

2025 ANNUAL SECURITY REPORT

Information for 2024–2025 academic year, containing crime statistics for 2022, 2023, and 2024.



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Message from the Chief

I hope this message finds you well. The mission of the Irvine Valley College (IVC) Police Department is to provide a safe learning, teaching and working environment through resolute and professional police services. We are committed to ensuring the safety and security of all students, faculty, staff, and visitors on both the main campus in Irvine and at the Advanced Technology and Education Park (ATEP) in Tustin.



In compliance with the Jeanne Clery Campus Safety Act (Clery Act), IVCPD works closely with the Irvine Police Department (for the Irvine campus) and the Tustin Police Department (for the ATEP campus) to gather statistical information on criminal incidents that occur off campus. This collaborative effort helps us provide timely warning reports and ensures accurate annual statistical disclosures for the entire IVC community.

To effectively maintain a safe environment, we urge all members of the campus community to report any campus crimes promptly to IVCPD. By doing so, we can promptly respond, investigate, and take necessary action to address such incidents.

Both the campus Police Department and the Office of the Vice President for Student Services collect comprehensive information on all incidents occurring on campus. This data is instrumental in developing strategies to enhance our security measures continually.

Please be aware that all district policies outlined in this report apply equally to both the Irvine campus and the Tustin campus. You can access the full Annual Security Report on our official website ivc.edu/police to review detailed information about crime statistics, campus safety policies, and resources available to the community.

With growth and increased activities on our campuses, I encourage all of you to remain vigilant and actively contribute to the safety of our campuses. Your cooperation and support are crucial in creating an environment where everyone feels secure and can focus on their educational and professional growth.

If you have any questions or concerns related to campus safety or security matters, please do not hesitate to contact the IVC Police Department.

Stay safe and best regards,

Phillip Romero,
Chief of Police

Law Enforcement Partnership

Pursuant to California Education Code Section 67381, IVCPD and the Irvine and Tustin Police Departments have adopted and signed a written Memoranda of Understanding that clarify operational responsibilities for the investigation of violent and non-violent crimes occurring on college property, both on the IVC campus and at ATEP in Tustin. Due to the sophisticated investigative resources required to investigate certain crimes properly, IVCPD, by agreement, has arranged in certain circumstances for assistance from the Irvine and Tustin Police Departments, respectively.

The agreement states that the IVCPD will be the primary reporting and investigating law enforcement agency for all crimes occurring on the Irvine Valley College and ATEP campuses, except Part One crimes of Homicide, Robbery, Kidnapping, Felony Assault, Auto Thefts, Sexual Assaults, Hate Crimes, and Crimes Against Children and other felonious crimes. The Irvine Police Department will be the lead reporting and investigating agency for these crimes if reported on the IVC campus and the Tustin Police Department will be the lead agency if reported on the ATEP campus. The Irvine Police Department will be the primary reporting and investigating law enforcement agency for all crimes occurring in the vicinity of the Irvine Valley College campus outside the boundaries of the Irvine Valley College campus and properties. The Tustin Police Department will be the primary reporting and investigating agency for all crimes occurring in the vicinity of the ATEP campus outside the boundaries of the ATEP campus and properties. Both agencies will continue to provide mutual aid assistance as appropriate when requested.

IVCPD maintains a strong working relationship with state and local police agencies, including the Irvine Police Department, Tustin Police Department, Orange County Sheriff's Department and California Highway Patrol.

IVCPD also seeks assistance from federal, state, and city law enforcement agencies as needed.



Irvine Police Department Contact Numbers EMERGENCY: DIAL 911
Non-emergency: 949-724-7000



Tustin Police Department Contact Numbers EMERGENCY: DIAL 911
Non-emergency: 714-573-3200



California Highway Patrol Contact Numbers EMERGENCY: DIAL 911
Non-emergency: 714-567-6000



Orange County Sheriff Contact Numbers EMERGENCY: DIAL 911
Non-emergency: 714-647-7000

Law Enforcement Authority

IVCPD is empowered pursuant to section 830.32 (a) of the California Penal Code and section 72330 of the California Education Code, which fully subscribes to the standards of the California Commission on Peace Officer Standards and Training (POST).



IVC police officers have the authority to enforce state and local laws, conduct criminal investigations, and make arrests anywhere in the State of California. Police officers also have the authority to enforce College policies, procedures and rules. However, the primary jurisdiction of IVCPD is the IVC and ATEP campuses.

Our sworn police officers receive the same basic training as city and county peace officers throughout the state, plus additional training to meet the unique needs of the campus environment.

The Department manages all patrol, investigation, crime prevention education, and related law enforcement duties for the campus community, and operates 24 hours a day, seven days a week.

IVCPD is a member of the Orange County Communications System and has direct radio contact with the local public safety agencies. The Department also has access to local, state, and federal law enforcement telecommunications systems that provide vehicle registration, driver license, and criminal record information.

IVCPD hires contract security officers to work at the ATEP campus when the campus is closed and unoccupied. The Security Officers have jurisdiction to operate on IVC owned or controlled property. They do not have the authority to enforce law violations or IVC administrative regulations.

Reporting Crimes

Community members are strongly encouraged to immediately report to IVCPD any criminal and suspicious activity occurring on campus, on public property running throughout or immediately adjacent to the campus, or on other property that is owned or controlled by IVC. We encourage accurate and prompt reporting of all crimes to campus police, including when the victim elects to, or is unable to, make such a report. IVCPD can be reached at 949-451- 5234 or via campus phones at extension 5234. While IVCPD may offer advice and assistance regarding campus safety, all members of the campus community are encouraged to take responsibility for their safety and, when possible, assist others. Always use common sense, be initiative-taking, and take precautions.

Response to a Report



Dispatchers and officers are available at these respective telephone numbers 24 hours a day to answer your calls. In response to a call, IVCPD will take the required action, either dispatch an officer or ask the victim to respond to IVCPD to file an incident report. All reported crimes will be investigated by IVCPD or the agency of jurisdiction, or the Irvine/Tustin police departments under the

Memorandum of Understanding and may become a matter of public record. As appropriate, IVCPD will notify the Vice President for Student Services of incidents that may require further review or action. IVCPD will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Dean of Counseling. If assistance is required from the local police department or the local fire department, IVCPD will contact the appropriate unit. If a sexual assault or rape should occur, staff on the scene, including IVCPD, will offer the victim a wide variety of services. Report crimes or suspicious circumstances, including unwanted product sales/solicitation, to IVCPD by phone or in person. Members of the community are helpful when they immediately report crimes or emergencies to IVCPD and/or PRIMARY Campus Security Authorities (CSAs). The information may be included in the annual statistical disclosure or assessed for issuing Timely Warning Notices when deemed necessary.



Reporting Option Other Than to Campus Police

All IVC Campus Security Authorities (CSAs) are required to report crimes (violations of federal, state, and local laws) to IVCPD. Students and employees can report crimes to any CSA on campus. However, IVC has identified the following college officials as Primary CSAs, who will provide additional reporting options if the reporting party does not want to report a crime directly to IVCPD.

Irvine Valley College Primary Campus Security Authorities:

- Dean of Counseling, Angel Hernandez (949) 451-5465
- Assistant Dean of Students, Armineh Dereghishian (949) 451-5483
- Title IX Coordinator, Martha McDonald (949) 451-5624
- Title IX Investigator, Ezra Omar (949) 451-5231
- Dean of Kinesiology, Keith Shackelford (949) 451-5407
- Vice Chancellor of Human Resources, Cindy Vyskocil (949) 582-4699

All CSAs are required to subsequently notify IVCPD of any reported crimes as soon as practicable, to allow that office to capture the crime for statistical purposes and to assess the crime for a potential timely warning notice.

Off-Campus Reporting

For off-campus locations, direct all calls for assistance to the local law enforcement agency. Off-campus incidents are within the operational responsibility of the Irvine Police Department (IVC campus vicinity) or the Tustin Police Department (ATEP campus vicinity).

Voluntary/Confidential Reporting

If you are the victim of crime, we encourage you to file a crime report. If you would like to maintain confidentiality and do not wish to pursue action within the college disciplinary process or criminal justice system, you are encouraged to consider filing a confidential report for purposes of inclusion in the annual disclosure of crime statistics. These types of reports can be made to IVCPD or with a counselor in the Health and Wellness Center. This information can enhance community safety by allowing the college to keep accurate records of crimes, helping to determine whether patterns of crime exist, and alerting the campus to potential danger.

Exemption for Pastoral and Professional Counselors/Mental Health Therapists

Two employee categories are not CSAs under the Clery Act and Title IX, although they have significant responsibility for student and campus activities:

- **Pastoral Counselors:** A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.
- **Professional Counselors:** An employee of an institution whose official responsibilities include Providing psychological counseling to members of the institution's community, and who is functioning within the scope of their license or certification.
 - The IVCPD encourages pastoral and professional counselors, if and when they deem appropriate, to inform the persons they are counseling to voluntarily report the incident to the Irvine Valley College Police Department on a confidential basis for inclusion in the annual disclosure of crime statistics.
- **Mental Health Therapist in the Health and Wellness Center:** A person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification. This

exemption applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the College. Additionally, the South Orange County Community College District (SOCCCD) considers employees working in the Health and Wellness Center as exempt mandatory reporters.

- **Counseling Services – Health and Wellness Center and Counseling Center:** Although counselors typically have significant responsibility and involvement in student and campus activities, they are exempt from the Clery Act and Title IX reporting requirements. They are, however, encouraged to forward non-identifying information to IVCPD on crimes that are reported to their offices. This non-identifying information is included in the annual security report. Although exempt from divulging personally identifiable information about reporting parties, exempted personnel are encouraged to report Clery violations to IVCPD for statistical purposes only.

The Clery Act

In 1990, the Higher Education Act of 1965 (HEA) was amended to include the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542). This amendment required all postsecondary institutions participating in the Title IV student financial aid programs to disclose campus crime statistics and security information. In 1998, the act was renamed the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act in memory of Jeanne Clery, a university student who was killed in her dorm room in 1986. In 2024, the act was renamed again to the Jeanne Clery Campus Safety Act. More commonly known as the Clery Act, this law requires a college to:

- Collect, classify, and count crime reports and statistics
- Issue campus alerts
- Publish an annual security report
- Submit crime statistics to the Department of Education
- Maintain a daily crime log
- Disclose missing student notification procedures

The Campus Sexual Violence Elimination Act (SaVE Act, H.R. 6461, Incorporated in 2014)

On March 7, 2013, President Obama signed the Violence Against Women Reauthorization Act of 2013 (VAWA) (Pub. Law 113-4). Among other provisions, amended section 485(f) of the HEA is otherwise known as the Jeanne Clery Campus Safety Act (Clery Act).

Notably, VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking and to include certain policies, procedures, and programs about these incidents in their annual security report (ASRs).

The VAWA requires institutions of postsecondary education eligible to participate in federal student aid programs to adopt, and to disclose in their annual security report a summary of policy regarding sexual assault (an existing requirement of the Clery Act) and other intimate partner violence. The term “intimate partner violence” is defined to mean “any physical

sexual, or psychological harm against an individual by a current or former partner or spouse of the individual." It includes stalking, dating violence, sexual violence, or domestic violence.

Victims' Rights and Options Provisions

The VAWA establishes a baseline framework for institutions to respond to sexual assault and other intimate partner violence. The South Orange County Community College District and Irvine Valley College policy will:

- Provide students and employees who report victimization with information in writing of their rights to notify law enforcement and to be assisted by campus authorities. At the time of the report, they will provide an explanation of their rights to obtain no-contact orders or enforce an order already in existence, and contact information for campus and local advocacy, counseling, health, mental health, student financial aid, visa and immigration and legal assistance services.
- Provide notification to students and employees who report victimization with options for and assistance in changing academic, living, transportation, and working situations if requested and reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Provide for honoring any lawful no-contact or restraining order.
- Disclose the range of possible sanctions that may be imposed following an institutional disciplinary procedure.
- Detail procedures victims should follow if a sex offense occurs, including who to contact and information about the importance of preserving physical evidence (an existing provision of the Clery Act).
- Disclose a summary of institutional disciplinary procedures including clear statements.
- Provide confidentiality of the victim if requested in writing.

Best Practices Report

The VAWA provides for the collaboration of the U.S. Departments of Justice and Education to collect and disseminate best practices information about preventing and responding to sexual assault and other intimate partner violence.

Resources Available to Victims

The following resources are available to victims of domestic violence, dating violence, sexual assault, and stalking. Upon receipt of a report of domestic violence, dating violence, sexual assault or stalking, IVC will provide written notification to students and employees about existing assistance with and/or information about obtaining resources and services including counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and assistance in notifying appropriate local law enforcement. These resources include the following:

On-Campus Resources	Number
Campus Police	949-451-5234 (x5234)
Health and Wellness Center	949-451-5221
Office of Student Rights and Grievances	949-451-5231
Vice President for Student Services	949-451-5624
Counseling (General/Academic)	949-451-5319
Disability Programs and Services for Students	949-451-5630
Off-Campus Resources	Number
Child Abuse Hotline (24-Hour)	714-940-1000
Rape Crisis Hotline (24-Hour)	800-656-4673
National Sexual Assault Hotline	800-656-4673
Love Is Respect	800-799-7233
Suicide Prevention Hotline	988
Crisis Text Line	Text HOME to 741741
Suicide Crisis Hotline	988
National Domestic Violence Hotline	800-799-7233
Battered Women	800-799-7233
Alcoholics Anonymous	714-556-4555
Narcotics Anonymous	714-590-2388

On-Campus Resources	Types of Services Available	Service Provider	Contact Information
Counseling	Academic and career counseling	Counseling Center	949-451-5319 SSC 210
Health & Primary Medical Services	Immunizations, TB tests, STD/STI tests, pregnancy tests, physicals, health screenings, Title IX confidential reporting, low-cost prescriptions, low-cost laboratory tests, and more	Health and Wellness Center (HWC)	949-451-5221 Fax: 949-451-5393 HWC
Mental Health	Depression, anxiety, anxiety attacks, grief and loss, relationship issues, and more	Health and Wellness Center (HWC)	949-451-5221 HWC
Victim Advocacy	Title IX reporting	Office of Student Rights and Grievances	949-451-5231 SSC 260 C and D
Legal Assistance	N/A	N/A	N/A
Visa and Immigration Assistance	International Student Program	International Student Center	949-451-5414 CEC 7
Student Financial Aid	Financial aid resources and scholarship opportunities	Financial Aid Office	949-451-5287 SSC 130

Off-Campus Resources	Type of Services Available	Service Provider	Contact Information
Counseling	N/A	N/A	N/A
Health	General and urgent medical care, optometry, dental and other services	Hurtt Family Health Clinic, Sand Canyon Urgent Care, Hoag Urgent Care, various specialist referral locations and providers,	Varied
Mental Health	Short-term and long-term counseling, psychological assessment, and medication	Free and low-cost counseling clinics	Varied
Student Financial Aid	Grants, loans, work-study and scholarships	U.S. Department of Education	800-433-3243 Federal Student Aid
Victim Advocacy	Domestic violence assistance	Orange County Adult Protective Services Agency	800-451-5155
	Sexual assault education	Family Resource Center	714-568-2878
	Child abuse, sexual assault, domestic violence and additional services	California Victim Compensation Board (VCB)	California VCB
Legal Assistance	Assistance for low-income people	Community Legal Aid of SoCal	714-571-5200 Community Legal Aid of SoCal
Visa and Immigration Assistance	Assistance of low-income people	Public Law Center	714-541-1010 Public Law Center
Family Resources	Support services for children and families		714-566-2878 Family Resource Center

Victim Protective Orders

In California, a victim of domestic violence, dating violence, sexual assault, or stalking has rights to be compensated for medical and counseling costs as well as the right to be notified of the status of criminal proceedings. Further, the College complies with California law in recognizing orders of protection, which are called restraining orders, and requests that any person who obtains an order of protection from California or any state should provide a copy to Campus Police and the Title IX Coordinator. A complainant may then meet with Campus Police to develop a Safety Action Plan, which is a plan for campus police and the victim to reduce the risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to escorts, special parking arrangements, changing classroom location or allowing a student to complete assignments from home, etc. The college cannot apply for a legal order of protection, no contact order or restraining order for a victim from the applicable jurisdiction(s).

If you feel you are the victim of domestic violence, dating violence, sexual assault, or stalking, you should immediately report this to Campus Police who will investigate as appropriate. In these instances, you have the right to request no contact orders, restraining orders, or similar lawful orders issued by a criminal or civil court. Campus Police or the appropriate law enforcement agency investigating these crimes will assist victims in these cases.

	Elder/Dependent Adult Abuse Protective Order	Domestic Violence Restraining Order	Civil Harassment Restraining Order	Workplace Violence
This order may be for you if:	<p>You are:</p> <ul style="list-style-type: none"> • 65 years of age or older • 18-64 years of age and have a mental or physical condition that prevents you from conducting normal activities (a dependent adult) <p>And you have been:</p> <ul style="list-style-type: none"> • Physically or financially abused • Mentally or emotionally abused • Neglected, abandoned or abducted • Isolated • Deprived by a caregiver of goods or services needed to avoid harm or suffering <p>* The order may also protect other family or household members.</p>	<p>You have one of the following relationships with the restrained person:</p> <ul style="list-style-type: none"> • Spouse/former spouse • Cohabitant or former cohabitant (with a romantic/close relationship) • Current or past dating relationship • Parent or child • Brother, sister, grandparent or grandchild • Stepparent, stepchild, stepbrother, step-grandchild, step-grandparent (if blood parent of step-parent) • In-laws: Any relationship with a spouse's blood relatives <p>And you have been:</p> <ul style="list-style-type: none"> • Abused (physical, spoken or written) <p>*This order may also protect other family or household members.</p>	<p>You and restrained person:</p> <ul style="list-style-type: none"> • Do not have a domestic violence case open <p>And you have been:</p> <ul style="list-style-type: none"> • Stalked • Harassed • Sexually assaulted • Threatened with violence <p>*This order may also protect other family or household members.</p>	<p>You are:</p> <ul style="list-style-type: none"> • An employer of an employee (including volunteer or independent contractor who performs services at the worksite, member of the board of directors or public officer) <p>And an employee has:</p> <ul style="list-style-type: none"> • Suffered violence at the workplace • Received threats of violence at the workplace <p>Note: An employee cannot ask for a workplace violence restraining order. Only an employer may request this type of order.</p> <p>*This order may also protect other family or household members.</p>

If granted, the court can order someone to:	<ul style="list-style-type: none"> • Not to contact you • Stay away from you and your home • Move out of your home • Not own/possess a gun 	<ul style="list-style-type: none"> • Not molest, attack, strike, stalk, assault, batter, threaten, sexually assault, or harass you (personally or by telephone) • Not to destroy your personal property • Not come within a specified distance • Move from the home you share • Not own/possess a gun 		
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If you are in immediate danger, you may need an **EMERGENCY PROTECTIVE ORDER**:

Emergency Protective Order	
This order may be appropriate for you if:	You are in immediate danger
If granted, the court can order someone to:	<ul style="list-style-type: none"> • Stay away from you, your home, and your work • Immediately move from your residence • Not own/possess a gun <p>The court may also order: Temporary care and control of a minor child to the protected persons.</p>
This order lasts:	Up to 7 days.
You may get help from:	Any Law Enforcement Officer can help you with an Emergency Protective Order. If you need protection for longer than 7 days, you must come to court and ask for another type of restraining order.

You may get additional help at Superior Court of California’s County of Orange Self-Help Centers:

Name	Address
Central Justice Center - Santa Ana	700 Civic Center Drive West, 1 st Floor, Santa Ana, CA 92701, 657-622-7577
Harbor Justice Center - Newport Beach	4601 Jamboree Rd, Room #150, Newport Beach, CA, 92660, 657-622-5756
Lamoreaux Justice Center – Orange	341 The City Drive, 1 st Floor, Orange, CA 92868, 657-622-5720
North Justice Center – Fullerton	1275 N. Berkeley Ave, Room #355, Fullerton, CA 92832, 657-622-6623
Superior Court Service Center - Mission Viejo	27573 Puerta Real, Mission Viejo, CA 92692, 657-622-5720
Domestic Violence Assistance Program - Lamoreaux Justice Center	341 The City Drive, 1 st Floor, Orange, CA 92868, 657-622-5720
Adult Protective Services (APS) - Santa Ana	Social Services Agency, PO Box 22006, Santa Ana, CA, 92702 800-451-5155

Notes: ** *A cohabitant is a person who regularly resides in the household. Tenants or roommates subletting rooms in the same household do not meet the relationship requirement for a Domestic Violence Restraining Order unless they have a romantic or close relationship. A close relationship is one where the persons share a common goal and mutual interests beyond that of roommates. Abuse means to hit, kick, grab, choke, hurt, scare, throw things, pull hair, push, follow, harass, assault with a weapon, force to participate in unwanted, unsafe, or degrading sexual activity, or threaten to do any of these things.*

Employer is defined as the following: Every person engaged in any business/enterprise in this state that has one or more persons in service under any appointment, contract of hire, or apprenticeship, express or implies, oral or written, irrespective of whether such person is the owner of the business or is operating on concessionaire or other basis. Labor Code 350(a).

A federal agency, the state, a state agency, a city, county, or district, and a private, public quasi-public corporation, or any public agency thereof or therein. Code of Civil Procedure 527.8(d)

Timely Warnings

Scope: Focus on Clery crimes but also include crimes considered to represent a serious or continuing threat to students, employees, and the college community.

Why: In the event a crime is reported within the Clery geography (on campus, on public property, and non-campus property), a Timely Warning may be issued if, in the judgment of the Chief of Police or his designee, the crime is considered by the institution to represent a serious or continuing threat to students and employees.

Timely Warning are typically issued for the following Uniform Crime Reporting Program (UCR)/National Incident Based Reporting System (NIBRS) crime classifications:

- **Murder/Non-Negligent Manslaughter**
- **Aggravated Assault** (cases involving assaults among known parties, such as two roommates fighting, resulting in aggravated injury, will be evaluated on a case-by- case basis to determine if the individual is believed to be an ongoing threat to the larger IVC community)
- **Several Burglaries or Motor Vehicle Thefts** that occur in reasonable proximity to one another.
- **Robbery** involving force or violence (cases including pickpocketing and purse snatching will typically not result in the issuance of a Timely Warning Notice, but will be assessed on a case-by-case basis)
- **Sexual Assault** (considered on a case-by-case basis depending on the facts of the case, when and where the incident occurred, when it was reported, and the amount of information known by the Chief of Police, or designee). In cases involving sexual assault, which are often reported long after the incident occurred, there is no ability to distribute a “timely” warning notice to the community. All cases of sexual assault, including stranger and non-stranger/acquaintance cases, will be assessed for potential issuance of a Timely Warning Notice.
- **Major Incidents of Arson**
- **Other Clery Crimes as determined necessary by the Chief of Police, or their designee in their absence**

Timely Warning Notices may also be posted for other crime classifications and locations, even though this is not required by the law, at the sole discretion of the Chief of Police or designee.

When: IVC will issue a warning without delay as soon as the pertinent information is available and when appropriate, in a manner that withholds the names of victims as confidential, and with the goal of aiding in the prevention of similar occurrences.

Who: In the event of a situation which, in the judgment of the Chief of Police or designee, constitutes a serious or continuing threat of a criminal nature to the campus community, IVCPD will issue a Timely Warning as soon as possible and when appropriate. Timely Warnings are typically written by the Chief of Police or his designee and are reviewed (time permitting) and typically distributed by the Office of Marketing and Creative Services. The Chief or designee typically consults with the Irvine and/or Tustin Police Department prior to distribution of a Timely Warning to ensure that the warning does not contain information that would compromise law enforcement efforts.

How: For any crime considered to represent a serious or continuing threat to the campus community, a Timely Warning will be distributed using campus email, text-messages and social media as the primary methods of communication. The College may also post flyers in or on campus facilities, if deemed necessary.

The institution is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.



Emergency (Immediate) Notifications

Irvine Valley College has developed a process to notify the campus community in case of emergency. While it is impossible to predict every significant emergency or dangerous situation that may occur on campus, the following identified situations are examples which may warrant an Emergency (immediate) Notification after confirmation: armed/hostile intruder; bomb/explosives (threat); communicable disease outbreak; severe weather; terrorist incident; civil unrest; natural disaster; hazardous materials incident and structural fire.

Scope: Wide focus on any significant emergency or dangerous situation (may include Clery crimes).

Why: Issuing Campus Emergency (immediate) Notifications occur when an event that is occurring on campus or imminently threatening the campus community. Emergency Notification procedures are initiated for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus.

Where: Applies to situations that occur on the campus.

When: Notifications are issued without delay upon confirmation of an emergency that poses an immediate threat to the health or safety of the campus community. IVC will, without delay and considering the safety of the community, determine the content of the notification, and initiate the notification system, unless issuing a notification will, in the professional judgment of the responsible authorities, compromise the efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

How: The notification will be distributed as soon as possible under the following guideline:

Qualifying Events for Emergency Notifications Include, However, Are Not Limited To:

- Outbreak of Serious Health Risk
- Extreme Weather Conditions
- Chemical /Hazardous Material Spills
- Campus Utility Breakdown (water, gas, etc.)
- Active Shooter/Armed/Dangerous Person
- Bomb Threat
- Terrorist Incident
- Civil Unrest
- Explosions/Fire
- Aircraft Crash
- Earthquake
- Gas Leak

Depending on the incident, the Irvine and/or Tustin Police Departments will be notified to make notifications to the surrounding community.

In the event of an emergency, IVC will initiate and provide, without delay, immediate notifications to the appropriate segment(s) of the College community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students, employees, and visitors.

The Chief of Police or designee is responsible for confirming an emergency in conjunction with campus administrators, local first responders, public health agencies, and/or the National Weather Service.

If the Chief of Police, or designee, in conjunction with other College administrators, local first responders, public health agencies, and/or the National Weather Service, confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the IVC community, IVCPD and/or the Office of Marketing and Creative Services will collaborate to determine the content of the message (other administrators or first responder/public health agencies may contribute to the development of that content). Typically, IVCPD and/or the Office of Marketing and Creative Services will use some or all of the systems described below to communicate the threat to the IVC community or to the appropriate segment of the community if the threat is limited to a particular building or segment of the population. See specific information below regarding the development of content for and initiation of each system. All messages should include the type of situation, the location of the situation, the time and date, instructions for the recipient, and the additional method of the public to obtain information.

System to Use	Primary Message Creator	Backup Message Creator	Authority for Approving and Sending Messages	Primary Message Sender/Distributor	Backup Message Sender/Distributor
PRIMARY					
RAVE Mass Notification System (email/texts)	Marketing and Creative Services*	IVCPD*	Marketing and Creative Services/IVCPD	Marketing and Creative Services	IVCPD
InformaCast	IVCPD*	Marketing and Creative Services*	Marketing and Creative Services/IVCPD	IVCPD	Marketing and Creative Services
SECONDARY					
Campus Email Systems	Marketing and Creative Services*	District Information Technology*	Marketing and Creative Services/IVCPD	Marketing and Creative Services	District Information Technology
College Website	Marketing and Creative Services*	IVC Information Technology*	Marketing and Creative Services/IVCPD	Marketing and Creative Services	IVC Information Technology
Entrance Digital Marquees	Marketing and Creative Services*	IVC Information Technology*	Marketing and Creative Services/IVCPD	Marketing and Creative Services	IVC Information Technology
Electronic Building Monitors	Marketing and Creative Services*	IVC Information Technology*	Marketing and Creative Services/IVCPD	Marketing and Creative Services	IVC Information Technology
Rooftop Public Address System	IVCPD*	N/A	IVCPD	IVCPD*	N/A
Fire Alarms	IVCPD*	N/A	IVCPD	IVCPD*	N/A

*Written in collaboration with other administrators or first responder/public health agencies.

To sign up for emergency text notifications at Irvine Valley College, students and faculty should update their contact information in the South Orange County Community College MySite by entering their mobile number under “cellphone.” This ensures they receive critical information via text message during emergencies, according to [Irvine Valley College’s Emergency Preparedness and Resources page](#). Emergency (immediate) Notifications will be distributed utilizing one or more of the following systems:

- RAVE mass notification system (campus e-mail, text messages and social media)
- InformaCast Alert Broadcast (voice, digital on-campus phones, and blue light campus phones)
- Campus Email System
- College Website
- Entrance Digital Marquees

- Electronic Building Monitors (in select buildings)
- Rooftop Public Address System (on select buildings)
- Fire Alarms

In the event of an electronic system failure, the campus may supplement communication using in-person communication methods.



Follow-up information will be distributed using some or all of the identified communication systems (except fire alarms). The local news media may be utilized to disseminate emergency information to members of the larger community, including neighbors, parents, and other interested parties. The larger community can also access emergency information via the IVC homepage and/or social media.

If there is an immediate threat to the health or safety of students or employees occurring on campus, an institution must follow its Emergency Notification procedures. An institution that follows its Emergency Notification procedures is not required to issue a Timely Warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.



Emergency Response and Evacuation Procedures

The campus Emergency Operations Plan provides the framework for an organized response to various human-caused and natural emergency situations, including fires, hazardous spills, earthquakes, flooding, explosions, and civil disorder. In addition to campus-wide guidelines, each department on campus is encouraged to develop an emergency action plan that identifies hazards unique to their workplace, along with corresponding response strategies that minimize employee exposure to hazardous conditions during an emergency. Campus emergency management provides resources and guidance for the development of these plans.

An individual can report an emergency at IVCPD by calling 949-451-5234.

The College conducts emergency response exercises and/or drills every month, such as field exercises, evacuation drills, and tests of emergency notification systems on campus. These exercises and drills are designed to assess and evaluate the college's emergency plans and capabilities. Monthly tests of the InformaCast System are performed at various buildings. This system sends visible text messages and audible messages to all landline phones on campus. A campus-wide radio roll call of the IVC Building Captains is performed weekly.

IVC participates each October in the annual Great California Shakeout in October. This test is an announced, simulated, statewide earthquake drill involving all on-campus students, faculty, and staff. Emergency notification procedures are activated, along with deploying the IVC Building Marshals and Captains to assist with the controlled, safe evacuation of all buildings.

In conjunction with other emergency agencies, the College conducts emergency response drills and exercises each year, such as tabletop exercises, field exercises, and tests of the emergency notification systems on campus. These tests may be announced or unannounced and are designed to assess and evaluate the emergency plans and capabilities of the institution. Each test is documented including the description, date and time of the exercise.

The campus publicizes a summary of the emergency response and evacuation procedures via email at least once each year in conjunction with a test (exercise and drill) that meets all the requirements of the Higher Education Opportunity Act. Campus Police maintain an Emergency Management Calendar. This calendar outlines the schedule of various emergency preparedness activities, drills, exercises, and training sessions. It serves as a reference for planning and ensuring that necessary preparedness efforts are conducted systematically.

Emergency Evacuation Procedures

Emergency evacuation procedures are evaluated at least twice a year. Students and employees learn the locations of the emergency exits in the buildings and are provided with guidance about the direction they should travel when exiting each facility for a short-term building evacuation. The IVCPD informs building occupants in advance about the designated locations for the long-term evacuations although they are subject to change due to time of day, weather, location of the building being evacuated, the availability of the various designated emergency gathering

locations on campus, and other factors such as the location and nature of the threat. In both cases, IVCPD staff on the scene will communicate information to students regarding the developing situation or any evacuation status changes.

The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of a fire or other emergency. At IVC, evacuation drills are used as a way to educate and train occupants on fire safety issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

General Evacuation Procedures

At the sound of a fire alarm or if you are instructed to evacuate, leave your work area immediately and proceed to the nearest exit, and leave the building. If you are the first to recognize a fire situation, activate the alarm, evacuate to a safe location using the nearest exit, and notify IVCPD (949-451-5234) or dial 911.

- Remain calm
- Do **not** use elevators; use the stairs.
- Assist the physically impaired. If they are unable to exit without using an elevator, secure a safe location near a stairwell, and immediately inform IVCPD or the responding fire department of the individual's location.
- Proceed to a clear area at least 150 feet from the building. Keep all walkways clear for emergency vehicles.
- Make sure all personnel are out of the building.
- Do not re-enter the building.

Shelter-in-Place Procedures: What it Means to Shelter in Place

If an incident occurs and the buildings or areas around you become unstable, or if the outdoor air becomes dangerous due to toxic or irritating substances; it is usually safer to stay indoors. Leaving the building may be dangerous. Thus, to “shelter in place” means to make shelter of the building that you are in. With a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

Basic Shelter-in-Place Guidance

If an incident occurs and the building you are in is not damaged, stay inside an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, access card, etc.) and follow the evacuation procedures for your building. Close your door, proceed to the nearest exit, and use the stairs instead of the elevators. Once you have evacuated, quickly seek shelter at the nearest College building. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to Shelter in Place

A shelter-in-place notification may come from several sources, including IVCPD, other College employees, the local police department, or other authorities utilizing the College's emergency communications tools.

How to Shelter in Place

No matter where you are, the basic steps of shelter in place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be:
 - An interior room.
 - Above ground level; and
 - Without windows or with the least number of windows. If there is a large group of people inside a particular building, the use of several rooms may be necessary
3. Shut and lock all windows (tighter seal) and close exterior doors.
4. If applicable, turn off air conditioners, heaters, and fans.
5. If applicable, close vents to ventilation systems as you are able. (College staff will turn off the ventilation as quickly as possible.

6. Make a list of the people with you and ask someone (faculty or other staff) to phone the list into IVCPD so they know where you are sheltering. If only students are present, one of the students should phone in the list.
7. If there are no security issues, turn on the radio or TV and listen for further instructions.
8. Make yourself comfortable.

College Police and Emergency Information Website:

ivc.edu/police/preparedness

Campus Safety/Security Awareness and Crime Prevention Education

The College coordinates and sponsors educational workshops and classes promoting the awareness of rape, acquaintance rape, and other sexual offenses. Student Services also conducts seminars on what women and men should know about date rape, in addition to discussion groups focusing on campus sexual assault.

During each staff/faculty development week in August, safety and educational videos are presented to assist in preparing, planning, and dealing with emergency situations.

New students must view orientation videos during the matriculation process, which contains information regarding sexual assaults and sexual harassment issues and how to report them.

During the 2023-2024 academic year, IVC offered over 30 crime prevention and security awareness programs. Topics such as personal safety, drug and alcohol abuse awareness, and sexual assault prevention are examples of programs offered during the prior academic year.

All crime prevention and security awareness programs encourage students and employees to be responsible for their own security and the security of others. Participants in these programs are asked to be alert, security-conscious and involved, and are advised to call IVCPD to report suspicious behavior. For additional questions regarding crime prevention, contact the department directly at 949-451-5234.

As part of the department's community-oriented policing philosophy, IVCPD offers crime prevention presentations each semester to classrooms, campus clubs, and student groups as requested. The topics of these presentations include personal safety awareness, active shooter preparation, lockdown procedures, and property protection strategies. Anyone interested in having an IVCPD officer speak to their classroom or group should contact the department at 949-451-5234.

Monitoring and Recording of Criminal Activity by Students at Non- Campus Locations of Recognized Student Organizations

IVC does not have officially recognized student organizations that own or control housing facilities outside of the IVC core campus. Therefore, local police are not used to monitor and recording criminal activity, since there are no non-campus locations of student organizations.

Access and Security of Campus Facilities

During normal business hours, the administrative and academic facilities at IVC are open and accessible to students, staff, faculty, and visitors of the College. After normal business hours and during breaks, these facilities are locked and only accessible to authorized individuals. IVCPD officers conduct routine security and safety patrols of the academic and administrative buildings to monitor conditions and report any unusual circumstances.



IVC utilizes a public safety camera system for the purpose of creating a safer environment for all those who work at or visit the campuses. Cameras are placed in strategic public locations, such as parking lots, campus entrances, building entrances, exteriors, hallways, and lobbies throughout the campuses. The cameras can be used to detect and deter crime, help safeguard against potential threats to the public, help manage emergency response situations during natural and human-caused disasters, promote the safety of students and staff where cash is collected or at other public service counters, and assist IVC officials in providing services to the college community.

Emergency “panic” buttons are mounted discreetly in many offices and classrooms which silently notify IVCPD of suspicious circumstances and officers respond immediately to investigate. IVC is considering an upgrade to a wearable panic button system to improve safety and emergency response.

Missing Student Notifications

IVC currently does not maintain student housing facilities on the campuses. Reports of missing persons are investigated by the Irvine Police Department for the IVC main campus and Tustin Police Department for the ATEP campus per Memorandums of Understanding.

Security Considerations Used in the Maintenance of Campus Facilities

IVC maintains campus facilities in a manner that minimizes hazardous and unsafe conditions. Parking lots and pathways are illuminated with lighting. IVCPD works closely with Facilities Management to address inoperable lighting promptly, as well as malfunctioning door locks or other physical conditions that enhance security. Other members of the College community are helpful when they report equipment problems to IVCPD or to Facilities Management.

Alcohol and Other Drugs Policy and Programs

The College makes available to students and employees a wide variety of programs designed to discourage the use of illicit substances and provide information on legal and responsible alcohol consumption. Abuse of alcohol and drugs can have a dramatic impact on academic, professional, and family life. Members of the community who may be having trouble with drugs or alcohol are encouraged to seek assistance.

The Health and Wellness Center provides confidential mental health services and outside referrals to students with substance abuse. Individual counseling sessions are available to students at no cost.

The Health and Wellness Center and IVCPD provide beverage drug testing kits and opioid overdose prevention kits to students per California AB 1524 and SB 367 respectively.

Alcohol and Drug Programs

The Drug and Alcohol Prevention Intervention Advisory Council Program utilizes a comprehensive approach to address alcohol and other drug-related problems through education prevention and treatment interventions to foster student learning and success.

For employees, the Employee Assistance Program is offered through the District. The program is free, 24 hours a day, every day of the year. It offers confidential referral and counseling services for substance abuse, depression, anxiety, and other issues.

Medical and psychological services are also available at the Health and Wellness Center during hours of operation.



Substance Abuse/Alcohol and Drug Policy

In accordance with Public Law 101-226, the Drug-Free Schools and Communities Act Amendment of 1989, the governing Board of Trustees of the South Orange County Community College District prohibits the unlawful possession, use, sale or distribution of illicit drugs and alcohol by students and employees on Irvine Valley College property, including as part of any Irvine Valley College sponsored or sanctioned activity. Campus Police has primary responsibility for the enforcement of State underage drinking laws.

Possession, Use and Sale of Illegal Drugs

The IVC campus has been designated Drug Free. The possession, sale, manufacture, and distribution of any controlled substance is illegal under both state and federal laws. These laws are strictly enforced by the IVC Police Department. Violators of these laws are subject to IVC disciplinary action, criminal prosecution, fine and imprisonment

IVC Policy on and Enforcement of Possession, Use and Sale of Alcoholic Beverages

The possession, use and sale of alcohol on the IVC campus is governed by the SOCCCD Alcohol Policy and California state law. Laws regarding the possession, use, sale, consumption, and furnishing of alcohol are controlled by the California Department of Alcohol and Beverage Control (ABC). Primary responsibility for the enforcement of alcohol laws on IVC campus is IVCPD. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the SOCCCD Alcohol Policy for anyone to consume or possess alcohol in any public/private area of the campuses without prior District approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the district.

Drug Free Schools and Communities Act

In compliance with the Drug Free Schools and Communities Act, Irvine Valley College publishes information regarding the College's educational programs related to prevention of drug and alcohol abuse; sanctions for violations of federal, state, and local laws and College policy; a description of health risks associated with alcohol and other drug use; and a description of available treatment programs for IVC students and employees. A complete description of these topics, as provided in the College's annual notification to students and employees, is available online at: <https://www.ivc.edu/policies/substance>. Any student or employee in violation of this policy is subject to disciplinary action up to, and including, expulsion from Irvine Valley College or termination of employment in case of violation of the standards of conduct as specified in collective bargaining agreements and the California education code. (AR-5500) The possession, sale, manufacture, use

or distribution of any controlled substance is illegal under both state and federal laws. The Irvine Valley College Police Department strictly enforces such laws. Violators are subject to college disciplinary action, criminal prosecution, fines, and imprisonment. (AR-5500) Irvine Valley College does not permit students to use medically prescribed marijuana at any college site or any college-sponsored activity. Irvine Valley College Police Department enforces California underage drinking laws, as well as both state and federal drug laws. Information on drug and alcohol abuse is available at the Health & Wellness Center. (AR 3550)

Health Risks of Alcohol and other Drug Use

Substance abuse can cause extremely serious health and behavioral problems, including short- and long-term effects on the body and mind. The physiological and psychological responses differ according to the chemical ingested. Although chronic health problems are associated with long- term substance abuse, acute and traumatic reactions can occur from one-time and moderate use. Drugs such as LSD, amphetamines, marijuana, cocaine, and alcohol alter emotions, cognition, perception, physiology, and behavior. Drug use during pregnancy may result in miscarriage, fetal damage, and birth defects causing hyperactivity, neurological abnormalities, developmental difficulties, and infant death. Alcohol acts as a depressant to the central nervous system and can cause serious short- and long- term damage. Short-term effects include nausea, vomiting and ulcers; more chronic abuse can lead to brain, liver, kidney and heart damage and even eventual death. Ingesting a large amount of alcohol at one time can lead to alcohol poisoning, coma, and death. Acute health problems because of alcohol and drug use may include heart attack, stroke, and sudden death, which, in the case of drugs such as cocaine, can be triggered by first- time use. Long lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, blood vessel leaks in the brain, destruction of brain cells and permanent memory loss, infertility, impotence, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary (lung) damage. (AR 3550)

Applicable State and Federal Laws and Penalties

<i>State Alcohol Laws</i>	<i>Description</i>	<i>Classification</i>
Business and Professions Code		
25602(a)	Sales to an intoxicated person	Misdemeanor
25620(a)	Open container in public place	Infraction
25658(a)	Sell/furnish alcohol to minor	Misdemeanor
25661(a)	False ID by minor	Misdemeanor
25662(a)	Minor in possession of alcohol	Misdemeanor
Penal Code		
647(f)	Public intoxication	Misdemeanor
Vehicle Code		
23140(a)	Driver under 21 with BAC of 0.05 or more	Infraction
23152(a) & (b)	DUI	Misdemeanor
23220(a)	Drink/smoke, ingest marijuana while driving	Infraction
23223(a)	Open container – driver	Infraction
23223(b)	Open container – passenger	Infraction
23224(a)	Driver under 21 in possession of alcohol while driving	Misdemeanor
<i>State Drug Laws</i>	<i>Description</i>	<i>Classification</i>
Marijuana		
Health and Safety Code & Vehicle Code		
11357(a)	Possession of over 28.5 grams of marijuana and/or 8 grams of concentrated cannabis	Infraction
11362.3	Smoke/ingest/possess marijuana in public/vehicle	Infraction
11358	Cultivation of marijuana	Infraction or Misdemeanor
11359	Intent to sell marijuana w/out license	Misdemeanor or Felony
23222(b) CVC	Driving while in possession of marijuana	Infraction
Other		
Health and Safety Code		
11350	Possession of controlled substance	Misdemeanor
11351	Poss. of controlled substance for sale	Felony
11352	Sales/transport of controlled substance	Felony
11377	Possession of Methamphetamine	Misdemeanor
11378	Sale of Methamphetamine	Felony
11379	Sale/transport/giveaway of Methamphetamine	Felony
11550	Under the influence of a controlled substance	Misdemeanor

Marijuana and Federal Law

Under the Federal Controlled Substance Act (CSA) Title 21 of the United States Code, marijuana is a Schedule 1 hallucinogenic drug. This means the federal government believes it has a high potential for abuse and no currently accepted medical use. The CSA takes precedence over the laws of California. Technically, therefore, when you sell, transport, or give away marijuana, you violate federal law, even if you are abiding by California's medical marijuana law or recreational marijuana legalization law.

Firearms and Weapons

The following are laws and Administrative Regulations (ARs) that pertain to firearms, weapons, or destructive devices on college property: It is unlawful for any person to bring or possess any firearm (loaded or unloaded) upon the campus of, or building, owned or operated for student teaching, research or administration by a public or private college (certain exceptions apply). (AR-3530, California Penal Code 626.9(h) & 626.9(i)). It is unlawful for any person to bring or possess any dirk, dagger, ice pick or knife having a fixed blade longer than 2.5 inches upon the grounds of, or within the California Community Colleges (certain exceptions apply). (AR-3530, California Penal Code 626.10(b)).

It is unlawful for any person, except in self-defense, to draw or exhibit an imitation firearm, toy gun or a replica of a firearm in a threatening manner against another in such a way as to cause a reasonable person apprehension or fear of bodily harm. (California Penal Code 417.4)

It is unlawful for any person to bring or possess a less than lethal weapon as defined in California Penal Code Section 16780, or a stun gun as defined in California Penal Code Section 17230, upon the grounds of or within a public or private college (certain exceptions apply). (California Penal Code 626.10(i)) It is unlawful for any person to possess for any reason any explosives, pipe bomb, grenade, destructive device or dry ice bomb. (California Penal Code 18710) It is unlawful for any person to possess any type of cane gun, wallet gun, any undetectable or camouflaged firearm, ballistic knife, belt buckle knife, leaded cane sword, zip gun, lipstick case knife, writing pen knife, practice hand grenade, billy club, sand club, sap, metal, composite or hardwood knuckles, shuriken, nunchaku, or blackjack. (California Penal Codes 19200(b), 20310, 20410, 20510, 20610, 20910, 21110, 21710, 21810, 22210, 22410, 24310, 24410, 24710 and 33600).

Sexual Assault Investigations (HEOA) Notification to Victims of Crimes of Violence

Upon written request, the college will disclose to the alleged victim of a crime of violence (as defined under United States Code Title 18, Section 16) or a non-forcible sex offense the report on the results of any disciplinary proceeding, conducted by the institution against a student who is the alleged perpetrator of such crime or offense, upon written request. If the alleged victim is deceased because of the alleged crime or offense, the next kin of such victim shall be treated as the alleged victim for this purpose. For more information, see the next section.

Irvine Valley College Disciplinary Actions: Sexual Assault

IVC does not tolerate sexual assault in any form and adheres to SOCCCD Board Policies (BP) and Administrative Regulations (AR) 3430 – Unlawful Harassment and Discrimination Prevention and Complaints, BP and AR 3433 – Sexual Harassment Prevention and Complaints Under Title IX, BP and AR 5500 - Standards of Student Conduct and Discipline Procedures, and BP and AR 3540 - Sexual and Other Related Assaults on Campus, as campus policy in matters related to sexual harassment, to include sexual assault, dating violence, domestic violence, stalking, and sexual harassment. The policies and regulations can be found on the SOCCCD website at: <https://www.socccd.edu/board-trustees/board-policies> or by contacting the Title IX Coordinator, Campus Police Department, or the Office of the Vice President for Student Services. Currently the four policies are being reviewed for updates to reflect additional requirements and to provide more consistent and cohesive information for awareness, education, and discipline. If the assailant was a student, staff, or faculty member of Irvine Valley College, complainants are strongly encouraged to notify the Title IX Coordinator, Dr. Martha McDonald. Your report will be investigated promptly and thoroughly. Even if you or criminal justice authorities choose not to prosecute, the college can pursue disciplinary action against your respondent and provide you with support resources. Where there is disclosed allegation that a sexual assault has occurred and that a student, faculty, or staff member has violated any District policy or regulation, all complaints will be investigated promptly and thoroughly. Even if the complainant or criminal justice authorities choose not to prosecute, the college can pursue disciplinary action if the assailant is a student, staff, or faculty member. If the incident involves someone under 18 years old, the appropriate legal guidelines and notifications

will be followed. Incidents involving non-members of the college community will be processed according to local and state laws.

UNLAWFUL HARASSMENT AND DISCRIMINATION PREVENTION AND COMPLAINTS

I. GENERAL

The District is committed to equal opportunity in educational programs, employment, and all access to institutional programs and activities while providing an academic and work environment free of unlawful discrimination and harassment that respects the dignity of all individuals and groups. This regulation defines sexual harassment as well as other forms of harassment and discrimination on campus and sets forth a procedure for the investigation and resolution of complaints by or against any staff or faculty member or student within the District.

This regulation and the related policy protect students, employees, unpaid interns, and volunteers in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, a District vehicle, or at a class or training program sponsored by the District at another location.

For conduct that is defined by the Title IX federal regulations as sexual harassment in an education program or activity against a person in the United States, complainants must proceed under Board Policy and Administrative Regulation 3433 *Sexual Harassment Prevention and Complaints Under Title IX*. For other forms of sexual harassment or gender-based harassment, complainants should use this regulation.

II. EDUCATION PROGRAMS

The District shall provide access to its services, classes, and programs without regard to national origin, immigration status, religion, age, gender, gender identity, gender expression, race, ethnicity, color, medical condition, military and veteran status, genetic information, ancestry, sexual orientation, marital status, physical or mental disability, pregnancy, or because they are perceived to have one or more of the foregoing characteristics, or based on association with a person or group with one or more of these actual or perceived characteristics.

All courses, including noncredit classes, shall be conducted without regard to the gender of the student enrolled in the classes. As defined in the Penal Code, "gender" means sex, and includes a person's gender identity and gender expression. "Gender expression" means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.

The District shall not prohibit any student from enrolling in any class or course on the basis of gender.

Academic staff, including but not limited to counselors, instructors, and administrators, shall not offer program guidance to students that differs on the basis of gender.

Insofar as practicable, the District shall offer opportunities for participation in athletics equally to male and female students.

III. EMPLOYMENT

All employment decisions, including but not limited to hiring, retention, assignment, transfer, evaluation, dismissal, compensation, and advancement for all position classifications shall be based on job-related criteria as well as be responsive to the District's needs.

The District shall, from time to time as necessary, provide training to promote understanding of diversity, equity, inclusion, and access.

It is unlawful to discriminate against a person who serves in an unpaid internship or any other limited-duration program to provide unpaid work experience in the selection, termination, training, or other terms and treatment of that person on any the basis of their race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, immigration status, or military and veteran status.

IV. DEFINITIONS

A. General Harassment

Harassment based on race, ethnicity, religious creed, color, national origin, immigration status, ancestry, physical disability, mental disability, pregnancy, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation of any person, military and veteran status, or the perception that a person has one or more of these characteristics is illegal and violates District policy. Harassment shall be found where a reasonable person with the same characteristics as the complainant of the harassing conduct would be adversely affected to a degree that interferes with their ability to participate in or to realize the intended benefits of an institutional activity, employment, or resource.

Gender-based harassment does not necessarily involve conduct that is sexual. Any hostile or offensive conduct based on gender can constitute prohibited harassment if it meets the definition above. For example, repeated derisive comments about a person's competency to do the job, when based on that person's gender, could constitute gender-based harassment. Harassment comes in many forms, including but not limited to the following conduct that could, depending on the circumstances, meet the definition above, or could contribute to a set of circumstances that meets the definition:

1. Verbal

Inappropriate or offensive remarks, slurs, jokes, or innuendoes based on a person's race, gender, sexual orientation, or other protected status. This may include, but is not limited to, inappropriate comments regarding an individual's body, physical

appearance, attire, sexual prowess, marital status, or sexual orientation; unwelcome flirting or propositions; demands for sexual favors; verbal abuse, threats, or intimidation; or sexist, patronizing, or ridiculing statements that convey derogatory attitudes based on gender, race, nationality, sexual orientation, or other protected status.

2. Physical

Inappropriate or offensive touching, assault, or physical interference with free movement. This may include, but is not limited to, kissing, patting, lingering, or intimate touches, grabbing, pinching, leering, staring, unnecessarily brushing against or blocking another person, whistling, or sexual gestures. It also includes any physical assault or intimidation directed at an individual due to that person's gender, race, ethnicity, national origin, immigration status, sexual orientation, or other protected status. Physical sexual harassment includes acts of sexual violence, such as rape, sexual assault, sexual battery, and sexual coercion. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the complainant's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.

3. Visual or Written

The display or circulation of visual or written material that degrades an individual or group based on gender, race, nationality, sexual orientation, or other protected status. This may include, but is not limited to, posters, cartoons, drawings, graffiti, reading materials, computer graphics, or electronic media transmissions.

4. Environmental

A hostile academic or work environment may exist where it is permeated by sexual innuendo; insults or abusive comments directed at an individual or group based on gender, race, nationality, sexual orientation, or other protected status; or gratuitous comments regarding gender, race, sexual orientation, or other protected statuses that are not relevant to the subject matter of the class or activities on the job. A hostile environment can arise from:

- a. An unwarranted focus on sexual topics or sexually suggestive statements in the classroom or work environment; or
- b. An unwarranted focus on, or stereotyping of particular racial or ethnic groups, sexual orientations, genders, or other protected statuses.

An environment may be hostile toward anyone who merely witnesses unlawful harassment in their immediate surroundings, although the conduct is directed at others. The determination of whether an environment is hostile is based on the totality of the circumstances, including such factors as the frequency of the conduct, the severity of the conduct, whether the conduct is humiliating or physically threatening, and whether the conduct unreasonably interferes with an individual's learning or work activities.

B. Sexual Harassment

1. In addition to the above forms of harassment, sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature made by someone from, or in, the work or educational setting when:
 - a. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, progress, internship, or volunteer activity;
 - b. Submission to or rejection of the conduct by the individual is used as a basis of employment or academic decisions affecting the individual;
 - c. The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment (as more fully described below); or
 - d. Submission to, or rejection of, the conduct by the individual is used as the basis for any decisions affecting the individual regarding benefits and services, honors, programs, or activities available at or through the District or the colleges.
2. This definition encompasses two kinds of sexual harassment:
 - a. Quid Pro Quo: Quid pro quo sexual harassment occurs when a person in a position of authority makes educational or employment benefits conditional upon an individual's willingness to engage in or tolerate unwanted sexual conduct.
 - b. Hostile Environment: Hostile environment sexual harassment occurs when unwelcome conduct based on a person's gender alters the conditions of an individual's academic or work environment, unreasonably interferes with an individual's academic or work performance, or creates an intimidating, hostile, or abusive learning or work environment. The complainant must subjectively perceive the environment as hostile, and the harassment must be such that a reasonable person of the same gender would perceive the environment as hostile. A single or isolated incident of sexual harassment may be sufficient to create a hostile environment if it unreasonably interfered with the person's academic or work performance or created an intimidating, hostile, or offensive learning or working environment.

C. Sexually harassing conduct can occur between people of the same or different genders. The standard for determining whether conduct constitutes sexual harassment is whether a reasonable person of the same gender as the complainant would perceive the conduct as harassment based on sex.

D. Consensual Relationships

Romantic and/or sexual relationships between either employees of the District or between an employee and a student where there is an inherent imbalance of power and/or the potential for exploitation are prohibited.

1. Employee-to-Employee

Consensual romantic and/or sexual relationships between employees of the District have the potential for creating negative conflicts that can affect the work and/or educational environment. Thus, individuals serving in supervisory roles are prohibited from engaging in consensual relationships with subordinates.

2. Employee-to-Student

Faculty members are prohibited from engaging in consensual romantic and/or sexual relationships with students enrolled in their class or other direct instructional oversight. Administrators, staff, or other employees who have a supervisory role over a student are similarly prohibited from engaging in consensual romantic and/or sexual relationships with those students.

Conflicts of interest may arise if the administrator, faculty member, or staff member must evaluate the employee's or student's work or make decisions affecting the employee or student. The relationship may create an appearance of impropriety and lead to charges of favoritism by other students or employees. A consensual sexual relationship may change, with the result that sexual conduct that was once welcome becomes unwelcome and harassing.

In the event that such relationships do occur, the District has the authority to transfer and or change an assignment of any involved employee, to eliminate or attenuate the supervisory authority of one over the other, or of a faculty member over a student. Such action by the District is a proactive and preventive measure to avoid possible charges of harassment and does not constitute discipline against any affected employee.

E. Academic Freedom

No provision of this Administrative Regulation shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. Freedom of speech and academic freedom are, however, not limitless and this regulation will not protect speech or expressive conduct that violates federal or California anti-discrimination laws.

V. REPORTING AND FILING COMPLAINTS

- A. The law prohibits coworkers, supervisors, managers, and third parties with whom an employee comes into contact from engaging in harassment, discrimination, or retaliation. Any person who has suffered or has learned of harassment, discrimination, or retaliation, may report harassment, discrimination, or retaliation. Complainants have the option of filing a Complaint.

B. Responsible Employees

All responsible employees are required to report all actual or suspected sexual harassment to the Vice Chancellor, Human Resources or designee immediately. A responsible employee is any employee who has the authority to take action to redress sexual harassment or provide supportive measures to students, or who has been given the duty of reporting

incidents of sexual harassment to an appropriate District official who has that authority. Responsible employees include:

1. Chancellor
2. Vice Chancellors
3. Presidents of Irvine Valley College and Saddleback College
4. Vice Presidents
5. Deans
6. Assistant Deans
7. Title IX Coordinator
8. Title IX Officers
9. Directors of Student Life
10. Coaches of any student athletic or academic team or activity
11. Faculty members (all full and part-time academic employees)
12. All supervisors and managers
13. Sworn personnel of the campus police department

C. Confidential Reporting

An employee who is employed as a therapist, physician, psychotherapist, member of the clergy, sexual assault counselor, domestic violence counselor, or other individual acting in a formal professional capacity for which confidentiality is mandated by law is exempt from having to report sexual harassment concerns to the Title IX Coordinator or other designated employee, unless otherwise required by law.

An employee who is not considered a responsible employee must inform each student who provides them with information regarding sexual harassment of the student's ability to report to a responsible employee and direct the student to those specific reporting resources.

D. Outreach for Students

When a responsible employee reports actual or suspected sexual harassment involving students to the vice president for student services or designee, the Vice Chancellor, Human Resources or designee will assess the report of sexual harassment and provide outreach, as appropriate, to each identifiable student who is alleged to be the victim of the reported conduct.

The outreach shall include all of the following information:

1. The District received a report that the student may have been a victim of sexual harassment;

2. A statement that retaliation for filing a complaint or participating in the complaint process, or both, under this procedure is prohibited;
3. Counseling resources within the District or in the community;
4. Where a crime may have occurred, notice that the student has the right, but not the obligation, to report the matter to law enforcement;
5. The District's complaint and investigation procedures established pursuant to this procedure;
6. Potential interim measures, such as no-contact directives, and academic schedule changes, where applicable;
7. The importance of preserving evidence;
8. A request for the student to meet with the Title IX coordinator or other designated employee to discuss options for responding to the report; and
9. The manner in which the District responds to reports of sexual harassment and a description of potential disciplinary consequences.

The District shall consider and respond to requests for accommodations relating to prior incidents of student sexual harassment that could contribute to a hostile educational environment or otherwise interfere with a student's access to education where both individuals are, at the time of the request, subject to the District's policies.

E. Complaints

A Complaint is a written or verbal statement filed with the District that alleges harassment, discrimination, or retaliation in violation of the District's board policies, administrative regulations, or in violation of state or federal law. Complaints must be filed with the Vice Chancellor, Human Resources unless the party submitting the Complaint alleges discrimination, harassment, or retaliation against the responsible District officer, in which case it should be submitted directly to the Chancellor.

The District may request, but shall not require the complainant to submit a Complaint on the form prescribed by the Chancellor of the California Community Colleges. A complainant shall report a verbal Complaint to the Vice Chancellor, Human Resources or designee. The Vice Chancellor, Human Resources or designee shall record the verbal Complaint in writing. The Vice Chancellor, Human Resources or designee will take steps to ensure the writing accurately reflects the facts alleged by the complainant.

A Complaint must meet each of the following criteria:

1. It must allege facts with enough specificity to show that the allegations, if true, would constitute a violation of District policies or regulations prohibiting discrimination, harassment, or retaliation;
2. The complainant must file any Complaint not involving employment within one year of the date of the alleged discriminatory, harassing, or retaliatory conduct or within one year of the date on which the complainant knew or should have known of the facts underlying the allegation(s) of discrimination, harassment, or retaliation; and

3. The complainant must file any Complaint alleging discrimination, harassment, or retaliation in employment within 180 days of the date of the alleged discriminatory, harassing, or retaliatory conduct, except that this period shall be extended by no more than 90 days following the expiration of the 180 days if the complainant first obtained knowledge of the facts of the alleged violation after the expiration of the 180 days.

If the Complaint does not meet the requirements set forth above, the Vice Chancellor, Human Resources or designee will notify the complainant within 14 days that the complaint does not contain allegations of unlawful discrimination that are sufficient under this procedure to trigger an investigation. The Vice Chancellor, Human Resources or designee will specify why the complaint is defective.

If the defect is based on the complainant's failure to state sufficient facts to support a claim of unlawful discrimination, the Vice Chancellor, Human Resources or designee shall offer the complainant an opportunity to proffer additional facts to support their claims through an intake interview, which shall be scheduled as soon as reasonably convenient for the complainant and Vice Chancellor, Human Resources or designee.

If, after the intake interview, the Vice Chancellor, Human Resources or designee determines that the complainant has still not stated sufficient facts to support a claim of unlawful discrimination, the Vice Chancellor, Human Resources or designee shall provide the complainant with a written determination explaining the basis for dismissing the complaint within 14 days of the intake interview. The Vice Chancellor, Human Resources or designee must also notify the complainant of their right to appeal this determination directly to the Chancellor of the California Community Colleges within 30 days from the date of the notice of dismissal.

F. Oversight of Complaint Process

The Vice Chancellor, Human Resources is the "responsible District officer" charged with receiving Complaints of discrimination or harassment and coordinating their investigation. The investigation of Complaints must be assigned by the Vice Chancellor, Human Resources to a neutral investigator. A neutral investigator means an outside investigator or an internal investigator who is not in the chain of command of the respondent, not substantially implicated by the allegations in the complaint, and who is otherwise impartial. Neutral investigators must be properly trained to conduct such investigations.

G. Who May File a Complaint

Any student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes they have been discriminated against or harassed by a student, employee, or third party in violation of this regulation and the related policy.

H. Where to File a Complaint

A student, employee, parent of a minor, or an individual with legal authority on behalf of a student or employee who believes they have been discriminated against or harassed in violation of policy and this regulation may make a Complaint orally or in writing directed to the Vice Chancellor, Human Resources or designee. Complainants may, but are not required to, use the form prescribed by the Chancellor of the California Community Colleges. These forms are available from any of the following:

1. The Vice Chancellor, Human Resources, if the complainant is an employee;
2. The vice president for student services, if the complainant is a student;
3. District's Human Resources website; and
4. California Community Colleges Chancellor's Office website.

Any District employee who receives a harassment or discrimination Complaint shall notify the Vice Chancellor, Human Resources immediately.

I. Advisers in Student Harassment Complaints

Student parties in Complaints involving sexual harassment are permitted to have a support person or adviser accompany them during any stage of the Complaint process described in this regulation. Student parties in Complaints involving sexual harassment have the right to consult with an attorney, at their own expense, at any stage of the Complaint process if they wish to do so. An attorney may serve as a support person or adviser.

J. Filing a Timely Complaint

Since failure to report harassment and discrimination impedes the District's ability to stop the behavior, the District strongly encourages anyone who believes they are being harassed or discriminated against, to file a Complaint. The District also strongly encourages the filing of such Complaints within 30 days of the alleged incident. While all Complaints are taken seriously and will be investigated promptly, delay in filing impedes the District's ability to investigate and remediate.

All supervisors and managers have a mandatory duty to report incidents of harassment and discrimination, the existence of a hostile, offensive, or intimidating work environment, and acts of retaliation.

The District will investigate Complaints involving acts that occur off campus if they are related to an academic or work activity or if the harassing conduct interferes with or limits a student's or employee's ability to participate in or benefit from educational or employment activities.

K. Communicating that the Conduct is Unwelcome

The District encourages faculty, students, and staff to let the offending person know immediately and firmly that the conduct or behavior is unwelcome, offensive, in poor taste, or inappropriate. However, a complainant need not tell the respondent to stop or that the conduct makes them feel uncomfortable.

VI. INTAKE AND PROCESSING OF THE COMPLAINT:

Upon receiving notification of a harassment or discrimination Complaint, the Vice Chancellor, Human Resources or designee shall:

- A. Advise a student complainant that they may file a complaint with the Office for Civil Rights of the U.S. Department of Education and employee complainants may file a complaint with the California Civil Rights Department (formerly Department of Fair Employment and Housing or DFEH) or with the federal Equal Employment Housing or with the federal Equal Employment Opportunity Commission (EEOC). All complainants should be advised that they have a right to file a complaint with local law enforcement. The District must investigate even if the complainant files a complaint with local law enforcement. In addition, the District should ensure that complainants are aware of any available resources, such as counseling and health and mental health services by student health centers on campus.
- B. In matters involving student sexual harassment, provide student parties notice regarding appropriate counseling resources developed and maintained by the District.
- C. Consider whether the District can undertake efforts to informally resolve the charges, including but not limited to mediation, rearrangement of work/academic schedules, and providing informal counseling or training, etc.
- D. Advise all parties that they need not participate in an informal resolution of the Complaint, as described below, and that they have the right to end the informal resolution process at any time. Mediation, even on a voluntary basis, cannot be used to resolve allegations of sexual violence.
- E. Take interim steps to protect a complainant from coming into contact with a respondent, especially if the complainant is a victim of sexual violence. The Vice Chancellor, Human Resources, the responsible District officer, or the designee should notify the complainant of their options to avoid contact with the respondent and allow students to change academic situations as appropriate. For instance, the District may prohibit the respondent from having any contact with the complainant pending the results of the investigation. When taking steps to separate the complainant and respondent, the District shall minimize the burden on the complainant. For example, it is not appropriate to remove complainants from classes while allowing the respondent(s) to remain.
- F. Regardless of whether a Complaint has been filed under this regulation, if the District knows, or reasonably should know, about possible sexual harassment involving individuals subject to the District's policies at the time, the District shall promptly investigate to determine whether the alleged conduct more likely than not occurred, or otherwise respond if the District determines that an investigation is not required.

VII. INTERIM AND SUPPORTIVE MEASURES

- A. Interim measures are individualized services offered as appropriate to either or both the complainant and respondent in an alleged incident of sexual misconduct, prior to an investigation or while an investigation is pending.
- B. Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the complainant or the respondent regardless of whether a Complaint has been filed.
- C. The District will provide interim or supportive measures to parties as appropriate and as reasonably available.
- D. Interim and supportive measures may include changes to academic or working situation or protective measures such as counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- E. No-Contact Directives
 - 1. When requested by a complainant or otherwise determined to be appropriate, the District shall issue an interim no-contact directive prohibiting the respondent from contacting the complainant during the pendency of the investigation.
 - 2. The District shall not issue an interim mutual no-contact directive automatically, but instead shall consider the specific circumstances of each case to determine whether a mutual no-contact directive is necessary or justifiable to protect the noncomplaining party's safety or well-being, or to respond to interference with an investigation.
 - 3. If the District issues a no-contact directive after making a decision of responsibility, the no-contact directive shall be unilateral and only apply against the party found responsible.
 - 4. Upon the issuance of a mutual no-contact directive, the District shall provide the parties with a written justification for the directive and an explanation of the terms of the directive. Upon the issuance of any no-contact directive, the District shall provide the parties with an explanation of the terms of the directive, including the circumstances, if any, under which violation could be subject to disciplinary action.

VIII. STUDENT COMPLAINANT REQUESTS FOR CONFIDENTIALITY

- A. If a student complainant requests confidentiality when reporting sexual harassment, which could preclude a meaningful investigation or potential discipline of the respondent, or that no investigation or disciplinary action be pursued to address alleged sexual harassment, the District shall take the request seriously, while at the same time considering its responsibility to provide a safe and nondiscriminatory environment for all students, including for the complainant. The District shall normally grant the request when possible.

- B. In determining whether to disclose a complainant's identity or proceed to an investigation over the objection of the complainant, the District may consider whether any of the following apply:
1. There are multiple or prior reports of sexual misconduct against the respondent;
 2. The respondent reportedly used a weapon, physical restraints, or engaged in battery;
 3. The respondent is a faculty or staff member with oversight of students;
 4. There is a power imbalance between the complainant and respondent;
 5. The complainant believes that the complainant will be less safe if the complainant's name is disclosed or an investigation is conducted; and
 6. The District is able to conduct a thorough investigation and obtain relevant evidence in the absence of the complainant's cooperation.
- C. If the District determines that it can honor the student complainant's request for confidentiality, it shall still take reasonable steps to respond to the Complaint, consistent with the request, to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the complainant. The District shall also take immediate steps to provide for the safety of the complainant while keeping the complainant's identity confidential as appropriate. The District shall notify the complainant that the steps the District will take to respond to the Complaint will be limited by the complainant's request for confidentiality.
- D. If the District determines that it must disclose the student complainant's identity to the respondent or proceed with an investigation, it shall inform the complainant prior to making this disclosure or initiating the investigation. The District shall also take immediate steps to provide for the safety of the complainant where appropriate. In the event the complainant requests that the District inform the respondent that the complainant asked the District not to investigate or seek discipline, the District shall honor this request.

IX. INVESTIGATION

The Vice Chancellor, Human Resources, the responsible District officer, or designee shall:

- A. Provide notice to student parties to a sexual harassment complaint that the District is conducting an investigation. The notice shall include the allegations against the respondent and the alleged District policy violations under review. If new allegations that arise during the course of the District's investigation that could subject either student party to new or additional discipline or corrective action, the Vice Chancellor, Human Resources, the responsible District officer, or designee shall provide a supplemental notice to the student parties.
- B. Authorize the investigation of the Complaint, and supervise or conduct a thorough, prompt and impartial investigation of the Complaint, as set forth below. Where the parties opt for informal resolution, the designated officer will determine whether further investigation is necessary to ensure resolution of the matter and utilize the investigation process outlined

below as appropriate. The investigation will include interviews with the complainant, the respondent, and any other persons who may have relevant knowledge concerning the Complaint. This may include complainants of similar conduct.

- C. Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment, or other unlawful discriminatory conduct, giving consideration to all factual information and the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.

D. Investigation of the Complaint

The District shall promptly investigate every Complaint. No claim of workplace or academic harassment or discrimination shall remain unexamined. This includes Complaints involving activities that occur off campus and in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities, in a District vehicle, or at a class or training program sponsored by the District at another location. The District shall promptly investigate Complaints of harassment or discrimination that occur off campus if the alleged conduct creates a hostile environment on campus. The District shall notify the complainant that the District will commence an impartial fact-finding investigation of the allegations contained in the Complaint.

As set forth above, where the parties opt for an informal resolution, the Vice Chancellor, Human Resources or designee may limit the scope of the investigation, as appropriate. The District will keep the investigation confidential to the extent possible, but cannot guarantee absolute confidentiality because release of some information on a "need-to-know-basis" is essential to a thorough investigation. When determining whether to maintain confidentiality, the District may weigh the request for confidentiality against the following factors: the seriousness of the alleged harassment; the complainant's age; whether there have been other harassment complaints about the same individual; and the respondent's rights to receive information about the allegations if the information is maintained by the District as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.15. The District will inform the complainant if it cannot maintain confidentiality.

E. Investigation Steps

The District will fairly and objectively investigate harassment and discrimination Complaints. Employees designated to serve as investigators under this regulation shall have adequate training on what constitutes sexual harassment, including sexual violence, and how the District's grievance process operates. The investigator may not have any real or perceived conflicts of interest and must be able to investigate the allegations impartially using trauma-informed investigation techniques.

The investigation and adjudication of alleged misconduct under this regulation is not an adversarial process between the complainant, the respondent, and the witnesses, but rather a process for the District to comply with its obligations under existing law. The

complainant does not have the burden to prove, nor does the respondent have the burden to disprove, the underlying allegation or allegations of misconduct.

Investigators will use the following steps: interviewing the complainant(s); interviewing the respondent(s); identifying and interviewing witnesses and evidence identified by each party; identifying and interviewing any other witnesses, if needed; reminding all individuals interviewed of the District's no-retaliation policy; considering whether any involved person should be removed from the campus pending completion of the investigation; reviewing personnel/academic files of all involved parties; reaching a conclusion as to the allegations and any appropriate disciplinary and remedial action; and seeing that all recommended action is carried out in a timely fashion. When the District evaluates the Complaint, it shall do so using a preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the District will decide whether it is more likely than not that discrimination or harassment has occurred. Student complainants should be aware that any evidence available but not disclosed during the investigation might not be considered at a subsequent hearing, if a hearing is required under this regulation.

F. Timeline for Completion

The District will undertake its investigation promptly and swiftly as possible. To that end, the investigator shall complete the above steps, prepare a written report, and the District shall notify the complainant and respondent of the outcome within 90 days of the District receiving the Complaint. The District will toll the timeline while the Parties are engaged in good faith efforts at informal resolution.

G. Cooperation Expected

All employees are expected to cooperate with a District investigation into allegations of harassment or discrimination. Lack of cooperation impedes the ability of the District to investigate thoroughly and respond effectively. However, lack of cooperation by a complainant or witnesses does not relieve the District of its obligation to investigate. The District will conduct an investigation if it is discovered that harassment is, or may be occurring, with or without the cooperation of the complainant(s) and regardless of whether a Complaint is filed. No employee will be retaliated against as a result of lodging a Complaint or participating in any workplace investigation.

H. Written Report

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

1. A description of the circumstances giving rise to the Complaint;
2. A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed;
3. A summary of testimony provided by each witness with information relevant to the allegations, including the complainant ;

4. An explanation of why an identified potential witness was not interviewed;
5. An analysis of any relevant data or other evidence collected during the investigation, including a list of relevant documents;
6. A specific finding as to whether each factual allegation in the Complaint occurred based on the preponderance of the evidence standard;
7. A table of contents if the report exceeds ten pages; and
8. Any other information deemed appropriate by the District.

I. Confidentiality of the Process

Investigations are best conducted within a confidential climate. Therefore, the District does not reveal information about ongoing investigations except as necessary to fulfill its legal obligations. The District will keep the investigation confidential to the extent possible, but it cannot guarantee absolute confidentiality because release of some information on a “need-to-know-basis” is essential to a thorough investigation and to protect the rights of student and employee respondents during the investigation process and any ensuing discipline.

J. Administrative Determination

1. Non-employment Discrimination

In any case not involving employment discrimination, within 90 days of receiving a Complaint, the District shall complete its investigation and forward a copy or summary of the report, and written notice to the complainant setting forth all of the following:

- a. The determination of the Chancellor or designee as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on a preponderance of the evidence standard and the basis for that determination including factual findings;
- b. In the event a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
- c. The proposed resolution of the Complaint;
- d. The complainant's right to appeal the determination to the Board and the California Community Colleges Chancellor's Office; and
- e. In matters involving student sexual misconduct, the respondent's right to appeal to the Board any disciplinary sanction imposed upon the respondent.

2. Employment Discrimination

In any case involving employment discrimination, within 90 days of receiving a Complaint, the District shall complete its investigation and forward a copy or summary of the report and written notice to the complainant setting forth all of the following:

- a. The determination of the Chancellor or designee as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on the preponderance of the evidence standard and the basis for that determination including factual findings;
 - b. If a discrimination allegation is substantiated, a description of actions taken, if any, to prevent similar acts of unlawful discrimination from occurring in the future;
 - c. The proposed resolution of the Complaint; and
 - d. The complainant's right to appeal the determination to the Board and to file a complaint with the California Civil Rights Department (formerly Department of Fair Employment and Housing) or the U.S Equal Employment Opportunity Commission.
3. The District shall also provide the respondent with the following:
- a. The determination of the Chancellor or designee as to whether unlawful discrimination occurred with respect to each allegation in the Complaint based on a preponderance of the evidence standard and the basis for that determination including factual findings;
 - b. The proposed resolution of the Complaint, including any disciplinary action taken against the respondent; and
 - c. In matters involving student sexual misconduct not subject to Title IX, the respondent's right to appeal to the Board any disciplinary sanction imposed upon the respondent.

The District will toll the timelines described above while the Parties are engaged in good faith efforts at informal resolution.

In matters involving an academic employee placed on involuntary paid administrative leave, the District shall complete its investigation within 90 working days of the administrative leave commencing, unless the period of paid administrative leave is extended by agreement of the employee and District for a period not exceeding 30 additional calendar days.

K. Discipline for Student Sexual Misconduct Not Subject to Title IX

In a Complaint involving student sexual misconduct not subject to Title IX (as defined in Administrative Regulation 3433 *Sexual Harassment Prevention and Complaints Under Title IX*), if a student respondent is subject to severe disciplinary sanctions, and the credibility of witnesses was central to the investigative findings, the District will provide an opportunity for the student respondent to cross-examine witnesses indirectly at a live hearing, either in person or by videoconference, conducted by a neutral decision-maker other than the investigator.

In other Complaints involving sexual harassment against a student, the District shall decide whether a hearing is necessary to determine whether any sexual violence more likely than not occurred. In making this decision, the District may consider whether the parties elected

to participate in the investigation and whether each party had the opportunity to suggest questions to be asked of the other party and witnesses during the investigation.

The District shall appoint a neutral third party to attend the hearing solely for the purpose of asking any questions to the witnesses. The neutral third party shall not be the student respondent, the student respondent's representative, or any individual charged with making a final determination regarding discipline. The student respondent may submit written questions before and during the cross-examination, including any follow-up questions. Either party or any witness may request to answer the questions by videoconference from a remote location.

At the hearing, the other party shall have an opportunity to note an objection to the questions posed. The District may limit such objections to written form, and neither the hearing officer nor the District are obligated to respond, other than to include any objection in the record. The hearing officer shall have the authority and obligation to discard or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. In making these determinations, the hearing officer is not bound by, but may take guidance from, the formal rules of evidence.

Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation and that was available at the time of the investigation. However, the hearing officer has discretion to accept for good cause, or exclude, such new evidence offered at the hearing.

The hearing officer shall provide an explanation of the meaning of the preponderance of the evidence standard, and affirm that it shall apply to adjudications under this procedure. The preponderance of the evidence standard is met if the District determines that it is more likely than not that the alleged misconduct occurred, based on the facts available at the time of the decision.

L. Discipline and Corrective Action

If harassment, discrimination, or retaliation occurred in violation of policy or this regulation, the District shall take appropriate disciplinary action against the respondent and any other remedial action it determines to be appropriate consistent with state and federal law. The action will be prompt, effective, and commensurate with the severity of the offense.

1. Possible disciplinary sanctions for student respondents might include, but are not limited to:
 - a. Written or verbal reprimand;
 - b. Required training or counseling;
 - c. Non-academic probation;
 - d. Suspension; and
 - e. Expulsion;

2. Possible disciplinary sanctions for employee respondents might include, but are not limited to:
 - a. Written or verbal reprimand;
 - b. Required training or counseling;
 - c. Demotion/reassignment;
 - d. Suspension (paid or unpaid); or
 - e. Termination.
3. Remedies for the complainant might include, but are not limited to:
 - a. Providing an escort to ensure that the complainant can move safely between classes and activities;
 - b. Ensuring that the complainant and respondent do not attend the same classes or work in the same work area;
 - c. Preventing offending third parties from entering campus;
 - d. Providing counseling services by the student health centers on campus or a referral to counseling services by student health centers;
 - e. Providing medical services or a referral to medical services;
 - f. Providing academic support services, such as tutoring;
 - g. Arranging for a student complainant to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
 - h. Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined.

If the District imposes discipline, the nature of the discipline will not be communicated to the complainant. However, the District may disclose information about the sanction imposed on an individual who was found to have engaged in harassment when the sanction directly relates to the complainant; for example, the District may inform the complainant that the respondent must stay away from the complainant.

Disciplinary actions against faculty, staff, and students will conform to all relevant statutes, regulations, personnel policies and regulations, including the provisions of any applicable collective bargaining agreement.

The District shall also take reasonable steps to protect the complainant from further harassment, or discrimination, address the hostile environment, if one has been created, prevent its recurrence, address its effects, and protect the complainant, respondent, and witnesses from retaliation as a result of communicating the Complaint or assisting in the investigation. The District will ensure that complainants and witnesses know how to report any subsequent problems, and should follow-up with complainants to determine whether any retaliation or new incidents of harassment have occurred. The District shall take

reasonable steps to ensure the confidentiality of the investigation and to protect the privacy of all parties to the extent possible without impeding the District's ability to investigate and respond effectively to the Complaint.

If the District cannot take disciplinary action against the respondent because the complainant refuses to participate in the investigation, it should pursue other steps to limit the effects of the alleged harassment and prevent its recurrence.

X. APPEALS

If the District imposes discipline against a student or employee as a result of the findings in its investigation, the student or employee may appeal the decision using the process for appealing a disciplinary decision.

If the complainant is not satisfied with the results of the administrative determination, they may, within 30 days, submit a written appeal to the Board.

In a Complaint involving student sexual misconduct not subject to Title IX, a respondent who is not satisfied with the results of the administrative determination may submit a written appeal to the District's Board of Trustees within 30 days.

The Board shall review the original Complaint, the investigative report, the administrative decision, and the appeal. The Board shall issue a final District decision in the matter within 45 days after receiving the appeal. A copy of the decision rendered by the Board shall be forwarded to the complainant and respondent. The complainant shall also be notified of their right to appeal this decision.

If the Board does not act within 45 days, the administrative determination shall be deemed approved on the forty-sixth day and shall become the final decision of the District in the matter. The District shall promptly notify the complainant and the respondent of the Board's action, or if the Board took no action, that the administrative determination is deemed approved.

In any case not involving workplace discrimination, harassment, or retaliation, the complainant shall have the right to file a written appeal with the California Community Colleges Chancellor's Office within 30 days after the Board issued the final District decision or permitted the administrative decision to become final. Such appeals shall be processed pursuant to the provision of Section 59350 of Title 5 of the California Code of Regulations.

In any case involving employment discrimination, including workplace harassment, the complainant may, at any time before or after the issuance of the final decision of the District, file a complaint with the Civil Rights Department (formerly Department of Fair Employment and Housing).

In any complaint dismissed pursuant to Title 5 Section 59332, a complainant may file a written appeal with the California Community Colleges Chancellor's Office within 30 days from the date of the notice of dismissal.

XI. REMAND

The California Community Colleges Chancellor's Office may remand any matter to the District for any of the following reasons: to cure defects in the investigation or in procedural compliance; to consider new evidence not available during the investigation despite the complainant's due diligence that would substantially impact the outcome of the investigation; or to modify or reverse a decision of the Board based upon misapplication of an applicable legal standard or an abuse of discretion.

If the California Community Colleges Chancellor's Office remands a matter to the District, the District shall take necessary action and issue a decision after remand within 60 days. In any case not involving employment discrimination, the complainant may appeal the District's amended determination to the California Community Colleges Chancellor's Office within 30 days by following the appeal procedures above.

XII. EXTENSIONS OF TIME

A student complainant or respondent may request, in writing, an extension of a deadline related to a Complaint during periods of examinations or school closures. The District shall grant a student party's reasonable request for an extension of a deadline related to a Complaint during periods of examinations or school closures.

If the District is unable to comply with the 90-day deadline, the District may extend the time to respond by up to 45 additional days. An extension may be taken by the District only once without permission from the California Community Colleges Chancellor's Office, and must be necessary for one of the following reasons:

- A. A need to interview a party or witness who has been unavailable;
- B. A need to review or analyze additional evidence, new allegations, or new complaints related to the matter; or
- C. To prepare and finalize an administrative determination.

The District shall send a written notice of the extension of time to the complainant and to a respondent who is aware of an investigation indicating the necessity of an extension, the justification for the extension, and the number of days the deadline will be extended. The District shall send this notice no later than 10 days prior to the initial time to respond.

The District may request additional extensions from the California Community Colleges Chancellor's Office after the initial 45-day extension. The District shall send a copy of the extension request to the complainant and to the respondent who is aware of an investigation. The complainant and respondent may each file a written objection with the California Community Colleges Chancellor's Office within five days of receipt.

The extension of time provisions described above do not apply to investigations involving an academic employee placed on involuntary paid administrative leave.

XII. DISCLOSURES TO THE CALIFORNIA COMMUNITY COLLEGES CHANCELLOR'S OFFICE

Upon request of the California Community Colleges Chancellor's Office, the District shall provide copies of all documents related to a discrimination Complaint, including the following: the original Complaint, any investigative report unless subject to the attorney-client privilege, the written notice to the complainant setting forth the results of the investigation, the final administrative decision rendered by the Board or a statement indicating the date upon which the decision became final, and a copy of the notification to the complainant of their appeal rights, the complainant's appeal of the District's administrative determination, and any other non-privileged documents or information the Chancellor requests.

The District shall provide to the California Community Colleges Chancellor's Office an annual report with the following information: the number of employment and non-employment discrimination complaints and informal charges received in the previous academic year; the number of complaints and informal charges resolved in the previous academic year; the number of complaints of unlawful discrimination received in the previous academic year, and the number of those complaints that were sustained in whole or in part; and any other information requested by the Chancellor.

XIII. FILE RETENTION

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

- A. the original complaint;
- B. the investigatory report;
- C. the summary of the report if one is prepared;
- D. the notice provided to the complainant, of the District's administrative determination and their right to appeal;
- E. any appeal; and
- F. the District's final decision.

For any appeal to the California Community Colleges Chancellor's Office, the District shall provide all relevant, non-privileged documents upon request to the Chancellor of the California Community Colleges.

XIV. DISSEMINATION OF POLICY AND REGULATIONS

District policy and regulations related to harassment will include information that specifically addresses sexual violence. District policy and regulations will be provided to all students, all employees, all volunteers who regularly interact with students, and each individual or entity under contract with the District to perform any service involving regular interaction with students at the District, and will be posted on campus and on the District website.

When hired, employees are required to sign that they have received the policy and regulations, and the signed acknowledgment of receipt is placed in each employee's personnel file. In addition,

these policies and regulations are incorporated into the District's course catalogs and orientation materials for new students.

XV. TRAINING

A. For Employees

The District shall provide sexual harassment training and education to each employee once every two years.

The training and education required by this regulation shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to complainants of sexual harassment in employment, a review of “abusive conduct,” and harassment based on gender identity, gender expression, and sexual orientation. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation. Supervisor’s harassment training must also address potential exposure and liability for employers and individuals, supervisor’s obligation to report sexual harassment, discrimination, and retaliation when they become aware of it, and appropriate remedial measures to correct harassing behavior.

Training for responsible employees must also address the responsible employee’s obligation to report sexual harassment and instruction on how to report sexual harassment to the responsible District officer.

The District will also provide comprehensive, trauma-informed training to each employee involved in the District’s sexual harassment or discrimination grievance procedure including investigating and adjudicating Complaints involving sexual violence, sexual assault, domestic violence, dating violence, and stalking. This training shall include information on trauma-informed investigatory and hearing practices that help ensure an impartial and equitable process, best practices for assessment of a sexual harassment or sexual violence complaint, best practices for questioning of the complainant, respondent, and witnesses, and implicit bias and racial inequities, both broadly and in school disciplinary processes. Materials for this training shall include statistics on the prevalence of sexual harassment and sexual violence in the educational setting, and the differing rates at which students experience sexual harassment and sexual assault in the educational setting based on their race, sexual orientation, disability, gender, and gender identity.

The District will maintain appropriate records of the training provided, including the names of the supervisory employees trained, the date of training, sign in sheets, copies of all certificates of attendance or completion issued, the type of training provided, a copy of all written or recorded training materials, and the name of the training provider. If the training is provided by webinar, the District will maintain a copy of the webinar, all written materials used by the training and all written questions submitted during the webinar, and document all written response or guidance the trainer provided during the webinar. The District will retain these records for at least two years.

The District will also provide training to students who lead student organizations. The District should provide copies of the sexual harassment policies and training to all District law enforcement unit employees regarding the grievance processes and any other processes used for investigating reports of sexual violence.

In years in which a substantive policy or regulatory change has occurred, all District employees will attend a training update or receive a copy of the revised policies and regulations.

Participants in training programs will be required to sign a statement that they have either understood the policies and regulations, their responsibilities, and their own and the District's potential liability, or that they did not understand the policy and desire further training.

B. Education and Prevention for Students

In order to take proactive measures to prevent sexual harassment and violence toward students, the District will provide preventive education programs and make victim resources, including comprehensive victim services, available. The District will include such programs in their orientation programs for new students, and in training for student athletes and coaches. These programs will include discussion of what constitutes sexual harassment and sexual violence, the District's policies and disciplinary procedures, and the consequences of violating these policies. A training program or informational services will be made available to all students at least once annually.

The education programs will also include information aimed at encouraging students to report incidents of sexual violence to the appropriate District and law enforcement authorities. Since complainants or third parties may be deterred from reporting incidents if alcohol, drugs, or other violations of District or college rules were involved, the District will inform students that the primary concern is for student safety and that use of alcohol or drugs never makes the complainant at fault for sexual violence.

An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

SEXUAL AND OTHER RELATED ASSAULTS ON CAMPUS AND IN CAMPUS PROGRAMS

Any sexual assault or physical abuse including, but not limited to, rape, domestic violence, dating violence, sexual assault, or stalking, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District, whether those programs take place in the District's facilities or at another location, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures (See also, Board Policy (BP) and Administrative Regulation (AR) 3433 – *Sexual Harassment Prevention and Complaints Under Title IX*; BP/AR 5500 – *Standards of Student Conduct and Discipline Procedures*; and BP/AR – 3510 *Workplace Violence*)

I. DEFINITIONS

- A. "Sexual assault," "dating violence," "domestic violence," and "stalking" are defined in AR 3433 – *Sexual Harassment Prevention and Complaints under Title IX*.
- B. It is the responsibility of each person involved in sexual activity to ensure that they have the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent.
- C. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

"Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.

II. DISCIPLINARY SANCTIONS EXEMPTION

The District understands that students may be reluctant to file complaints of sexual assault or other violation of this policy or regulation when alcohol and/or drugs are involved. Whenever possible, the District will respond educationally, rather than punitively, to the use of drugs and/or alcohol so as to promote the reporting of sexual assault or other violation of this regulation. However, the District reserves the right to use other remedies dependent upon the severity of the alcohol or drug use. An individual who participates as a complainant or witness in an investigation of sexual assault or other violations of this regulation will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the reported incident, unless the District determines that the violation was egregious, including, but not limited to, an action

that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

III. PROCEDURES AND PROTOCOLS

- A. These written regulations and protocols are designed to ensure victims of domestic violence, dating violence, stalking or sexual assault receive treatment and information. (For physical assaults/violence, see also AR 3433 *Sexual Harassment Prevention and Complaints under Title IX* and AR-3430 *Unlawful Harassment and Discrimination Prevention and Complaints*)
- B. All students, faculty members, or staff members who allege they are the victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be provided with information regarding options and assistance available to them. Information shall be available from the Vice President for Student Services, or designee, who shall maintain the identity of other information about alleged sexual assault victims as confidential unless and until the Vice President for Student Services is authorized to release such information. The Vice President for Student Services shall identify their designees by position title in the District's procedures or protocols.
- C. The Title IX Coordinator, Title IX Officer, deputy, or designee, shall provide all alleged victims of domestic violence, dating violence, sexual assault, or stalking with the following:
 - 1. A copy of the District's policy and regulation, regarding domestic violence, dating violence, sexual assault, or stalking;
 - 2. A list of personnel on campus, by position title and name, who should be notified and procedures for such notification, if the alleged victim consents. This information must be updated from time-to-time to reflect changes in personnel.
 - a. The District's Title IX Coordinator, Karen Dubert, District Director of Employee Relations and Title IX Compliance, located in District Human Resources (third floor of Saddleback College Health Sciences Building).
 - b. The Irvine Valley College ("IVC") Title IX Officer is Dr. Martha McDonald, Vice President for Student Services, located in the Administration Building (A 100).
 - c. The Saddleback College ("SC") Title IX Officer is Dr. Jennifer LaBounty, Vice President for Student Services, located in the Administration Building (Room 126).
 - 3. Information about the importance of preserving evidence and the identification and location of witnesses;
 - 4. A description of available services, and the persons on campus available to provide those services if requested, including but not limited to the following:
 - a. Transportation to a hospital, if necessary;

- b. Availability of counseling services on campus provided by student health centers on campus, if available, or referral to the counseling center for academic support;
 - c. Notification to IVC Campus Police, SC Police Department, or local law enforcement. Anonymous reporting is available;
 - d. Immediate referral to the IVC Health and Wellness Center or SC Student Health Center for advocacy and counseling resources or referral to a counseling center for academic support;
 - e. A list of other available campus resources or appropriate off-campus resources through the Title IX Coordinator.
 - f. Off-campus resources: Waymakers of OC, Community Service Program – Sexual Assault/Rape Crisis Hotline, Sexual Assault Victim Services (SAVS), South and North Orange County, LGBTQ Center OC, Domestic Violence Assistance Program Community Service Programs, Interval House Hotline, and Laura’s House Hotline;
 - g. The victim’s option to:
 - i. Notify proper law enforcement authorities, including on-campus and local police;
 - ii. Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and
 - iii. Decline to notify such authorities;
 - h. Information about the participation of victim advocates and other supporting people;
 - i. The rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, or similar lawful orders issued by a court;
 - j. Information about how the District will protect the confidentiality of victims; and
 - k. Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
5. A description of each of the following options:
- a. Counselors and support services for victims;
 - b. Criminal prosecution;
 - c. Civil prosecution (i.e., lawsuit);
 - d. District disciplinary procedures, both student and employee;
 - e. Availability of medication;
 - f. Modification of class schedules;

- g. Tutoring, if necessary;
 - h. Alternative dispute resolution or other accountability processes; and
 - i. Academic assistance alternatives.
- D. The Title IX Coordinator, Title IX Officer, deputy, or designee should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

IV. INVESTIGATIONS

The District will investigate all complaints alleging sexual assault under Title IX using the procedures for sexual harassment investigations described in AR 3433 *Sexual Harassment Prevention and Complaints under Title IX*, regardless of whether a complaint is filed with local law enforcement. For other forms of sexual harassment or gender-based harassment, complainants should refer to AR 3430 *Unlawful Harassment and Discrimination Prevention and Complaints*. The District will decide the complaint based on a preponderance of the evidence standard (whether it is more likely than not that the alleged conduct occurred).

All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the Vice President for Student Services, the Office of Human Resources, or designee, of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality consistent with state and federal law.

V. NON-VALID EXCUSES

- A. In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to allege lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:
 - 1. The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused; or
 - 2. The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.
- B. In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:
 - 1. The complainant was asleep or unconscious;
 - 2. The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity; or

3. The complainant was unable to communicate due to a mental or physical condition.

VI. CONFIDENTIALITY

The District shall maintain the identity of any alleged victim, witness, or third-party reporter of domestic violence, dating violence, sexual assault, or stalking on District property, as defined above, in confidence consistent with state and federal law, unless the alleged victim, witness, or third-party reporter specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults on District property shall be referred to the District's Public Affairs and Government Relations office, which shall work with the Vice President for Student Services or the Vice Chancellor of Human Resources or designee, to ensure that all confidentiality rights are maintained.

VII. SEXUAL ASSAULT AND DOMESTIC VIOLENCE COUNSELORS

Sexual assault and domestic violence counselors shall be independent from the office that handles Title IX matters/complaints, and shall, at a minimum, meet the qualifications defined in Sections 1035.2 and 1037.1 of the Evidence Code, respectively.

Services provided by sexual assault and domestic violence counselors, including, but not limited to, securing alternative housing assignments and academic assistance alternatives, shall not be contingent on a victim's decision to report to the college, Office of Human Resources, or law enforcement.

A sexual assault or domestic violence counselor shall obtain specific permission from the victim before disclosing the identity of the victim, or any information that could reasonably be expected to reveal the identity of the victim, to the college or any other authority, including law enforcement, unless otherwise required to do so by applicable state or federal law.

VIII. EDUCATION AND PREVENTION INFORMATION

The President's designee shall:

- A. Provide, as part of each campus(es)' established on-campus orientation program, education, and prevention, and outreach information about, domestic violence, dating violence, sexual assault, and stalking. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations, and shall include the District's sexual assault policy and prevention strategies including empowerment programming for victim prevention, awareness raising campaigns, primary prevention, bystander intervention, and risk reduction.

The outreach programming included as part of an incoming student's orientation must include, at a minimum, all of the following:

1. The warning signs of intimate partner and dating violence;
2. Campus policies and resources relating to intimate partner and dating violence;

3. Off-campus resources and centers relating to intimate partner and dating violence; and
 4. A focus on prevention and bystander intervention training as it relates to intimate partner and dating violence.
- B. Post sexual violence prevention and education information on the campus internet website regarding domestic violence, dating violence, sexual assault, and stalking.

IX. CLERY REPORT

The Annual Security Report will include a statement regarding the District's programs to prevent domestic violence, dating violence, sexual assault, and stalking and procedures that should be followed after an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any District proceeding arising from such a report. The statement must include the following:

- A. A description of educational programs to promote the awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- B. Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- C. Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities;
- D. Information about how the District will protect the confidentiality of victims;
- E. Information for students about existing on and off-campus counseling, mental health, victim advocacy, legal assistance, or other services for victims;
- F. Written notification of victim's options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement;
- G. Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sexual assault, or stalking, including a clear statement that:
 1. Such proceedings shall provide a prompt, fair, and impartial resolution; and
 2. Such proceedings shall be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;
- H. The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding;
- I. Both the accuser and the accused must be informed of the outcome of any institutional

disciplinary proceeding resulting from an alleged domestic violence, dating violence, sexual assault, or stalking, the procedures for the accused and victim to appeal the results of the disciplinary proceedings, of any changes to the results that occurs prior to the time that such results become final, and when such results become final. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act (FERPA). For the purposes of this paragraph, the outcome of a disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused; and

- J. A description of the sanctions the campus may impose following a final determination by a campus disciplinary proceeding regarding rape, acquaintance rape, or other forcible or non-forcible sex offenses, domestic violence, dating violence, or stalking.



WORKPLACE VIOLENCE

The District is committed to providing a safe work environment that is free of violence and the threat of violence.

The purpose of this administrative regulation is to implement the provision of Board Policy 3510 *Workplace Violence*, by defining its components and assigning responsibilities for carrying out the policy.

1. Definitions

- a. “Workplace violence” is any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site. It ranges from threats and verbal abuse to physical assaults including homicide. It can affect and involve employees, students, and visitors. Workplace violence includes, but is not limited to, making written, physical, or visual contact with verbal threats or violent acts. The term workplace violence shall not include lawful acts of self-defense or defense of others.
- b. “Supervisor” shall mean the district administrator/manager to whom the employee (alleged victim) customarily reports.
- c. “Violent acts” include the following actions:
 - Striking, punching, slapping or assaulting another person.
 - Fighting or challenging another person to fight.
 - Grabbing, pinching or touching another person in an unwanted way whether sexually or otherwise.
 - Engaging in dangerous, threatening, or unwanted behavior.
 - Possession, use, or threat of use, of a firearm, knife (having a fixed blade longer than 2 ½ inches), explosive or other dangerous object, including but not limited to any facsimile firearm, knife or explosive, on District property, including parking lots, other exterior premises, District vehicles, or while engaged in activities for the District in other locations, unless such possession or use is a requirement of the job.
 - Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm.
 - Bringing or possessing any dirk, dagger, ice pick, or knife having a fixed blade longer than 2½ inches upon the grounds, unless the person is authorized to possess such a weapon in the course of their employment, has been authorized by a District employee to have the knife, or is a duly appointed peace officer who is engaged in the performance of their duties.

2. Responding to Threats of Violence

The top priority in this process is effectively handling critical workplace incidents, especially those dealing with actual or potential violence.

Violence or the threat of violence against or by any employee of the District or any other person is unacceptable.

Should a non-employee on District property demonstrate or threaten violent behavior, they may be subject to criminal prosecution.

Should an employee demonstrate or threaten violent behavior at anytime, anywhere on District premises, they may be subject to disciplinary action, and/or criminal prosecution.

Any employee who is the victim of any violent threatening or harassing conduct, any witness to such conduct, or anyone receiving a report of such conduct, whether the perpetrator is a District employee or a non-employee, shall immediately report the incident to their supervisor and the Vice Chancellor of Human Resources or designee immediately.

No one, acting in good faith, who initiates a complaint or reports an incident under this regulation will be subject to retaliation or harassment.

Any employee reported to be a perpetrator will be provided both due process and representation before disciplinary action is taken.

In the event the District fears for the safety of the perpetrator or the safety of others at the scene of the violent act, Campus Police will be called.

3. Designation of Responsible Officer

The Vice Chancellor of Human Resources and/or designee is hereby designated as the District's officer responsible for implementing the requirements as set forth in this regulation for the administrative investigation and corrective action to remedy any incidents or alleged incidents of workplace violence.

4. Reporting and Investigating Threats or Violent Behavior

- a. The Vice Chancellor of Human Resources or designee shall ensure a thorough investigation is conducted and that appropriate action is taken should the allegation be substantiated. The Vice Chancellor shall consider whether to seek a temporary restraining order and injunction on behalf of the employee who has suffered the unlawful violence or credible threat of violence and, if appropriate, other District employees.
- b. If an employee reports workplace violence to their supervisor, then the supervisor should assure the employee (alleged victim) that a thorough and prompt administrative investigation will occur. The supervisor shall immediately notify the Office of the Vice Chancellor of Human Resources.
- c. The Vice Chancellor of Human Resources or designee shall conduct the administrative investigation into the alleged violent act and advise the supervisor on any special circumstances required for them to assist with the investigation. Such circumstances may include directing the alleged victim and/or accused employee to remain away from the workplace while the administrative investigation proceeds.
- d. Administrative investigations shall be conducted in a fair and impartial manner. Fairness and due process require that the perpetrator's (accused employee) side of the story be heard.
- e. Upon completion of the administrative investigation, the Vice Chancellor of Human Resources or designee shall implement the appropriate course of action, which may include disciplinary action, and/or confirmation that the accused employee does not pose a direct threat, and/or the initiation of a criminal investigation.

- f. To the extent permitted by law, the Vice Chancellor of Human Resources or designee will notify the employee (alleged victim) on the action taken concerning the incident including the provision of employee assistance counselors to those employees who have been threatened.

5. Defamation Claims

During the administrative investigation, supervisors and their designees shall proceed in a cautious manner, working closely with the Vice Chancellor of Human Resources due to possible claims of defamation by the accused employee. Defamation occurs when a statement, which is communicated to another individual, is false, unprivileged, and causes injury.

6. Training

The Vice Chancellor of Human Resources shall be responsible for scheduling workshops on workplace violence, conflict resolution, and related topics.

7. District Emergency Response Procedures to Workplace Violence

The following are steps that the supervisor should take when dealing with a violent situation:

- a. Call Campus Police emergency line: ATEP/Irvine Valley College, (949) 451-5234; Saddleback College, (949) 582-4444) or local police (911) and refer the incident.
- b. Provide first aid, if necessary (and if qualified).
- c. Immediately notify the office of the Vice Chancellor of Human Resources.
- d. Prepare an Incident Report.
- e. If there are injuries, Campus Police and/or Office of the Vice Chancellor of Human Resources will contact families of victim(s), participants, and others who have the right to know including the Chancellor, college president, and Risk Manager.
- f. As appropriate, provide employee in need of mental health counseling a referral to the Employee Assistance Program.
- g. Working with the office of the Vice Chancellor of Human Resources, initiate appropriate disciplinary action, which may include suspension, and appropriate legal action.



Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking

The District engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

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

- A. A statement that the institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking (as defined by the Clery Act).
- B. The definitions of domestic violence, dating violence, sexual assault and stalking according to any applicable jurisdictional definitions of these terms.
- C. What behavior and actions constitute consent, in reference to sexual activity, in the State of California.
- D. The institution's definition of consent AND the purposes for which that definition is used.

- E. A description of safe and positive options for bystander intervention. Bystander intervention means safe and positive options that may be conducted by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
- F. Information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- G. Information regarding:
 - a. Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault and stalking occurs (as described in “Procedures Victims Should Follow if a Crime of Domestic Violence, Dating Violence, Sexual Assault and Stalking Occurs” elsewhere in this document)
 - b. How the institution will protect the confidentiality of victims and other necessary parties (as described in “Assistance for Victims: Rights and Options” elsewhere in this document).
 - c. Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community (as described in “Assistance for Victims: Rights and Options” elsewhere in this document); and
 - d. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures (as described in “Assistance for Victims: Rights and Options” elsewhere in this document).
 - e. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking (as described in “Adjudication of Violations” elsewhere in this document).

Primary Prevention and Awareness Programs

New students must view an orientation video during the matriculation process that contains information regarding sexual assault and sexual harassment issues and how to report them. The training includes victim rights, reporting procedures, and resource assistance and availability.

The College offered the following **primary prevention and awareness programs** for all **new students** in YEAR: 2024

Name of Program	Date Held	Location Held	Topic Covered*
Sexual Harassment Prevention at your Community College	Mandatory - Complete within six months of the start of the academic year	Online	DoV, DaV, SA, S
Understanding Sexual Harassment & Its Impacts	Mandatory - Complete within six months of the start of the academic year	Online	DoV, DaV, SA, S
Recognizing & Responding to Sexual Harassment	Optional – Continuous	Online	DoV, DaV, SA, S
Preventing Sexual Harassment	Optional – Continuous	Online	DoV, DaV, SA, S
The Title IX Experience	Optional – Continuous	Online	DoV, DaV, SA, S
Welcome Day	Spring and Fall Semester	Main Campus	Crime Awareness and Prevention

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Additionally, the Campus Police Department presents crime awareness and crime prevention programs to Foreign Language Students (FLS) during their initial orientations.

The College offered the following **primary prevention and awareness programs** for all **new employees** in YEAR: 2024

Name of Program	Date Held	Location Held	Topic Covered*
Sexual Harassment Prevention	Upon hire	Online	DoV, DaV, SA, S
Workplace Violence Prevention	Upon hire	Online	Workplace Safety
Campus Police Safety Orientation	Upon hire	District - In Person	Crime Awareness and Prevention

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

For new and existing employees, information regarding ongoing drug/alcohol prevention and awareness programs is covered in Board Policy/Administrative Regulation 3550.



Ongoing Prevention and Awareness Campaigns

The College coordinates and sponsors educational workshops and classes which promote the awareness of rape, acquaintance rape, and other sex offenses. Also, Student Services conducts seminars on what women and men should know about date rape, in addition to discussion groups focusing on campus sexual assaults.

The College offered the following **ongoing awareness and prevention programs** for **students** in YEAR: 2024

Name of Program	Date Held	Location Held	Topic Covered*
Sexual Harassment Prevention at your Community College	Complete annually	Online	DoV, DaV, SA, S
Understanding Sexual Harassment & Its Impacts	Complete annually	Online	DoV, DaV, SA, S
Recognizing & Responding to Sexual Harassment	Optional	Online	DoV, DaV, SA, S
Preventing Sexual Harassment	Optional	Online	DoV, DaV, SA, S
The Title IX Experience	Optional	Online	DoV, DaV, SA, S
Sexual Assault Mental Health Resource Fair	4/23	Main Campus	DoV, DaV, SA, S
Denim Day	4/24	Main Campus	DoV, DaV, SA, S
It's On Us - Sexual Assault Awareness	4/25	Main Campus	DoV, DaV, SA, S
Title IX Open House	4/26	Main Campus	DoV, DaV, SA, S
Health Fair	8/27	Main Campus	Alcohol and Drug Awareness - Prevention
Walk of Hope	9/24	Main Campus	Suicide Awareness - Prevention

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault, and S means Stalking

The College offered the following **ongoing awareness and prevention programs** for **employees** in YEAR: 2024

Name of Program	Date Held	Location Held	Topic Covered*
Sexual Harassment Prevention	Annual	Online	DoV, DaV, SA, S
Sexual Assault Mental Health Resource Fair	4/23	Main Campus	DoV, DaV, SA, S
Denim Day	4/24	Main Campus	DoV, DaV, SA, S
It's On Us - Sexual Assault Awareness	4/25	Main Campus	DoV, DaV, SA, S
Title IX Open House	4/26	Main Campus	DoV, DaV, SA, S
Health Fair	8/27	Main Campus	Alcohol and Drug Awareness - Prevention

*DoV means Domestic Violence, DaV means Dating Violence, SA means Sexual Assault and S means Stalking

Procedures the College Will Follow When a Crime of Domestic Violence, Dating Violence, Sexual Assault, and/or Stalking Is Reported

The College has procedures in place that serve to be sensitive to victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as changes to housing, academic, protective orders, transportation and working situations, if reasonably available. The College will make such accommodations or protective measures, if the victim requests them and if they are reasonable available, regardless of whether the victim chooses to report the crime to IVCPD or local law enforcement. Students and employees should contact Title IX Coordinator Dr. Martha McDonald.

If a report of domestic violence, dating violence, sexual assault, or stalking is reported to the College, below are the procedures that the College will follow:

Incident Being Reported	Procedure Institution Will Follow
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), institution will provide complainant with access to medical care 2. Institution will assess immediate safety needs of complainant 3. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 4. Institution will provide complainant with referrals to on and off campus mental health providers 5. Institution will assess the need to implement interim or long- term protective measures, if appropriate. 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate 8. Institution will provide written instructions on how to apply for Protective Order 9. Institution will provide a copy of the policy applicable to Sexual Assault to the complainant and inform the complainant regarding timeframes for inquiry, investigation, and resolution 10. Institution will inform the complainant of the outcome of the investigation, whether the accused will be administratively charged and what the outcome of the hearing is 11. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation

Stalking	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provides the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate 5. Institution will provide the victim with a written explanation of the victim's rights and options 6. Institution will provide a "No Trespass" (PNG) directive to accused part if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND provide the complainant with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess the need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate
Domestic Violence	<ol style="list-style-type: none"> 1. Institution will assess immediate safety needs of complainant 2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department 3. Institution will provide written instructions on how to apply for Protective Order 4. Institution will provide written information to complainant on how to preserve evidence 5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate 6. Institution will provide the victim with a written explanation of the victim's rights and options 7. Institution will provide a "No trespass" (PNG) directive to accused party if deemed appropriate

Procedures for College Disciplinary Action for Sexual Violence, Domestic Violence, Dating Violence, Stalking, and Sexual Harassment

The College's disciplinary proceedings shall provide a prompt, fair, and impartial initial investigation and final resolution. The process will be conducted in a manner that is consistent with the institution's policy and that is transparent to the accuser and the accused. Usually, the resolution of domestic violence, dating violence, sexual assault, and stalking complaints is completed within 60 days of the report. However, each proceeding allows for extensions of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

Furthermore, each policy provides that:

- The complainant and the respondent will have timely notice for meetings at which the accuser or accused, or both, may be present.
- The complainant, the respondent and appropriate officials will have timely and equal access to any information that will be used during formal and informal disciplinary meeting and hearings.
- The institutional disciplinary procedures will not be conducted by officials who have a conflict of interest or bias for or against the complainant or the respondent
- The complainant and the respondent are entitled to the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. However, there are restrictions on the advisor's role. The College will not limit the choice of advisor or presence for either the complainant or the respondent in any meeting or institutional disciplinary proceeding. However, the role of the advisor is limited.
- The complainant and the respondent each have the right to bring an advisor of choice to any meeting or proceeding in which they are required to be present. An advisor of choice can include a friend, parent, staff or faculty member, union representative, victim's advocate, attorney, etc. The advisor's role is to provide support to the complainant or the respondent, not to interfere with the meeting or to speak for or on behalf of the party.

- Annually trained officials will conduct proceedings. These officials are trained using the Association for Title IX Administrator's (ATIXA) certification. Currently officials have completed ATIXA's Civil Rights Investigator Level One, Civil Rights Investigator Level Two, and/or Title IX Coordinator Level One certification. In addition, officials have completed Title IX Hearing Panel Training through the Statewide Association of Community Colleges (SWACC). Trainings are completed annually and posted on the institution's Title IX Website. The trainings completed assist officials respond to allegations using trauma informed practices that help guide principals of practice for following institutional procedures. Trainings also help officials review and follow procedures for institutional disciplinary action. Conclusively, the trainings educate officials on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability.
- Protective measures (No Contact Orders) provided to the victim (to the extent it will not impair the institution's ability to provide them with educational opportunities).

Both the complainant and the respondent shall be simultaneously informed in writing of:

- The result of any disciplinary proceedings arises from an allegation of Sexual Violence, Domestic Violence, Dating Violence, or Stalking.
- The college's procedures to appeal the results of the disciplinary proceeding.
- Any change to the disciplinary results that occurs prior to the time such results become final; and
- When disciplinary results become final.

Possible sanctions for students/employees to be imposed following the final determination of an on-campus disciplinary procedure regarding sexual assault, dating violence, domestic violence, and stalking may be one or any combination of the following:

- Verbal or Written Reprimand
- Mental Health Clearance
- Disciplinary Probation
- Suspension
- Expulsion
- Termination
- Demotion

Disciplinary Sanctions Exemption

The District understands that students may be reluctant to file complaints of sexual assault or other violations of this policy when alcohol and/or drugs were used. Whenever possible, the District will respond educationally, rather than punitively, to the use of drugs and/or alcohol to promote the reporting of sexual assaults or other violations of this policy. However, the District reserves the right to use other remedies dependent upon the severity of alcohol or drug use. An individual who participates as a complainant or witness in an investigation of sexual assault or other violation of this policy will not be subject to disciplinary sanctions for a violation of the District's student conduct policy at or near the time of the reported incident, unless the District determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Standard of Proof

A student or employee will be found either responsible or not responsible based on the "preponderance of the evidence," meaning that is "more likely than not" that the student has violated the District's policy/regulation. The determination shall be based upon the thorough investigation of allegations and the weighing of evidence in totality by the Title IX Coordinator, or his or her designee.

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Types of Disciplinary Proceedings Utilized in Cases of Alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking

Policies Applicable to Students Accused of Domestic Violence, Dating Violence, Sexual Assault And Stalking (BP 5500, 3540, 3430)

1. How to File a Disciplinary Complaint Under This Policy

Students can make a report to an employee, Campus Security Authority (CSA), IVC Campus Police, an outside agency, a Health and Wellness Center licensed nurse/physician, a Title IX coordinator/deputy, or through the online referral system (currently Maxient).

Link to submit report in Maxient:

<https://www.ivc.edu/reporting>

Link to discipline page on IVC.edu website:

<https://www.ivc.edu/discipline>

Link to Title IX page on IVC.edu website:

<https://www.ivc.edu/title-ix/procedures>

2. How the College Determines Whether This Policy Will Be Used

Depending on what the student reports, on a case-by-case basis it will lead us to review specific policies as listed below:



Table 1

Board Policy Number	Title	Application	Decision Makers
Board Policy 5500	Standards of student conduct	Code of Conduct violations	Discipline Officer
Board Policy 3540	Sexual and other assaults on campus	Title IX violations	Vice President for Student Services/Title IX Coordinator
Board Policy 3430	Harassment and discrimination prevention and complaint procedures	Allegations of harassment and discrimination	Vice President for Student Services makes recommendation to the President and District Human Resources

Link to policy information page on IVC.edu website: <https://www.ivc.edu/policies>

Link to policy information page on IVC.edu Title IX webpage:

<https://www.ivc.edu/title-ix/procedures>

Information can also be accessed from the Campus Police webpage:

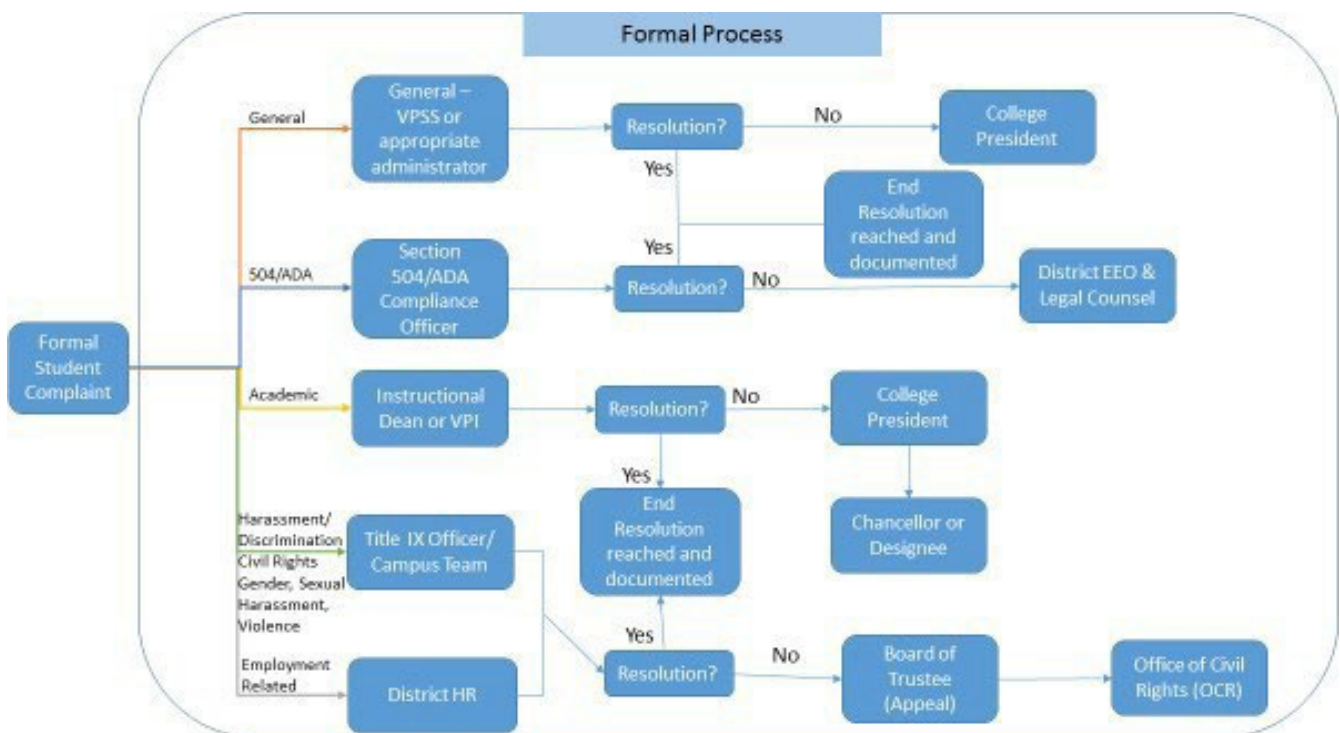
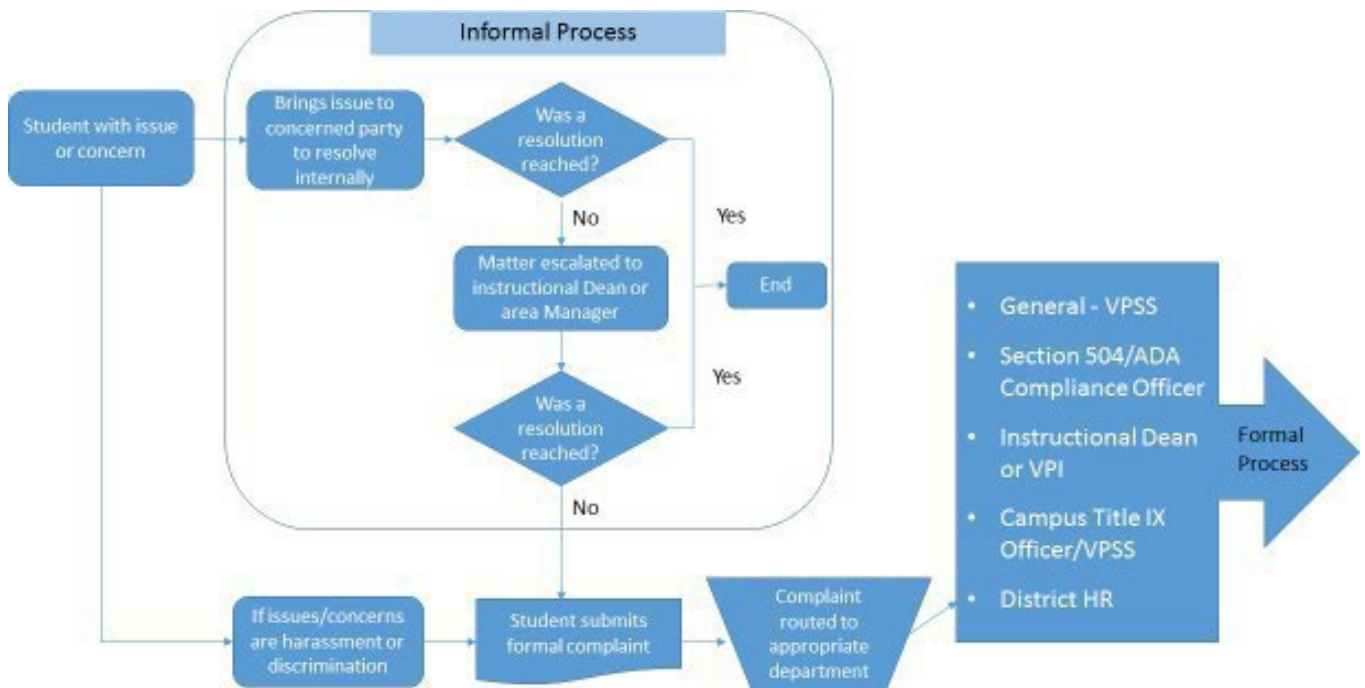
<https://www.ivc.edu/police>

Members of the administrative team including the President and his designees, the Title IX Officer/Vice President for Student Services, and Title IX Deputy Officer/Discipline Officer/Dean, Counseling Services will decide which policy is used.

If a violation includes a student and a staff/faculty member, the Vice Chancellor of Human Resources will be part of the decision-making process.

If a violation is a criminal offense, Campus Police will intervene and make further decisions with appropriate law enforcement agencies.

3. Steps in the Disciplinary Process



4. Anticipated Timelines

Table 2

Step	Anticipated Timeline
1. Complaint submitted	1-2 business days
2. Intake process	Average one week (depending on number of complainants and respondents)
3. Student notification	3 business days
4. Investigation	1-2 weeks (depending on number of individuals involved, including complainants, respondents and witnesses)
5. Hearing	2-4 weeks
6. Sanction	2-3 business days
7. Notices of conclusion	2-3 business days

5. Decision-Making Process

Based on the board policies listed in Table 1, question 2, the decision-making body will review the evidence and witness statements presented from all parties (which may include social media, third party investigation reports, sworn statements, and photos). The final recommendation will be reached by consensus of a hearing panel and sent to the President for a final decision; in which case the President will make a recommendation to the Board of Trustees.

6. Possible Sanctions

- Warning
- Reprimand
- Probation
- Suspension
- Expulsion

7. Range of Protective Measures Available to a Victim Alleging Misconduct

- No-contact orders
- Remote participation (videoconferencing, phone call)
- Academic accommodations (complete courses online, under certain circumstances offer a refund, etc.)
- Individual may elect to bring personal advocates or legal counsel
- Separate waiting areas during hearing
- Safety escorts
- Prohibitions against retaliation
- Identified safe spaces on campus
- Psychological counseling
- Protective measures including campus security cameras and blue emergency lights (students can go to these locations to call for help)

The policies below address complaints against employees accused of domestic violence, dating violence, sexual assault, and stalking. The policies apply to all employees, regardless of their classification.

- Board Policy 3540: Sexual and Other Assaults on Campus
- Administrative Regulation 3540: Sexual and Other Assaults on Campus
- Administrative Regulation 3420: Nondiscrimination
- Board Policy 3430: Harassment and Discrimination Prevention and Complaint Procedures
- Administrative Regulation 3430: Harassment and Discrimination Prevention and Complaint Procedures



1. How to File a Disciplinary Complaint Under This Policy

A student, employee or third party may make a complaint verbally or in writing under the procedures of Administrative Regulation 3430. If a victim decides to file a formal written unlawful discrimination or harassment complaint against the District, they can obtain a form online through the District's website at: <https://www.socccd.edu/departments/human-resources/title-ix-information/file-title-ix-complaint> or through the California Community Colleges website at: <https://www.cccco.edu/Complaint-Process-Notice>

The complaint form must be filed with the Vice Chancellor, Human Resources; Vice President, Student Services; or the California Community Colleges Chancellor's Office.

A full copy of the procedures for addressing such complaints can be found in Administrative Regulation 3430, available at the District's website: www.socccd.edu

2. How the College Determines Whether This Policy Will Be Used

Board Policy and Administrative Regulation 3540 apply to any student, faculty, or staff member who is a victim of sexual assault, domestic violence, dating violence, and/or stalking. Further, employees can look to Board Policy and Administrative Regulation 4000.5 if they have experienced sexual harassment, gender discrimination, and/or sexual assault. The District will investigate all complaints alleging sexual assault, dating violence, domestic violence, and/or stalking under the procedures described in Administrative Regulation 4000.5.

The individuals responsible for deciding the applicable policy include the Title IX Coordinator for Employees and the Title IX Coordinators for Students at Irvine Valley College and Saddleback College, respectively.

3. Steps in the Disciplinary Process

Disciplinary actions against a District employee will conform to all relevant statutes, regulations, personnel policies, and procedures (such as Board Policy 7365), including the provisions of any applicable collective bargaining agreement.

4. Anticipated Timelines

See above.

5. Decision-Making Process

The District will conduct a thorough, prompt, and impartial investigation of a complaint of sexual misconduct. The investigation will typically include interviewing all involved parties (victim, accused, and witnesses) and collecting any documentation or evidence relevant to the allegation(s). Findings will be reached by using the preponderance of the evidence standard. After consideration of all the evidence gathered, the District will decide whether it is more likely than not that unlawful discrimination or harassment has occurred.

6. Possible Sanctions

Possible sanctions against an employee may include but are not limited to an order that the responding party stay away from the victim, verbal warning, counseling memo, written warning, letter of reprimand, unsatisfactory evaluation, suspension, demotion, involuntary transfer and reassignment, and dismissal.

7. Range of Protective Measures Available to a Victim Alleging Misconduct

The District may take interim actions or protective measures to eliminate harassment and prevent its recurrence. The range of measures may include but are not limited to no-contact orders, change in work location or other employment-based measures, safety escorts, prohibitions against retaliation, leaves of absence, and increased monitoring of certain areas of the campus.

College-Initiated Protective Measures

In addition to those protective measures previously described the Title IX Coordinator or their designee will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include but are not limited to a College order of no contact, adjustment of course schedules, a leave of absence, or reassignment to a different supervisor or position. These remedies may be applied to one, both, or multiple parties involved.¹ Violations of the Title IX Coordinator's directives and/or protective measures will constitute related violations that may lead to additional disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Irvine Valley College.

¹ Applicable law requires that, when taking such steps to separate the complainant and the accused, the College must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

Procedures Victims Should Follow If a Crime of Domestic Violence, Dating Violence, Sexual Assault, and/or Stalking Occurs

After an incident of sexual assault, dating violence, or domestic violence, the victim should consider seeking medical attention as soon as possible at Hoag Hospital Irvine (16200 Sand Canyon Ave, Irvine, CA 92618, 949-764-4624). In California, evidence may be collected even if you chose not to make a report to law enforcement². It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence may be preserved that may assist in proving that the alleged criminal offense occurred/or is occurring or may be helpful in obtaining a protection order. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted infections. Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, and other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to College adjudicators/investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, they nevertheless should consider speaking with Campus Public Safety or other law enforcement to preserve evidence in the event that the victim decides to report the incident to law enforcement or the College at a later date to assist in proving that the alleged criminal offense occurred or that may be helpful in obtaining a protection order.

² Under the Violence Against Women and Department of Justice Reauthorization Act of 2005, starting in 2009, states must certify that they do not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.”

Involvement of Law Enforcement and Campus Authorities

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement (including on campus law enforcement and/or local police) it is the victim’s choice whether to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College Title IX Coordinator (Dr. Martha McDonald, 949-451-5624) will assist any victim with notifying law enforcement if the victim so desires. The local police department with jurisdiction may also be reached directly by telephone or in person. Additional information about the local police department may be found online at their website.

The Irvine Police Department may also be reached directly by calling 949-724-7000 or visiting in person at 1 Civic Center Plaza, Irvine, CA 92606. Additional information about the department may be found online at: <https://www.cityofirvine.org/irvine-police-department>.

When you file a report, you are NOT obligated to continue with legal proceedings or college disciplinary action. If the assault occurred off-campus, report the incident to the Irvine Police Department (949-724-7000) or the Tustin Police Department (949) 573-3200. If you are unsure who to report to, contact IVCPD for assistance.

Regardless of which agency the incident is reported, the procedure is similar. An officer will respond to your location, or you may respond to the nearest office of the department. A statement will be taken of the circumstances including persons, location, dates, times, witnesses, injuries...etc. Your

desires for follow-through will be noted. You will be provided with resources for your care.

The reasons for reporting to IVCPD are:

- 1) to act which may prevent further victimization, including issuing a Timely Warning Notice to warn the campus community of an impending threat to their safety.
- 2) to apprehend the suspect.
- 3) to seek justice for the wrong that has been done to you; and
- 4) to have the incident recorded for the purpose of reporting statistics about incidents that occurred on campus

What to do Immediately Following a Sexual Crime

- Get to a safe place as soon as possible. Immediate safety comes first!
- Call IVCPD at 949-451-5234
- Contacting police does not require that you pursue prosecution. If the crime occurred in a different
 - Preserve physical evidence in a paper bag, if applicable and available
 - Following an assault, do not wash, use the toilet, eat, smoke, drink, or change clothing, if possible. If you do change clothes, place all clothing you were wearing when the assault occurred in a paper bag.
- Keep all voicemails, emails, texts, or other types of communication between you and the perpetrator.
- Call the Health and Wellness Center or a friend, family member, or someone you trust for support.
- If you were assaulted, get medical attention immediately, if needed. A medical exam will determine and treat any physical injuries you might have sustained during the assault; determine the risk of sexually transmitted diseases or pregnancy; provide preventative treatment option; and gather evidence that could aid in criminal prosecution of the perpetrator.
- Victims are not required to pursue prosecution just because they report the crime to a police agency. However, the reporting of sexual assault to the police agency may prevent others from being victims and safeguard your rights for future prosecution.

Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault and Stalking

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly by calling, writing, or coming into the office to report to the Title IX Coordinator, Dr. Martha McDonald, in the A 100 building or at 949-451-5624. If you so

desire, you may notify Campus Police. Reports of all domestic violence, dating violence, sexual assault, and stalking made to Campus Police will automatically be referred to the Title IX Coordinator for investigation, regardless of whether the complainant chooses to pursue criminal charges.

Reasons to Report the Crime to Police Include:

- Reporting within 72 hours of the assault will allow for valuable evidence to be collected. The sooner you report, the better the chance of physical evidence being collected and not being diminished or destroyed. Should you want to pursue prosecution, this increases the chances of apprehending and successfully prosecuting the suspect.
- Reporting is empowering. It gives survivors the opportunity to talk about what has happened and gives them back some of their control.
- Reporting the crime will ensure that medical expenses, including a forensic medical exam and costs for emergency care, may be paid by public compensation funds.
- Reporting and prosecuting are essential to sexual assault prevention and the protection of other potential victims by stopping or deterring repeat offenders.
- Reporting attests to the fact that sexual assault happens, it is never the survivor's fault, and that the survivor's voice is heard and not silenced.
- Reporting can help support the case of another survivor who has previously reported a crime committed by the same perpetrator. The information might be just enough evidence to help close another survivor's case and assist them in getting justice.
- Reporting may be helpful in obtaining a protection order.

REMEMBER: Sexual assault is never your fault!



Accommodations and Protective Measures Available for Victims

Upon receipt of a report of domestic violence, dating violence, sexual assault, or stalking, Irvine Valley College will provide written notification to students and employees about accommodations available to them, including academic, living, transportation, protective orders, and working situations. The written notification will include information regarding the accommodation options, available assistance in requesting accommodations, and how to request accommodations and protective measures (i.e., the notification will include the name and contact information for the individual or office that should be contacted to request the accommodations).

At the victim's request, and to the extent of the victim's cooperation and consent, College offices will work cooperatively to assist the victim in obtaining accommodations. If reasonably available, a victim may be offered changes to academic, working, protective measures, or transportation situations, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Examples of options for a potential change to the academic situation may be to transfer to a different section of a class, to withdraw and take a class at another time if there is no option for moving to a different section, etc. Possible changes to work situations may include changing working hours. Possible changes in transportation may include having the student or employee park in a different location, assisting the student or employee with a safety escort, etc.

To request changes to academic, living, transportation and/or working situations or protective measures, a victim should contact the Title IX Coordinator, Dr. Martha McDonald, in the A 100 building, at 949-451-5624, or at mmcdonald@ivc.edu. If the victim wishes to receive assistance in requesting these accommodations, she or he should contact the same office.

The college will assist the victim in changing academic situations if so requested and if changes are reasonably available. Potential changes/accommodations include but are not limited to:

- Class schedule changes
- Escorts to and from class
- Tutoring
- Instructor assistance with assignments
- Medical/psychological treatment
- Counseling

Assistance for Victims: Rights and Options

Regardless of whether a victim elects to pursue a criminal complaint or whether the offense is alleged to have occurred on or off campus, the College will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and options. Such written information will include:

- the procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred.
- information about how the institution will protect the confidentiality of victims and other necessary parties.
- a statement that the institution will provide written notification to students and employees about victim services within the institution and in the community.
- a statement regarding the institution's provisions about options for available assistance in, and how to request accommodations and protective measures; and
- an explanation of the procedures for institutional disciplinary action.

Sex Offender Registration Information

The federal Campus Sex Crimes Prevention Act requires institutions of higher learning to issue a statement in their annual security report detailing where members of their campus community can obtain information concerning registered sex offenders. It also requires sex offenders who are required to register under state law to provide notice of their enrollment or employment at any institution of higher learning in the state where they reside. Also, California law requires sex offenders who attend campus, and all campus-affiliated sex offenders, to register with campus law enforcement.

Members of the public may access sex offender information at the Megan's Law website maintained by the Department of Justice (www.meganslaw.ca.gov).

For information concerning offenders who have registered with IVCPD, call 949-451-5234.



Bystander Intervention

To prevent gender-based violence, it is important that people are approached as potential witnesses or bystanders to behaviors related to sexual or dating violence. If you witness these behaviors, there are certain ways you can step up to prevent a risky situation from getting worse.

To intervene, first someone must:

- Notice the incident. Bystanders first must notice what is taking place. It is important to become attuned to what situations may be risky.
- Interpret the incident as an emergency. By “emergency,” we mean a situation wherein there is risk of sexual or domestic violence occurring shortly.
- Assume responsibility for intervening. It has been found that often, people believe that someone else will help in a situation when there are many people around. However, it is important to realize that others may also be thinking the same thing. If you are unsure if you should do something, ask a friend what they think – it might be the case that they have been thinking the same thing.
- Have the bystander intervention skills that will allow you to help. There are a number of different techniques that someone can use to intervene in a risky situation, some of which we have listed below.

Bystander Intervention Techniques (the 4Ds): Please remember that your safety is of the utmost importance. When there is a situation in which you or another student are threatened by the potential for physical harm, ask someone for help or contact the police.

Direct: Step in and address the situation directly. This might look like saying, "That's not cool. Please stop," or "Hey, leave them alone." This technique tends to work better when the person that you are trying to stop is someone that knows and trusts you. It does not work well when drugs or alcohol are being used because someone's ability to have a conversation with you about what is going on may be impaired, and they are more likely to become defensive.

Distract: Distract either person in the situation to intervene. This might look like saying, "Hey, aren't you in my Spanish class?" or "Who wants to go get pizza?" This technique is especially useful when drugs or alcohol are being used because people under the influence are more easily distracted than those that are sober.

Delegate: Delegate the task by looking for persons to back you up when you decide to intervene. This might look like asking friends to distract one person in the situation while you distract the other ("splitting" or "defensive split"), asking someone to go sit with them and talk, or going and starting a dance party right in the middle of their conversation. If you did not know either person in the situation, you could also ask around to see if someone else does and check in with them. See if they can talk to their friend, text their friend to check in, or intervene.

Delay: For many reasons, you may not be able to do something right now. For example, if you are feeling unsafe or if you are unsure whether someone in the situation is feeling unsafe, you may just want to check in with the person. In this case, you can combine a distraction technique by asking the person to use the bathroom with you or get a drink with you to separate them from the person with which they are talking. Then, this might look like asking them, "Are you okay?" or "How can I help you get out of this situation?" This could also look like texting the person, either in the situation or after you see them leave, and asking, "Are you okay?" or "Do you need help?"

Links for additional information on Bystander Intervention topics:

- <http://itsonus.org>
- <https://www.youtube.com/watch?v=wNMZo31LziM>

Risk Reduction

With no intent to victim blame and recognizing that only abusers are responsible for their abuse, the following are some strategies to reduce one's risk of sexual assault or harassment.

The following tips may reduce your risk for many different types of crimes, including sexual violence. Know your resources. Who should you contact if you or a friend needs help? Where should you go? Locate resources such as the campus health center, campus police station, and a local sexual assault service provider.

Notice where emergency phones are located on campus, and program the campus security number into your cell phone for easy access. (Taken from the Rape, Abuse, & Incest National Network, <https://www.rainn.org/>)

- Stay alert. When you are moving around on campus or in the surrounding neighborhood, be aware of your surroundings. Consider inviting a friend to join you or asking campus security for an escort. If you are alone, only wear a headphone in one ear to stay aware of your surroundings.
- Be careful about posting your location. Many social media sites, like Facebook, Instagram, and TikTok, may have geolocation enabled to publicly share your location. Consider disabling this function and reviewing other social media settings.
- Make others earn your trust. A college environment can foster a false sense of security. They may feel like fast friends but give people time to earn your trust before relying on them.
- Think about Plan B. Spend some time thinking about back-up plans for potentially sticky situations. If your phone dies, do you have a few numbers memorized to get help? Do you have emergency cash in case you cannot use a credit card? Do you have the address to your home college memorized? If you drive, is there a spare key hidden, gas in your car, and a set of

1. **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
2. Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
3. **Walk with purpose**. Even if you do not know where you are going, act like you do.
4. **Trust your instincts**. If a situation or location feels unsafe or uncomfortable, it probably is not the best place to be.
5. **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
6. **Make sure your cell phone is with you** and charged and that you have cab money.
7. **Do not allow yourself to be isolated** with someone you do not trust or someone you do not know.
8. **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
9. **When you go to a social gathering, go with a group of friends**. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
10. **Trust your instincts**. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
11. **Do not leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you have left your drink alone, just get a new one.
12. **Do not accept drinks from people you do not know or trust**. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, do not

drink from punch bowls or other large, commonly open containers.

13. **Watch out for your friends, and vice versa.** If a friend seems out of it, is too intoxicated for the amount of alcohol they have had, or is acting out of character, get him or her to a safe place immediately.
14. **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
15. If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - a. **Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.
 - b. **Be true to yourself.** Do not feel obligated to do anything you do not want to do. "I don't want to" is always a good enough reason. Do what feels right to you and with what you are comfortable.
 - c. **Have a code word with your friends or family** so that if you do not feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
 - d. **Lie.** If you do not want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
16. **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
17. **If you and/or the other person have been drinking,** you can say that you would rather wait until you both have your full judgment before doing anything you may regret later.

The Clery Act Reportable Crimes Defined

Murder and Non-Negligent Manslaughter: The willful (non-negligent) killing of one human being by another.

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

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

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

Fondling: The touching of the private body parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling, house, public building, motor vehicle or aircraft, personal property, etc.

Burglary: The unlawful entry of a structure to commit a felony or theft.

Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force, violence, and causing the victim fear.

Hate Crime: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim (race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability).

Categories of bias are:

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics (color of skin, eyes, or hair, facial features, etc.) genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind (Asian, Afro-Americans, Whites, etc.)

Gender: A preformed negative opinion or attitude toward a group of persons because those people are male or female. Gender bias is also a Clery Act-specific term, not found in the FBI's Hate Crime Data Collection Guidelines.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (Catholics, Jews, Protestants, atheists, etc.).

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their sex or members of a different sex (gays, lesbians, heterosexuals, etc.).

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that “race” refers to grouping based mostly upon biological criteria, while “ethnicity” also encompasses additional cultural factors.

National Origin: A preformed negative opinion or attitude toward a group of people of the same race or national origin who share common or similar traits, languages, customs or traditions.

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

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a romantic or intimate relationship will be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

a. For the purposes of this definition—

- Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

b. For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence: Includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse of the victim.
- A person with whom the victim shares a child in common.
- A person who is cohabitating with or has cohabitated with the victim as a spouse.
- A person similarly situated to the spouse of the victim of the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

; or

- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or the safety of others, or
- Suffer substantial emotional distress.
- For the purposes of this definition—
 - *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or

means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent; nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.

Other Violations Defined:

Liquor Law Violations: Violations of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Law Violations: Violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance.

Weapons Law Violations: Violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Unfounded Crimes: A crime may be "unfounded" only if sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of the full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Both "founded," and "unfounded" crimes must be reported in the Clery Annual Security Report.

Other Definitions:

- BP- South Orange County Community College District Board Policy
- AR- South Orange County Community College District Administrative Regulations
<https://www.socccd.edu/board-trustees/board-policies>

California Definitions of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

Domestic Violence

The State of California defines domestic violence as follows:

California Penal Code section 273.5

- a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.
- b) Subdivision (a) shall apply if the victim is or was one or more of the following:
 - (1) The offender's spouse or former spouse.
 - (2) The offender's cohabitant or former cohabitant.
 - (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship, as defined in paragraph (10) of subdivision (f) of CPC Section 243.
 - (4) The mother or father of the offender's child.

Dating Violence

The State of California defined dating violence as follows:

California Penal Code section 243(e) (1)

When a battery is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment. If

probation is granted, or the execution or imposition of the sentence is suspended, it shall be a condition thereof that the defendant participate in, for no less than one year, and successfully complete a batterer's treatment program, as described in Section 1203.097, or if none is available, another appropriate counseling program designated by the court. However, this provision shall not be construed as requiring a city, a county, or a city and county to provide a new program or higher level of service as contemplated by Section 6 of Article XIII B of the California Constitution.

Sexual Assault

The State of California defines sexual assault as follows:

California Penal Code section 243.4(a)

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

Stalking

The State of California defines sexual assault as follows:

California Penal Code section 646.9 (a)

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

Consent

The State of California defines consent, in relation to sexual activity, as follows:

California Education Code Section 67386(a)(1)

An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in

sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

The Respondent's belief that the Complainant consented will not provide a valid defense where:

1. The Respondent's belief arose from the Respondent's own intoxication or recklessness.
2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the Complainant affirmatively consented; or
3. The Respondent knew or a reasonable person should have known that the Complainant was unable to consent because the Complainant was incapacitated, in that the Complainant was

- asleep or unconscious.
- unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medication; or
- unable to communicate due to mental or physical condition.

Note: Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely because of drinking, using drugs, or taking medication.

Irvine Valley College Consent Definition:

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

Daily Crime Log

IVCPD maintains a Daily Crime Log on the department website. The crime log can be accessed online at: <http://campuspolice.ivc.edu> The daily crime log contains information about crimes investigated or reported to the department. The log is also available upon request for public inspection in the Police Department (5500 Irvine Center Drive, Irvine 92618) lobby during

normal business hours of 7:30 A.M. – 5:00 P.M. Monday – Thursday and 7:30A.M. – 3:00 P.M. on Fridays. Summer hours may vary. Log entries for the past 60 days are immediately available. Log entries older than 60 days can be obtained by request and will be available within two business days.



Clery Geographic Definitions

On Campus: Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, which is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or other retail vendor).

Non-Campus Building or Property: Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

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

Preparing the Annual Disclosure of Crime Statistics

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the College community obtained from the following sources: IVCPD, the local police department(s), and Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year when the crime was reported. A written request for statistical information is made on an annual basis to all Campus Security Authorities (as defined by federal law) and to all College Deans, Directors, and Department Heads. Statistical information is requested and provided to IVCPD by the employees at the College Counseling Center, even though they are not required by law to provide statistics for the compliance document.

All the statistics are gathered, compiled, and reported to the College community via this report, which is published by Irvine Valley College Police Department. IVCPD submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website.

CLERY MAP



ATEP CLERY MAP



Irvine Valley College Campus												
	2022				2023				2024			
Hate Crime Reporting	<i>On Campus</i>	<i>Non-Campus</i>	<i>Public Property</i>	Total	<i>On Campus</i>	<i>Non-Campus</i>	<i>Public Property</i>	Total	<i>On Campus</i>	<i>Non- Campus</i>	<i>Public Property</i>	Total
Hate Crimes	For Bias – See Narrative Below				For Bias – See Narrative Below				For Bias – See Narrative Below			
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/ damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0

A Hate Crime - is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes include any offense in the following group: murder, rape, fondling, incest and statutory rape, and non-negligent manslaughter, sexual assault including robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Hate crime reporting is considered for all Clery geography including on-campus, non-campus buildings or property and public property.

Unfounded: 2022 – one hate crime was unfounded, 2023 - no hate crimes were unfounded, 2024 - no hate crimes were unfounded.

Irvine Valley College Campus												
	2022				2023				2024			
	On Campus	Non- Campus	Public Property	Total	On Campus	Non- Campus	Public Property	Total	On Campus	Non- Campus	Public Property	Total
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by negligence	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	3	0	3	0	1	0	1	1	2	0	3
Burglary	0	0	0	0	0	1	0	1	2	1	0	3
Motor Vehicle Theft	0	0	2	2	1	1	0	2	1	0	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	1	0	0	1	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	1	1	1	0	0	1	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	4	0	0	4	6	0	0	6	0	0	0	0
Arrests: Liquor Law Violations	0	0	1	1	0	0	0	0	1	0	0	1
Disciplinary Referrals: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Law Violations	0	1	0	1	0	0	0	0	0	1	0	0
Disciplinary Referral: Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Weapons	0	0	0	0	2	0	0	2	0	0	0	0
Disciplinary Referrals: Weapons	0	0	0	0	1	0	0	1	0	0	0	0

Unfounded: 2022 - no reported crimes unfounded, 2023 - one reported crime unfounded, 2024 - no reported crimes unfounded.

ATEP CAMPUS												
	2022				2023					2024		
Hate Crime Reporting	On Campus	Non- Campus	Public Property	Total	On Campus	Non- Campus	Public Property	Total	On Campus	Non- Campus	Public Property	Total
Hate Crimes	For Bias – See Narrative Below				For Bias – See Narrative Below				For Bias – See Narrative Below			
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Larceny- Theft	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Destruction/ damage/vandalism of property	0	0	0	0	0	0	0	0	0	0	0	0

A Hate Crime - is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes include any offense in the following group: murder, rape, fondling, incest and statutory rape, and non-negligent manslaughter, sexual assault including robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Hate crime reporting is considered for all Clery geography including on-campus, non-campus buildings or property and public property
Unfounded: No reported crimes were unfounded in 2022, 2023, and 2024.

ATEP CAMPUS												
	2022				2023				2024			
	On Campus	Non-Campus	Public Property	Total	On Campus	Non-Campus	Public Property	Total	On Campus	Non-Campus	Public Property	Total
Reportable Criminal Offenses												
Murder & Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter by negligence	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
VAWA Offenses												
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Liquor, Drugs & Weapon Violations												
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Drug Law Violations	0	0	0	0	0	0	0	0	0	0	2	2
Disciplinary Referral: Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests: Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Weapons	0	0	0	0	0	0	0	0	0	0	0	0

Unfounded: No reported crimes were unfounded in 2022, 2023, and 2024.