to ensure safety and promote their well-being. Sometimes this assistance will take the form of immediate interim actions or accommodations to support and protect the involved students in the immediate aftermath of an incident and while an investigation or disciplinary action is pending. The Title IX Coordinator, or designee, may assign a victim's advisor to the person who reported the complaint or the complainant may choose his/her own. Likewise, the Title IX Coordinator may determine other remedies, such as, but not limited to, accommodations relating to changing academic schedules, restrictions on the alleged perpetrator pending investigation, and other remedies to promote the well-being, safety, and restoration of alleged victim.

### Related Alcohol and Drug Violations

The institution understands that students are reluctant to file complaints of sexual misconduct when alcohol and/or drugs were illegally used. The severity of the infraction will determine the nature of the college's response, but whenever possible the college will respond educationally rather than punitively to the illegal use of drugs and/or alcohol associated with a report of sexual misconduct.



## Unknown/Non-College Offenders

South Coast College will investigate reports of incidences affecting college students that are committed by individuals who are not members of the college community or whose identity is not known to the extent it is able, and take appropriate actions designed to protect affected students and others in the college. The College will offer appropriate remedies and on-campus/off-campus services to the complainant.

## Campus Awareness Events and Programs

As a committed entity on educating our campus community of the impact that sexual misconduct has on an individual and the campus community, South Coast College supports public awareness events and programs surrounding these issues. The disclosure of incidents of sexual misconduct at such events is not considered a report to the campus for purposes of triggering an investigation of a particular incident.

## Anti-Retaliation/Anti-Intimidation Policy

Any form of retaliation or intimidation against anyone who has complained of or formally reported discrimination, harassment, or sexual misconduct, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates both this policy and applicable law.

## PROCEDURES FOR RESPONDING TO STUDENT SEXUAL MISCONDUCT

### Rights of the Complainant and Respondent

South Coast College does not discriminate based upon age, race, ethnicity, sexual orientation, gender, national origin, veteran's status, gender identification, or genetic information in administering The College educational policies and procedures. The College complies with the American with Disabilities Act of 1990 (ADA) and Section 504 of the Rehabilitation Act of 1973. Students are entitled to a fundamentally fair process, including reasonable notice of allegations of violations of sexual misconduct, the opportunity for the student to be heard and to afford the student the opportunity to present evidence prior to the administrative determination of the alleged violations, except when immediate interim suspensions or restrictions are deemed necessary pending an investigation and determination of the matter. Any Sanctions imposed under this policy shall be appropriate to the nature of the violations, as determined by the College designee or panel.

Throughout this process, both the complainant and respondent have the following rights:

- To be treated with respect by The College officials
- To take advantage of campus support resources to help remedy and restore
- To experience a safe living, education, and work environment
- To have an advisor during an adjudication process



- To refuse to have an allegation resolved through conflict resolution procedures
- To be free of retaliation
- To have complaints heard in substantial accordance with procedures □ To fully participate in any process whether the injured party is serving as the complainant or the institution is serving as complainant
- To be informed in writing of the outcome/resolution of the complaint, any sanctions imposed, and the rationale for the outcome, when permissible. Special Requests/Accommodations

The Student may have an interpreter attend the investigation meeting and the proceeding before the College Disciplinary Committee or Panel. An interpreter accompanying a Student to the proceeding before the investigator, College Disciplinary Committee, or Panel must provide evidence of his/her certification as a certified interpreter to the investigator and/or College Disciplinary Committee at least five days prior to the commencement of the proceeding. The interpreter may only interpret for the student, and shall not expand or enhance the student's testimony. Likewise, the use of assistive technology must be reviewed and approved at least five days prior to the commencement of the proceeding.

#### Student Right to Review Records

The Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all schools that receive funds under an applicable program of the U.S. Department of Education. FERPA gives parents certain rights with respect to their children's education records. These rights transfer to the student when he or she reaches the age of 18 or attends a school beyond the high school level. Students to whom the rights have transferred are "eligible students."

Parents or eligible students have the right to inspect and review the student's education records maintained by the college. Colleges are not required to provide copies of records unless, for reasons such as great distance, it is impossible for parents or eligible students to review the records. Schools may charge a fee for copies.

#### Advisors

Student conduct proceedings are not formal court hearings but are administrative actions imposed by the College. Although The College-related sanctions may be imposed, the process is intended to provide an opportunity of learning. Both the complainant and the respondent (student charged) may elect to be accompanied by an advisor to any meeting(s) or interview(s). The advisor's role is limited to observing and consulting with and providing support to the complainant or respondent. An advisor may not participate (speak) in the investigation and hearing processes on the student's/complainant's behalf. The advisor should also maintain confidentiality.



### Presence of Legal Counsel (Not an Advisor)

An attorney duly licensed to practice in the State of California may accompany the student to any proceeding. The attorney shall not make any statements or presentations to the judicial panel, examine or cross-examine any witnesses, or present evidence or any written material to the panel. An attorney may not in any way disrupt or interfere with the panel's process. Any violation of this section shall result in the immediate removal of the attorney. An attorney shall provide the College Disciplinary Committee with a retention letter confirming that he/she has been retained by the student at least five (5) days before the proceeding so that the necessary arrangements can be made for an attorney for the College to be present at the proceeding. The attorney's retention letter shall include the attorney's State Bar number and telephone number.

### Declining to Participate

A complainant and/or respondent may decline to participate in the investigation and proceeding. In these cases, the investigation and adjudication process will continue and a determination of "responsible" or "not responsible" will be made without the benefit of the complainant's and/or respondent's input.

### Reluctant to Make a Formal Complaint

As a complainant/victim of an incident of sexual misconduct, you may want to inform the college of the alleged violation and unwilling to participate further in any investigation and/or disciplinary action against the student(s) who has been accused. The College has an obligation to investigate to the extent of the information that is available and known. If during the investigation the investigator finds corroborating information, it may be determined that is necessary to move forward with the student conduct process without the involvement to the complainant or to implement other appropriate remedies. If a complainant does not wish to participate in the student conduct process, there is an obligation to document the incident. When a report is being documented, there will be no personally identifying information about the complainant. The complainant will be notified of any actions by the College, coupled with a letter stating the choice to participate in the investigation and/or student conduct process.

### Written Submissions

#### Impact Statements

The purpose of impact statements is to allow the complainant and respondent, during the sanctioning process, to describe to the panel how this violation has had an impact on them. The panel only may use information from these statements to help determine an appropriate sanction(s). Impact statements may provide information about damage to complainant/respondent that would otherwise have been unavailable to the panel. A complainant is not required to appear before a panel, but is empowered by the panel to convey their experience(s) in the case in written form.



## Time Frames

The Title IX Officer, or designee, shall use best efforts to seek and resolve sexual misconduct reports within 60 calendar days of an initial report, not including appeals.

The general timeline is as follows:

- Review and investigation process begins within 7 calendar days after the date of the initial report.
  - Investigation is completed within 25 calendar days after the investigation begins.
- Hearing (if any) is held within 20 calendar days after the conclusion of the investigation.
- Determination of the hearing is issued within 7 calendar days after the completion of the hearing.
- Notice of Sanction(s) issued within 7 calendar days after the completion of the hearing.
- Notice of appeals filed by either or both complainant and respondent to the College Disciplinary Committee within 7 calendar days after the notice of determination and sanction(s).
- Appeal hearing is held within 20 calendar days after complainant and/or respondent's notice of appeal was received.
- Determination of appeal hearing by the President, or designee, is issued within 7 days after the completion of the appeal hearing.

## Notice

The Title IX Officer, or designee, will provide electronic mail notice to the involved parties with the following information:

- A description of the alleged violation(s);
- A description of the applicable policies;
- A statement of the potential sanctions/responsive actions that could result; and
- A required date, time, and location of the hearing, superseding all other campus and work activities.

If any party does not appear at the scheduled review, investigation, or proceeding, the meeting will be held in his/her absence. For compelling reasons, the Title IX Officer, or designee, may reschedule the meeting.

Time frames for reviews, investigations, and hearings may vary depending on the details of a case and at certain times of the academic year for possible violations that occur near, during, or after The College holidays, breaks, or the end of an academic term, in which meetings will be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline followed by this policy and procedures.

## Investigation

South Coast College, through a trained Title IX Team, will investigate any and all reports of alleged violations of sexual misconduct. Anyone who believes the Student Code of Conduct on sexual misconduct has been violated should contact a mandated reporter at each The College campus. The investigators will interview the complainant, respondent, and any witnesses (if appropriate). The investigator will also gather information, documents, and materials (if any) that is relevant to the case.



The College Disciplinary Committee makes a determination based on the investigation's evidence. After the investigation, the investigator refers the findings of the case to the College Disciplinary Committee, or designee, and may recommend or impose a "responsible" or "not responsible" determination. The investigator may also recommend appropriate sanctions.

#### Informal Resolution Options

If appropriate, the South Coast College Title IX Office may seek to resolve certain sexual misconduct cases through an informal process involving both the complainant and respondent:  
Informal Resolution

The Respondent accepts the findings of the investigation and, if appropriate, sanctions by the Title IX Officer or designee.

#### Mediation

As mutually agreed upon by the Title IX Officer, complainant, and respondent, a participatory mediation between all parties involved may occur to resolve the alleged violation. Sanctions may be determined in mediation, as outlined in the U.S. Department of Education's "Dear Colleague Letter" (2011):

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>

#### Administrative Resolution

The Title IX Officer, the respondent, and/or when appropriate, the complainant, may request an administrative hearing through a single College designated administrator, typically a Title IX Officer or designee.

#### Proceedings

If an informal resolution process is not available, the College will convene a trained formal judicial panel to conduct and to make a determination of the alleged violation and to impose possible sanctions. The College shall make reasonable efforts to give the student(s) an opportunity to refute the accusation or otherwise provide relevant information to the panel regarding the incident(s) which led to the belief by the investigator, or designee, that the student(s) violated the Student Code of Conduct in a proceeding format.

#### Construct of the Judicial Panel

The proceeding is closed to all persons except the: 1) College Disciplinary Committee; 2) student charged; 3) advisor; an attorney or other professional, expert, or consultant retained by the College; 4) witness(es) (while testifying); 5) a court-certified interpreter at the student's own expense; 6) selected members of the panel; and 7) any person to assist the hearing officer. Likewise, the Title IX Coordinator, or designee, may be present to ensure a fundamentally fair process and compliance. Panel members for an appeal hearing will consist of South Coast College





employees only. No students will be asked to serve on a hearing panel due to the sensitive nature of the subject matter.

If the student is a minor, the student's parent or legal guardian must be present during the hearing.

#### Selection of the Judicial Panel

The following process determines possible members of a judicial panel. Members come from the South Coast College. All members participating on a judicial panel are oriented and trained to adjudicate a sexual misconduct case. The College Disciplinary Committee, in consultation with the Title IX Coordinator, or designee, will devise the panel. The panel will consist of 3 or 5 members. a. Within thirty days of the beginning of the fall Semester, the College shall send a list of at least six faculty members who will be eligible to serve on a hearing panel to the College Disciplinary Committee. The list shall remain on file and in effect until a new list is provided. B. Managers and Classified personnel members of the panel will be chosen upon interest and availability.

#### Members of the Panel and a Conflict of Interest

The panel shall be chosen by the Dean of Operations except that the panel shall not include any person who was a participant in the event, out of which the disciplinary action arose, nor shall it include any person who has had a past association with the student or any other party to the hearing which could impede the individual's ability to act in a fair and impartial manner. A panel member who is chosen must disclose any potential or actual conflict of interest.

#### Parallel Student Conduct Proceedings

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a student also charged in civil or criminal courts based on the same facts that constitutes the alleged violation of the Student Code of Conduct. The College may proceed before, concurrently with, or after any judicial or other administrative proceedings, except in cases involving sexual misconduct. In sexual misconduct cases, the College shall proceed without undue delay in accordance with federal and state law requirements, and The College policies and procedures.

#### Proceeding Procedures

1. The chair will call the proceeding to order, explain the procedures of the proceeding, and have all parties introduce themselves.
2. The chair will present the guiding principles/norms of behavior in the proceeding to guarantee control of the proceeding, make certain that all parties respect the right of others to make statements, and to ensure confidentiality.
3. The Dean of Operations, and if applicable her/his witness(es), shall have up to forty-five (45) minutes to present relevant evidence conducted by the investigator and witnesses (if 11 applicable) to support the determination by the College Disciplinary Committee that a violation of the Student Code of Conduct has occurred.
4. The respondent may question any witnesses presented by the College Disciplinary



Committee. Members of the panel may also question any witness(es) presented by the College Disciplinary Committee. Questioning by the student or the committee shall not be considered part of the time allotted for presentation of the College Disciplinary Committee's evidence. It is the discretion of the chair to impose a timeline on questioning.

5. The student charged, and if applicable her/his witness(es), shall have up to forty-five (45) minutes, if necessary, to present relevant evidence bearing on the accusation. The

College Disciplinary Committee may question any witnesses represented by the student. Members of the panel may also question witnesses. Questioning by the panel shall not be considered part of the time allotted for presentation of the student's evidence. It is the discretion of the chair to impose a timeline on questioning.

6. The College Disciplinary Committee, and then the student charged may make a closing statement to the panel. These closing statements shall be limited to a maximum of ten minutes each. The chair shall have the authority to extend the time limits, but must ensure equal time.

Once all information has been collected, the chair, or designee, will:

7. Reiterate the alleged policy violation(s);
8. Remind all parties involved of the Standard of Proof (Preponderance of Evidence);
9. Remind all parties of confidentiality and of all imposed interim sanctions that are active and must be adhered to;
10. Remind all parties to review South Coast College's Student Code of Conduct to understand their student rights and responsibilities;
11. Inform all parties of the deliberation process and the projected timeline for notification; and
12. Remind the respondent and the complainant, if applicable, that notification and all communication are via The College email accounts.

Additional proceeding rules include:

- Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or the respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. The existence of a sexual relationship between the complainant and respondent does not support the inference of consent to alleged sexual misconduct.

- Prior Conduct Violation. The hearing panel will not consider the respondent's prior conduct violations, unless:

1. The respondent was previously found to be responsible, and
2. The previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.



Use of Cell Phones and Recording Devices. Cell phones and recording devices may not be used in the investigation meetings and hearings.

### Panel Determination/Standard of Proof

The panel will find a student either “responsible” or “not responsible” based on a majority vote. If a panel determines a student is “responsible” for violating the Student Code of Conduct, the matter will advance to the sanctioning stage. In all cases involving alleged violations of the Student Code of Conduct, the standard of proof is the “preponderance of the evidence” standard as set forth in the definitions herein (e.g., more likely than not). This standard is also employed when making determinations regarding interim restrictions/actions.

## Sanctions

### How Sanctions are Determined

It is the commitment from the College that respondents found “responsible” for violating sexual misconduct policies are imposed of sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the College’s handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of the sexual misconduct.

The relevant factors that are considered when imposing sanctions are:

1. The specific sexual misconduct at issue (such as penetration, touching, unauthorized recording, and so on);
2. The circumstances accompanying the lack of consent (such as force, threat, coercion, incapacitation, and so on);
3. The respondent’s state of mind (intentional, knowing, bias-motivated, reckless, and so on);
4. The impact of the offense on the complainant;
5. The respondent’s disciplinary history;
6. The safety of the campus community; and
7. The conduct respondent’s conduct during the disciplinary process.

### Non-Appealable Sanctions

The following sanctions may be imposed for violation of this Student Code of Conduct. These sanctions are not exclusive and may not be appealed:

- Disciplinary Probation consists of written notice to the student by the College Disciplinary Committee that the student has violated this Student Code of Conduct (including a specified period of time) with conditions as imposed by the College Disciplinary Committee. Any subsequent violations of this policy by the student during the term of the probation or the student's failure to comply with any condition of probation imposed by the College Disciplinary Committee will result in additional sanctions under this policy.

- The College Restriction. The College Disciplinary Committee may for a specified period of time restrict the student's access to parts or areas of the College and/or The College property.
- Exclusion From The College Activities prohibits the student from participating in any The College co-curricular and/or extra-curricular activity(ies) for a period to be determined by the College Disciplinary Committee.
- Mental Health Clearance. Mental Health Clearance may be required before a student is readmitted to a particular class or allowed to come onto The College property. The College Disciplinary Committee must receive a letter from a licensed mental health professional stating that in his/her professional judgment the student will no longer continue the behavior which gave rise to the College Disciplinary Committee taking disciplinary action against him/her or that the student's continued presence on campus is not a threat to himself/herself or others. The mental health professional must be licensed by the State of California and the College The College Administrator must verify that the mental health professional is credentialed to render a professional opinion. The student shall bear the cost and expense of obtaining mental health clearance.
- Restitution requires the student to repay the College or any person for the cost of replacing or repairing any property taken, destroyed or damaged by the student. This student may also be charged a service charge and/or collection fee under the College policy regarding service charges and collection fees.
- Restriction from Attendance at The College Events. The College Disciplinary Committee may restrict the student from attending some or all The College events for a specified period of time.
- Short Term Removal From Class for a period not to exceed four class meetings, may be imposed by any instructor on a student who is disrupting the class or otherwise interfering with the ability of other students in the class to learn. Before removing a student from class, an instructor shall first give or make reasonable efforts to give the student notice of his/her intent to remove the student and a reasonable opportunity for the student to modify his/her behavior. The instructor or program supervisor shall notify the College Disciplinary Committee, in writing, immediately following his/her removal of a student under this section, with a copy to the Dean of the academic division. The student may not return to the class until the student has met with the College Disciplinary Committee. The College Disciplinary Committee shall contact the student to arrange such a meeting.
- Short Term Suspension prohibits the student from attending classes or entering onto any The College Property for a period of one (1) to ten (10) days as determined by the College Disciplinary Committee.
- Hold on Records which consists of the withholding of transcripts and/or other student records. This is imposed when a student fails to repay debts to the College, return The College equipment



or make restitution to the College. A hold on records may also be asserted if a student does not comply with requests such as, but not limited to, required meeting or appointments.

- Administrative Withdrawal from Class prohibits a student's continued presence in the class if his/her behavior is disruptive of the class and interferes with the ability of other students in the class to learn or in any way endangers himself/herself or others. When this sanction is applied the student will be administratively withdrawn by College Disciplinary Committee.
- Grade Change from a "Withdraw" to a letter grade may be imposed where the College Disciplinary Committee, together with the instructor, determine this is an appropriate sanction.
- Written Warning is a written reprimand and warning to the student by the College Disciplinary Committee that he/she has determined that the student has violated this Student Code of Conduct and is on notice.

#### Appealable Sanctions

The following sanctions imposed by the College Disciplinary Committee or panel may be appealed:

- Expulsion prohibits the student from attending any classes or registering as a student in the College for an indefinite period of time. Expulsion prohibits the student from entering onto any The College property without written permission of the College. Expulsion will be imposed immediately. When expulsion has been recommended, the student shall be immediately suspended pending Committee action.
- Long Term Suspension prohibits the student from attending classes, registering as a student or entering onto any The College property without written permission of the College Disciplinary Committee for a period from eleven (11) days to three (3) years as determined by the College Disciplinary Committee and/or the College President. Long term suspension may be imposed immediately or at the end of the current term at the discretion of the College Disciplinary Committee.

A student may be required to attend classes at their own expense to further educate the student in the severity of the exhibited behavior.

#### Ongoing Accommodations for Complainant

Whatever the outcome of the informal resolution or hearing process, a complainant may request ongoing or additional accommodations. In consultation with other campus entities, a determination will be made on whether such measures are appropriate.

Potential ongoing accommodations include:

- Providing an escort to vehicle.
- Changing the complainant's academic schedule.



- Adjusting the complainant's on campus work schedule.
- Allowing the complainant to withdraw from or retake a class without penalty. □ Providing access to tutoring or other academic support, such as extra time to complete or retake a class.

#### Additional Responses

The College may also determine that additional measures are appropriate to respond to the effects of the incident. Additional responses for the benefit of the College community may include:

- Revision of the College's policies and procedures regarding sexual misconduct.
  - Additional training and education materials for students, faculty, and staff.
  - Increased monitoring, supervision, or security at locations or events where the sexual misconduct occurred.
  - Ensuring relevant climate surveys that focus on safety, security, inclusion are gathered to improve on developing a culture that is intolerant of sexual misconduct.
- Appeals  
Either the complainant or the respondent or both may appeal the determination of the judicial panel and/or sanctions. Disagreeing with the finding of the sanction is not, by itself, grounds for appeals. Students are allowed one appeal. The decision of the appeal panel is final.

#### Specific Grounds for Appeal:

1. A procedural error or omission occurred that significantly impacted the outcome of the hearing (for example, substantiated bias, material deviation from established procedures, and so on).
2. The sanction is excessive, insufficient, or significantly disproportionate to the violation.

#### DEFINITIONS

##### Sexual Misconduct

- An umbrella term for offenses that are sexual or gender-based, which include, but are not limited:
- Sexual Harassment
- Non-Consensual Sexual Contact (or attempts to commit same)
- Non-Consensual Sexual Intercourse (or attempts to commit same)
- Sexual Exploitation

##### Non-Consensual Sexual Contact

Non-consensual sexual contact is any intentional sexual touching, however slight, with any object, by a man or a woman upon a man or a woman that is without consent and/or by force. The determination of whether an environment is "hostile" must be based on all of the circumstances. These circumstances could include:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;

- Whether the conduct was humiliating;
- The effect of the conduct on the alleged victim's mental or emotional state; □ Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the alleged victim's educational or work performance;
- Whether the statement is a mere utterance of an epithet which engenders offense in an employee or student, or offends by mere discourtesy or rudeness
- Whether the speech or conduct deserves the protections of academic freedom or the 1st Amendment.

### Sexual Contact

Includes Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner, though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth or other orifice.

### Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is any sexual intercourse however slight, with any object, by a man or woman upon a man or a woman that is without consent and/or by force. Intercourse includes: vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

### Sexual Harassment

Sexual Harassment is unwelcome, gender-based verbal or physical conduct that is, sufficiently severe, persistent or pervasive that it, unreasonably interferes with, denies or limits someone's ability to participate in or benefit from the college's educational program and/or activities, and is based on power differentials (quid pro quo), the creation of a hostile environment, or retaliation. Examples include: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence, stalking; gender-based bullying.

### Sexual Exploitation

Occurs when a student takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;

- Prostituting another student;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another student;
- Exposing one's genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

## Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Elements of force also includes physical force, threats, intimidation (implied threats) and coercion that overcome resistance or produce consent ("Have sex with me or I'll hit you. Okay, don't hit me. I'll do what you want.").

Physical Force (violence, abuse, compulsion) – Physical force is the classic construct, equated with violence or the use of a weapon. No matter how slight, any intentional physical impact upon another, use of physical restraint or the presence of a weapon constitutes the use of force.

Threats (harassment) – Any threat that causes someone to do something they would not have done absent the threat is enough to prove forcible compulsion. For example, if I threaten you with a negative consequence and that threat causes you to acquiesce in sexual activity, forcible compulsion is present, and sexual misconduct has occurred. - If you don't have sex with me, I will harm someone close to you - If you don't have sex with me, I will tell people you raped me  
- If you do not have sex with me, I will spread a rumor you are gay  
- If you don't sleep with me, I will fail you

Intimidation (implied threats, abuse) – Intimidation is defined as an implied threat, whereas threats are clear and overt. It is a situation where someone uses their power or authority to influence someone else.

Coercion (pressure, duress, cajoling, compulsion, abuse) – Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

- Cases will be investigated regardless of whether the accuser resisted the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

- In order to give effective consent, one must be of legal age (18 years or older). - Sexual activity with someone who one should know to be—or based on the circumstances should reasonably





have known to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), constitutes a violation.

### Stalking

A course of conduct directed at a specific person that would cause a reasonable person to feel fear or suffer substantial emotional distress. Stalking involves repeated and continued harassment against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear or apprehension. Stalking behaviors may include: pursuing or following; unwanted communication or contact—including face-to-face, telephone calls, voice messages, electronic messages, web-based messages, text messages, unwanted gifts, and so on; trespassing; and surveillance or other types of observation.

### Domestic Violence

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards (a) a current or former spouse or intimate partner; (b) a person with whom one shares a child; or (c) anyone who is protected from the respondent's acts under the domestic or family violence laws of California. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Domestic violence can be a single act or a pattern of behavior in relationships.

### Dating Violence

The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a person who is or has been in a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Dating violence can be a single act or a pattern of behavior in relationships.

### Consent

Consent is informed. Consent is an affirmative, unambiguous, and conscious decision by each 17 participant to engage in mutually agreed-upon sexual activity.

Consent is voluntary. It must be given without coercion, force, threats, or intimidation. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will.

Consent is revocable. Consent to some form of sexual activity does not imply consent to other forms of sexual activity. Consent to sexual activity on one occasion is not consent to engage in sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of the relationship, there must be mutual consent to engage in sexual activity. Consent must be ongoing throughout a sexual



encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

- Consent cannot be given when a person is incapacitated. A person cannot consent if she/he is unconscious or coming in and out of consciousness. A person cannot consent if she/he is under the threat of violence, bodily injury or other forms of coercion. A person cannot consent if her/his understanding of the act is affected by a physical or mental impairment.

### Retaliation

Any act of reprisal is a violation of policy. Examples of actions that might be retaliation against a complainant, witness, or other participant in the complaint process include:

- Singling the person out for harsher treatment;
- Lowering a grade or evaluation;
- Failing to hire, failing to promote, withholding pay increase, demotion, or discharge; □ Providing negative information about the person in order to interfere with his or her prospects for employment, admission, or academic program.

### Hostile Environment

A hostile environment may arise when unwelcome conduct of a sexual or gender-based nature affects a student's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational and/or living environment. A single, isolated incident of sexual or gender-based harassment may, based on the facts and circumstances, create a hostile environment.

### Incapacitation

Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction).

The College policy also covers a person whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use and/or distribution of any of these substances, including but not limited to Rohypnol, Ketamine, GHB, Burundanga, and so on, is prohibited, and administering one of these drugs to another student is a violation. More information on these drugs can be found at 911 Rape Information.

**Complainant** "Complainant" means the person(s) reporting alleged violations of this Student Code of Conduct.

**Respondent** "Respondent" means the person(s) who are alleged to have violated the Student Code of Conduct.