



SAN JOAQUIN VALLEY COLLEGE

2024 Annual Campus Security Report

For Distribution

October 1, 2024 through September 30, 2025

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MESSAGE FROM THE COLLEGE PRESIDENT



I am pleased to present the 2024-2025 San Joaquin Valley College (*SJVC*) Annual Security Report. In the following pages, you will read about *SJVC*'s commitment to its campuses to maintain the security of students, employees, visitors, and property.

This commitment includes policies and procedures regarding access to campus facilities, crime prevention education, and an awareness of personal responsibility, reporting of crime on campus and supportive services provided to victims of crime on campus.

It is our belief that this commitment contributes to the awareness of students, employees and visitors of the need to support and encourage sound, basic security practices at all times.

SJVC has a long history of providing a safe and secure learning environment for staff, students, and visitors. The information contained in this document will assist our students, employees and the general public crime prevention and safety efforts.

Thank you,

A handwritten signature in black ink, appearing to read "Nick Gomez". The signature is fluid and cursive.

Nick Gomez
College President



ANNUAL SECURITY REPORT

INTRODUCTION

The 2024–2025 Annual Security Report (ASR) has been prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) of 1998. The Clery Act is a federal mandate requiring all institutions of higher education that participate in federal student financial aid programs to disclose information about certain campus policies, procedures, and crime that occurs on campus and certain off campus locations.

The Clery Act requires the distribution of a public ASR to all-current students and employees and notice of its availability to prospective students and prospective employees. A copy of this report is made available on or before October 1st of each year and is available online.

In 2014, institutions of higher education were directed under the Violence Against Women Reauthorization Act of 2013 (VAWA) to begin listing Clery statistics for rape, fondling, incest, and statutory rape as specific categories. Previously, institutions were required to report forcible sex offenses and non-forcible sex offenses. In addition, in 2014, institutions were required under VAWA to begin listing Clery statistics for stalking, dating violence, and domestic violence.

Preparation of the Annual Security Report

SJVC prepares this report to comply with the Clery Act. This report is prepared annually in cooperation with local law enforcement agencies surrounding each of our campuses. Campus crime, arrest and referral statistics include those reported to the Campus Security Authority (CSA) or designated school officials, as well as each law enforcement agency. The resulting data is used to prepare the annual statistics report.

SJVC annual security report includes statistics for the previous three (3) calendar years concerning specific reported crimes that have occurred on all *SJVC* campuses, and on public property within or immediately adjacent to, and accessible from all *SJVC* campuses. This report also includes information on how each campus communicates to students, employees and the larger community about emergency or imminently dangerous situations; emergency preparedness; including how *SJVC* handles alcohol and drug policies, sexual assault risk reduction, prevention of and response to sexual assault, domestic or dating violence, stalking, and disciplinary processes.

Distribution of the Annual Security Report

SJVC publishes the Campus Security Report annually and it is posted online at *2024-2025 Campus Security Report* and all current students and employees are notified of its availability via e-mail. The data is collected, and reported to the Department of Education by:

Ilene Ramirez
Regulatory Affairs Coordinator
San Joaquin Valley College, Inc. - Ember Education
Central Administrative Office
3828 W. Caldwell Avenue
Visalia, CA 93277
Ilene.Ramirez@embered.com

Prospective employees and students are informed in writing that the report is available at <https://www.sjvc.edu/campus-security/> and is provided to them if requested.

Campus Crime and Safety

Responsible Parties

Much of *SJVC*'s commitment to campus safety is guided by the contents of the Clery and CrimeStatistics Acts. Responsibility for assuring our compliance with standards of these Acts rests with:

Robert M. Hendrickson
Vice President of Compliance and Regulatory Affairs
San Joaquin Valley College, Inc. - Ember Education
Central Administrative Office
3828 W. Caldwell Avenue
Visalia, CA 93277
Robert.Hendrickson@embered.com
480.212.1614

Each location has a person responsible for overseeing campus security staff, ensuring the collection of crime reports, providing notice of emergency notifications and timely warnings to the campus community. These staff members would fall into the category as our Campus Security Authorities (CSAs):

Daron Colbert, Campus President,
Bakersfield Campus
Daron.Colbert@sjvc.edu
661.567.8055

Jennifer White, Campus Director,
Hesperia Campus
Jennifer.White@sjvc.edu
559.409.9117

Amy Bianco,
Community Campus Dean,
Rancho Cordova Campus
Amy.Bianco@sjvc.edu
916.365.3422

Willie Triplett, Regional Director
of Enrollment Operations,
Online Education
Willie.Triplett@sjvc.edu
951.893.6404

Ronald Felts, Campus Director
Lancaster Campus
Ronald.Felts@sjvc.edu
661.571.9024

Franklin Saavedra,
Campus Director,
Rancho Mirage Campus
Franklin.Saavedra@sjvc.edu
442.260.4811

Kenneth Kurts, Community
Campus Dean,
Delano Campus
Kenneth.Kurts@sjvc.edu
559.203.8205

Ashvinder Singh,
Campus President,
Modesto Campus
Ashvinder.Singh@sjvc.edu
209.648.3999

Barbara Holt, Community
Campus Dean
Santa Maria Campus
Barbara.Holt@sjvc.edu
805.608.3105

Stacy Elenes, Campus President,
Fresno Campus
Stacy.Elenes@sjvc.edu
559.563.9942

Jamie Danforth, Campus President,
Ontario Campus
Jamie.Danforth@sjvc.edu
760.948.1947

Kevin Caldwell,
Campus President,
Temecula Campus
Kevin.Caldwell@sjvc.edu
951.375.4056

Ronald Gardner, Campus Director
Fresno – Trades Education Center
(TEC) Formally known as the
Aviation Campus
Ronald.Gardner@sjvc.edu
559.709.1797

Kenneth Kurts Campus Director,
Porterville Campus
Kenneth.Kurts@sjvc.edu
559.203.8205

Adriana Ruiz,
Campus President,
Visalia Campus
Adriana.Ruiz@sjvc.edu
559.824.2377

Clery classifies a CSA an individual, who has significant responsibilities for student and campus activities. Under the Clery Act, the CSA is designated to receive and report criminal incidents to the Department of Public Safety so that they may be included and published in *SJVC*'s ASR.

Campus Safety Officers

SJVC employs its own unarmed non-sworn safety officers who observe, patrol interior and exterior of each of the *SJVC* campus property areas, providing security command presence and generate Daily Activity Reports (DAR). Each campus security coverage varies depending on the size and hours of operation.

SJVC contracts with an outside agency for supplemental and/or emergency security service needs. All outside agency officers are non-sworn but have first aid training and possess a BSIS card. They maintain open communication with local law enforcement who will be called for illegal activity and/or crimes. These officers are held to the same standards and expectations as those who are *SJVC* employees.

It is *SJVC*'s policy that safety officers may ask students, employees or visitors on campus to present identification and/or to leave the facility, and the officer has the authority to escort the person(s) off *SJVC*'s property. Should that person fail to cooperate, the safety officer has the

authority to contact the law enforcement agency with jurisdiction at that campus. *SJVC* safety officers perform, observe, and report functions, but are not charged with power of arrest. Safety officers and employees will not use physical force unless required to defend themselves; in those events, when only physical force is appropriate for that instance will be used. These staff members would fall into the category of our Campus Security Authorities (CSAs). Please contact your Campus Administrative Assistant for designated campus CSAs.

Access to and Maintenance of Campus Facilities

SJVC maintains offices, classrooms, and training laboratory facilities at the following locations:

8845 El Camino Real Atascadero, California 93422	201 New Stine Road Bakersfield, California 93309
1920 Cecil Avenue Delano, California 93215	295 East Sierra Avenue Fresno, California 93710
4985 East Andersen Avenue Fresno, California 93727	2665 N. Air Fresno Drive Stes. 101, 103, 106, 107 Fresno, CA 93727
215 W. 7th Street Hanford, California 93230	9331 Mariposa Road Hesperia, California 92344
42135 10 th Street West, Suite 200 Lancaster, California 93534	2185 West Cleveland Ave. Unit J, Madera, California 93637
4580 Ontario Mills Parkway Ontario, California 91764	314 North Main Street Porterville, California 93257
11000 Olson Drive, Suite 100 Rancho Cordova, California 95670	34275 Monterey Avenue Rancho Mirage, CA 92270
303 Plaza Drive Santa Maria, CA 93454	5380 Pirrone Road Salida, California 95368
27270 Madison Avenue, Suite 103 Temecula, California 92590	8344 West Mineral King Avenue Visalia, California 93291

SJVC's Corporate Office and Contact Center (**not accessed by students**) is located at the following locations:

SJVC Corporate Office

3828 W. Caldwell
Avenue Visalia,
California 93277

•

Contact Center

4160 Temescal Canyon Road, Suite 507
Corona, California 92883-4665

Access to all *SJVC* campus facilities is generally limited to students, employees and approved guests during regularly scheduled business hours and class times. Access to off-site clinical and extern facilities is limited to employees of the *SJVC* and student(s) assigned to those locations.

SJVC does not maintain dormitories or residential facilities.

SJVC Employees should notify the campus front office of all anticipated visitors. Visitors should be instructed to report to the front office where they will sign in and obtain a pass or temporary name badge. Students must have prior approval for visitors on campus. As a general rule, all visitors must be over the age of eighteen (18). It is the responsibility of the ***SJVC*** instructor to notify the front office of the anticipated visitor; it is the student's responsibility to assure that the visitor complies with the established protocol.

Name badges are provided to employees and students for security purposes and must be worn at all times when on campus or off-site extern and clinical facilities. A number of physical security measures are employed throughout the campus. Probably the most common security devices are locks and keys. Most offices, storage areas and doors are outfitted with locks which, when used, will adequately secure an area and therefore prevent most crime.

The primary responsibility for security of an office or classroom lies with the ***SJVC*** employee. The responsible person should secure areas that are not open for business or academic instruction. Keys that are lost or stolen should be reported immediately to the Campus President or Campus Administrative Assistant.

Security of Campus Facilities

Security alarm systems are installed in all buildings and are activated at the close of business or instruction each day. Alarm codes are given to only those employees with a legitimate business need to know and are changed as needed to assure compliance with this standard.

As a general rule, campus facilities are open to employees, students, vendors, and guests from 7:00 AM to 10:00 PM, Monday through Thursday and 7:00 AM to 5:00 PM Friday (Friday closure times vary for each ***SJVC*** location). Should a sanctioned activity be scheduled outside these timeframes, designees are assigned responsibility for opening and securing the facilities.

As a general rule, the campus is closed on recognized holidays and access is limited to those with a legitimate business purpose.

SJVC security to the campus community is a continuous process of reevaluating existing policies, facilities, and practices so that the changing needs of each campus community are reduced or eliminated hazards.

Each ***SJVC*** campus buildings, facilities and landscaping is maintained in a manner that will help minimize hazardous conditions. ***SJVC*** encourages reports of physical hazards (maintenance of lights out, broken locks, etc.) to your Campus Safety Officer or Staff at your campus.

Weapons on Campus

State Law and ***SJVC*** policy prohibits the possession or use of weapons on ***SJVC*** property. It is a felony punishable by up to four years in prison to possess any firearm on ***SJVC*** property, whether in a book bag, in the car, or in an office or classroom. Possessing a concealed weapon or automatic weapons of any kind is illegal. Campus policies prohibit bringing weapons such as a dirk, dagger, stun gun, BB-gun, air gun, metal knuckle, nun chaku, knives or similar items, on ***SJVC*** campuses or buildings.

If you see a gun or other weapon on ***SJVC*** property, please alert the campus CSA or security immediately. If you believe that the weapon is being or is about to be used, dial 911 from a landline or cell phone.

Reporting Crimes and Emergencies

Students and employees of ***SJVC*** are free to report any crime on campus directly to the appropriate law enforcement agency without notifying ***SJVC*** staff. However, we ask that students and employees not engage in this practice because ***SJVC*** is prepared to offer immediate support to the victim, coordination with law enforcement, and timely warning to members of the campus community.

In the event that a student or employee is aware of an emergency, is the victim of or witness to a crime, it should be reported immediately to:

- The CSA; if a security officer is not immediately available, notify the front office staff or a CSA (Campus President, Dean, Safety Officer, etc.) who can make contact via radio.

This report can be made by the employee or student himself/herself or by any employee or student on his/her behalf. This report can be verbal, electronic, or written provided it is done immediately. In the absence of the Campus President, the report should be made to any member of campus management.

The Campus President will involve the campus safety officer as appropriate and report in a timely manner to the law enforcement agency with jurisdiction at that campus. Once reported to the campus safety officer, he/she immediately completes an electronic incident report and provides notice to the Campus President.

Anonymous Reporting Process

SJVC encourages all victims to report all crimes to the police, there may be times when an individual does not want to be identified in a report or is unable to make such a report. In those cases, crimes may be reported anonymously so they are included in the annual crime statistics. Individuals seeking advice or filing anonymous reports about harassment or discrimination may also contact their Campus Presidents, Dean of Student Services, Campus CSAs, or Title IX coordinator.

SJVC does not employ pastoral counselors, professional therapists, or psychological counselors; however, referral to these support services can be arranged in a confidential

meeting with the Campus President or Dean of Student Services.

Reporting Hate Crimes

A hate crime is any criminal act or attended criminal act directed against a person(s), public agency, or private institution based on the victim's actual or perceived race, national origin, religion, sexual orientation, disability, or gender identity, or because the person, agency or institution is identified or associated with a person or group of an identifiable race, national origin, religion, sexual orientation, disability, or gender identity. A hate crime includes an act that results in injury, however slight, a verbal threat of violence that apparently can be carried out; an act that results in property damage, and property damage or other criminal act(s) directed against a private or public agency.

Hate crimes are routinely classified as misdemeanors. However, hate crimes can be classified as felonies if committed because of bigotry. A conviction cannot be based on speech alone, unless the speech itself threatens violence against a specific group or individual, and the perpetrator has the ability to carry out the threat. If you are the victim of or witness to a hate crime, report it immediately to your campus CSA or law enforcement.

Emergency Notification, Timely Warnings, and Emergency Response Contacts

Emergency Notification

It is the intent of ***SJVC*** to protect students, visitors and employees from serious injury, property loss or loss of life. If a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurs on campus, ***SJVC*** will utilize its Emergency Notification System to send a SMS text message and email to staff and students.

Persons responsible for planning, implementing and communicating urgent notifications are the Campus President and Emergency Action Response Team (EART). The responsibilities of the EART include assessing the nature and extent of emergency, coordinating appropriate response, facilitating emergency evacuation or lockdown and administering first aid and CPR as a first responder.

Some examples of significant emergencies include fire, hazardous material spill or release, disruptive or combative person, riot or civil disturbance, earthquake, gas leak, armed intruder, and bomb threat. Widespread emergencies have the potential to prevent students and employees from reaching the campus and may necessitate its closure.

During a widespread emergency, the Campus President may decide to close the campus, keep the campus open under special conditions, or keep the campus open as usual. In addition, the Campus President will, without delay, taking into account the safety of the ***SJVC*** community and determine the content of the "notification", unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The Campus President's decision and any related information will be communicated to the campus community as follows:

Campus personnel will record a status message that can be heard on the main campus phonenumber. The message will be updated as necessary.

- Campus administration will make every reasonable effort to post status signs on the campus.
- Employees and students unable to reach the campus due to safety concerns should communicate their status by leaving a voice message, if possible, with the campus administration.

In addition, methods of immediate internal communication include automated alarm for the fire detection and suppression system, verbal alert by EART member, and/or telephone/intercom/radio systems. External methods of notification include police or fire-rescue, civil defense system and commercial radio or television.

Employees and students are to report emergencies to the CSA's (Campus President, Deans of Student Services, Safety Officer or front desk) to initiate the process of the EART team. Maps are posted in numerous locations throughout each campus facility. Employees and students should be aware of how they will evacuate the facilities, no matter where they are located.

Basic instructions include evacuating quickly and orderly, without running to the nearest exit at the sound of the fire alarm, proceeding to the gathering area and waiting for instructions, remaining in the gathering area until given permission to leave or return to the facility. Talking and cell phone use is prohibited, and elevator use is prohibited. More detailed instructions are located on InfoZone in the Campus Safety Procedures and Emergency Action Plan Handbook.

Regularly announced and unannounced emergency response and evacuation drills/ exercises are conducted quarterly at each campus and assessed by the EART for efficiency and meeting the needs of the campus community. Each *SJVC* campus shall document each announced or unannounced evaluations of emergency response and evacuations drills/exercise noting date, time, description of the test, and whether announced or unannounced.

Timely Warning

In the event of a substantiated serious safety concern, either on ***SJVC*** property or in the nearvicinity of the campus, diligent and numerous efforts are made to notify ***SJVC*** students and employees.

SJVC takes its duty seriously to notify students and employees in a timely manner. Campus Timely Warning Notice is specifically related to the Federal Clery Act, which requires ***SJVC*** tonotify students and employees whenever there is a threat that a serious crime is ongoing. The Clery Act defines certain crimes that require a timely warning. Examples include but are not limited to:

- | | | |
|---|---|--|
| <ul style="list-style-type: none">• Criminal Homicide: Murder/Non-Negligent Manslaughter• Negligent Manslaughter• Robbery• Aggravated Assault• Burglary | <ul style="list-style-type: none">• Motor Vehicle Thefts• Hate Crimes• Persons with Weapons• Sex Offense: Rape• Sex Offense: Fondling• Sex Offense: Incest• Sex Offense: Statutory Rape | VAWA Offenses: <ul style="list-style-type: none">• Domestic Violence• Dating Violence• Stalking |
|---|---|--|

This timely warning information is provided in an appropriate manner in order to prevent similar crimes from occurring and to protect the personal safety of students and employees.

Anyone with information warranting a timely warning should report by phone or in person the circumstances to the Campus President/CSA, who is responsible for issuing these warnings. [Please refer to contact information on page 7-8]. The issuance of a timely warning notice must be decided on a case-by-case basis and will not include any information that would identify the victim.

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus President/CSA, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued.

Information is released through security alerts posted prominently throughout each campus, through computer memos sent over ***SJVC***’s electronic mail system, a voice mail broadcasting, and/or through the use of an SMS text messaging system.

SJVC has developed a web-based emergency notification system that will send urgent notifications to staff and students via SMS text message and email. Authorized users may enter a message, choose the campus location, and choose the recipient group from either, Staff, Students, or both on a simple web page. This message is then sent via text message and email. Employees and students may opt in or out of the emergency text messaging system.

Warnings will be issued through the *SJVC* e-mail system or via the *SJVC* emergency notification system to students, faculty, and staff. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Campus President may also post a notice on the campus-wide electronic bulletin board at <https://infozone.sjvc.edu>.

In such instances, a copy of the notice is also posted in each classroom, at the front door of each campus, and in the Student Center. Additionally, these same systems will be utilized to report campus closures due to other types of emergencies that *SJVC* deems a significant emergency or dangerous situation that involves an immediate threat to the health or safety of the *SJVC* community.

FERPA does not preclude an institution's compliance with the timely warning provision of the campus security policies. FERPA recognizes that information can, in case of an emergency, be released without consent when needed to protect the health and safety of others.

On a semi-annual basis, each Campus President/CSA contacts the local police department and speaks with the commander in whose area the campus is located. The purpose of the conversation is to assure that the commander is:

- aware of our commitment to campus safety,
- is willing to comply with our request for notice of crimes committed on public property adjacent to the campus,
- is aware that crimes committed on public property adjacent to the campus will be included in our crime statistics, and
- will provide immediate notice should there be a need for timely warning to the campus community.

These agreements are memorialized in letters from the Campus President to the area commander. However, *SJVC* has no written articulation agreements with any local or federal law-enforcement agencies.

Emergency Response Contact Information

To report all police, fire, or medical emergencies on your campus please dial 911 or utilize the contacts on page 16-17 as a point of reference. Non-emergencies incidents, police reports, and general safety issues that do not require emergency responses should be reported directly to Police Department using the non-emergency telephone numbers.

EMERGENCY SERVICES CONTACT INFORMATION

Campus	Hospital	Police Department	Rape Crisis Center
Atascadero	Atascadero State Hospital 10333 El Camino Real Atascadero, CA 93422 (805) 468-2009	Atascadero Police Department 5505 El Camino Real Atascadero, CA 93422 (805) 461-5051	Hampton Court Short- Term Crisis House 12355 Hampton Court Atascadero, CA 93422 (805) 461-4148
Bakersfield	Mercy Hospital 2215 Truxtun Ave. Bakersfield, CA 93301 (661) 632-5000	Bakersfield Police 1601 Truxtun Avenue Bakersfield, CA 93301 (661) 327-7111	Alliance Against Family Violence & Sexual Assault 1921 19 th Street Bakersfield, CA 93301 Business: (661) 322-0931 Hotline: (661) 327-1091
Delano	Delano Regional Medical Center 1401 Garces Hwy Delano, CA 93215 (661) 725-4800	Delano Police 2330 High St Delano, CA 93215 (661) 721-3377	Alliance Against Family Violence & Sexual Assault 1921 19 th Street Bakersfield, CA 93301 Business: (661) 322-0931 Hotline: (661) 327-1091
Hanford	Adventist Medical Center 115 Mall Drive Hanford, CA 93230 (559) 582-9000	Hanford Police 425 N. Irwin Hanford, CA 93230 (559) 585-2540	Family Services of Tulare County 815 W. Oak Visalia, CA 93291 Business: (559) 741-7310 Hotline: (559) 732-7273
Hesperia	Desert Valley Center 16850 Bear Valley Rd Victorville, CA 92395 (760) 241-8000	Hesperia Police 15840 Smoke Tree Street Hesperia, CA 92345 (760) 947-1500	Rape Crisis Center 15437 Anacapa Rd, #8, Victorville, CA 92392 Business: (760) 952-0041
Lancaster	Antelope Valley Hospital 1600 W. Avenue J Lancaster, CA 93534 (661) 949-5000	Lancaster Police 501 W. Lancaster Blvd. Lancaster, CA 93534 (661) 948-8466	Sexual Assault Response 44967 10th St. W Lancaster, CA 93534 (661) 723-7273
Madera	Madera Community Hospital 1250 E. Almond Avenue Madera, CA 93637 (559) 675-5555	Madera City Police Department 330 South C Street Madera, CA 93638 (559) 675-4200	Resource Counseling Services of Fresno (RCS) 259 N. Blackstone Ave. Fresno, CA 93701 Business: (559) 497-2900 Hotline: (559) 222-7273

Campus	Hospital	Police Department	Rape Crisis Center
Modesto	Kaiser Permanente 4601 Dale Road Modesto, CA 95356 (209) 735-5000	Stanislaus Sheriff 250 E. Hackett Modesto, CA 95358 (209) 525-7117	Haven Women's Center of Stanislaus 618 13th Street Modesto, CA 95354 Business: (209) 524-4331 Hotline: (209) 577-5980
Ontario	Rancho San Antonio 7777 Milliken Avenue Rancho Cucamonga, CA, 91730 (909) 948-8000	Ontario Police Department 2500 S. Archibald Avenue Ontario, CA 91761 (909) 395-2001	Project Sisters Family Services P.O. Box 1369, Pomona, CA 91769 Business: (909) 623-1619 Hotline: (909) 626-4155
Porterville	Sierra View District Hospital 465 W. Putnam Ave Porterville, CA 93257 (559) 784-1110	Porterville Police Department 350 N. D St. Porterville, CA 93257 (559) 782-7400	Central California Family Crisis Center 211 N. Main St. Porterville, CA 93257 (559) 784-0192
Rancho Cordova	Mercy San Juan Medical 6501 Coyle Avenue Carmichael, CA 95608 (916) 537-5000	Rancho Cordova Police 2897 Kilgore Road Rancho Cordova, CA 95670 (916) 875-9600	PEACE for Families PO Box 5462 Auburn, CA 95604 Business: (530) 885-0443 Hotline: (800) 575-5352
Santa Maria	Dignity Health – Marian Regional Medical Center 1400 E Church St, Santa Maria, CA 93454 (805) 739-3000	Santa Maria Police Department 1111 Betteravia Rd, Santa Maria, CA 93458 (805) 928-3781	North County Rape Crisis and Child Protection Center 301 Miller St. #103, Santa Maria, CA 93454 (805) 922-2994
Temecula	Inland Valley Medical Center 36485 Inland Valley Drive Wildomar, CA 92595 (951) 677-1111	Temecula Police 30755-A Auld Road Murrieta, CA 92563 (951) 696-3000	Center Against Sexual Assault 1600 E Florida Ave, Ste 206, Hemet, CA 92544 Business: (951) 652-8300 Hotline: (866) 373-8300
Trades Education Center	Community Regional Medical Center 2823 Fresno St. Fresno, CA 93721 (559) 459-6000	Fresno City Police 2323 Mariposa St. #2075 Fresno, CA 93721 (559) 621-2000	Resource Counseling Services of Fresno (RCS) 259 N. Blackstone Ave. Fresno, CA 93701 Business: (559) 497-2900 Hotline: (559) 222-7273
Visalia/Online	Kaweah Delta District Hospital 400 W. Mineral King Avenue Visalia, CA 93291 (559) 624-2000	Visalia Police Department 303 S. Johnson Street Visalia, CA 93291 (559) 734-8116	Family Services of Tulare County 815 W. Oak Visalia, CA 93291 Business: (559) 741-7310 Hotline: (559) 732-7273

Resources for Victims of Sexual Misconduct

Additionally, the following resources exist to provide information and links to assistance:

National Sexual Assault Hotline

1-800-656-HOPE (4673)

<https://www.rainn.org/>

National Domestic Violence Hotline

1-800-799-7233

(TTY) 1-800-787-3224

<http://www.thehotline.org/>

National Network to End Domestic Violence

<https://nnedv.org/content/womenslaw/> [Legal information and resources]

National Stalking Resource Center

<https://rainn.org/news/resources-survivors-stalking-and-cyberstalking>

National Teen Dating Abuse Helpline

1-866-331-9474

800-787-3224 (TTY)

<http://www.loveisrespect.org/>

National Suicide Prevention Hotline

988

<https://suicidepreventionlifeline.org/>

School and College Organization for Prevention Educators

Consent Statutes Listed by State:

<https://apps.rainn.org/policy/compare/consent-laws.cfm>

Child Welfare Information Gateway

<https://www.childwelfare.gov>

State Statutes Including Mandatory Reporting Laws

<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/>

Campus Prevention and Safety Precautions

Crime Prevention Awareness Programs

SJVC does not have any off-campus student organizations. However, each campus has an active Safety Committee, whose responsibilities include scheduling training for students and employees in safety awareness and crime prevention. Students and employees receive their first training as a component in orientation. Safety meetings are conducted quarterly by the Campus President/CSA.

These trainings encourage students and employees to be responsible for their own security and the security of others as well as addressing issues related to crime prevention. Where appropriate, issues related to shop, lab and classroom safety are addressed, including routine quarterly fire drills and review of Material Safety Data Sheets (MSDS).

Campus Safety Precautions

All members of the **SJVC** campus are encouraged to assist one another by taking responsibility for personal safety and assisting with security needs of others. While employees and security measures may offer assistance regarding safety and security concerns ultimately the primary responsibility for safety begins with each individual.

Personal Safety

- Be aware of your surroundings and those around you
- Do not walk in dark, unlighted areas of surroundings
- Walk in pairs or groups when entering or exiting the campus
- Avoid working or studying alone at night, in remote areas or offices, and keep your door locked if you have to work late
- Have your keys ready and in hand when approaching your vehicle or office

Property Safety

- Lock and secure your desk and office when not in use
- Lock up equipment when not in use
- Do not leave books, bags, wallets, purses, keys or any other possessions unattended
- Identify your valuable with tags, marker, etc.

Vehicle Safety

- Park in well lighted areas and always lock your car
- Secure valuable such as cell phones, books, packages, etc. by placing them in the trunk or out of sight
- Secure your windows by rolling them up
- Park in authorized spaces and between the lines to reduce the chance of damage or vandalism to your vehicle

SUBSTANCE ABUSE

Policies, Sanctions, and Laws

In accordance with the Drug Free Schools and Communities Act of 1989, the following information is provided regarding **SJVC** campus policies prohibiting unlawful use, possession, or distribution of drugs or alcohol; **SJVC** sanctions regarding drug and alcohol violations by employees or students; federal, state, and local laws and penalties for drug and alcohol offenses; health effects of drug and alcohol abuse; and local resources providing assistance.

SJVC Policy and Sanctions Disciplinary Actions(?)

SJVC strives to maintain campuses and workplace free from the illegal use, possession, distributing of alcohol and other drugs. **SJVC** maintains policies and standards regarding substance abuse as a way to prevent, identify and respond to their impact on the workplace and academic environment; to provide support for employees and students who seek it; to reduce absenteeism and tardiness; to improve productivity; and to reduce the occurrence of injury and accident.

The unlawful possession, use, distribution or sale of alcohol, prescription, non-prescription or illegal drugs by employees and/or students is strictly prohibited while on **SJVC** property, off-site extern or clinical facility or while participating in a **SJVC**-sponsored activity.

Students violating these laws and policies are subject to disciplinary action, up to and including expulsion from **SJVC** and maybe to referred for criminal prosecution or required to participate in appropriate treatment programs. Employees violating these laws and policies may be subject to the corrective action, up to and including dismissal or termination under applicable **SJVC** policies, and may be referred for criminal prosecution or required to participate in an Employee Support Program or appropriate treatment program.

Loss of Financial Aid for Convictions Involving Sale or Possession of Illegal Drugs

Any conviction involving the sale or possession of illegal drugs, under federal or state law will result in loss of eligibility for any Title IV, HEA grant, loan, or work-study assistance. (HEA Sec.484 (r) (1)); (20 U.S.C. 1091 (r) (1)), if the conviction occurs during a period of enrollment for which the student was receiving Title IV HEA program funds.

Federal Laws and Sanctions

Federal law provides criminal and civil penalties for unlawful possession or distribution of a controlled substance. DEA scheduled drugs or mixtures containing them (e.g. methamphetamines, cocaine, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, and so called “designer drug,” as well as “counterfeits,” purported to be such drugs), or to traffic in marijuana or hashish.

Depending on the quantity of drugs involved, penalties range from 5 years to life (20 years to life if death or serious injury was involved) and fines up to \$10 million or more. Second offenses range from 10 years to life (life if death or serious injury was involved) and fines up to \$20 million.

Under the Controlled Substance Act as well as other related federal laws, penalties for controlled substances include but are not limited to: incarceration, fines, potential for forfeiture of property

used in possession or to facilities possession of a controlled substance (which may include homes, vehicles, etc.), ineligibility to possess a firearm, and potential risk to receive federal educational benefits (such as student loans and grants). It is important to note that all students, employees, and visitors are subject to SJVC's policy, as well as local, state, and federal laws.

California Laws and Sanctions

Under California law, it is illegal to possess, consume, or transport any alcoholic beverage if under the age of 21, and it is illegal to provide an alcoholic beverage to a person under the age of 21. Underage persons may not buy alcoholic beverages or possess them on campus, in public, or in places open to the public view; the penalties for violations of these laws may include substantial fines and jail. State law prohibits driving a motor vehicle while under the influence. Drunk driving penalties include jail or prison, fines of \$1,000 or more, driver's license suspension or revocation, and required drug/alcohol treatment programs. Sale or possession of controlled substances is a felony with terms of 3 years or more. Possession alone is punishable by up to 4 years in prison.

SJVC offices and campuses will enforce and refer to the appropriate law enforcement all infractions of this standard, as well as disciplinary action up to and including dismissal or termination.

Drug and Alcohol Abuse Education

SJVC provides as a benefit for all employees, assistance information on a confidential, no-cost appointment with a counselor go to: **InfoZone>Community>Benefits**.

SJVC may arrange a mandatory evaluation of employee fitness for duty; in addition, will provide a medical leave of absence, in accordance with existing personnel policies, for employees whose treatment requires extended absence from work.

SJVC complies with a Drug-Free Schools and Communities Act (DFSCA) by providing students and employees a copy of the "Substance Abuse Prevention Program," at the time of enrollment and employee orientation. A community resource directory is available through the Dean of Students or Human Resources Officer at each campus/office for referral to the appropriate service organization and support program.

Health Risks

Substance abuse can cause very serious health and behavioral problems including short- and long-term effects upon the body and mind. It can cause impairment of learning ability, memory, and performance, including chronic health problems. Substance abuse can lead to high-risk behavior that could lead to accidents and injury.

Using alcohol or other drugs while pregnant can cause fetal damage, birth defects, miscarriage and infant death. Additional information on health risks of substance abuse can be found on the National Institute of Drug abuse website.

SEXUAL VIOLENCE

Overview of Policies

SJVC complies with all pertinent titles and sections of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Clery Act of 1990, and the Violence against Women Reauthorization Act (VAWA) of 2013.

Every member of the **SJVC** community, guests, and visitors have the right to be free from all forms of gender and sex discrimination, harassment, and assault, examples which can include acts of sexual violence, sexual harassment, retaliation, domestic violence, dating violence, sexual assault, stalking or other prohibited behavior (“Prohibited Conduct”) that violates law and/or **SJVC** policy. All members of the **SJVC** community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

As stated in **SJVC’s** Sexual Harassment and Sexual Prevention Policy, located on **INFOZONE>Community>2023 Sexual Harassment and Sexual Assault Prevention Policy**. All members of the **SJVC** community are expected to conduct themselves in a manner that does not infringe upon the rights of others. When an allegation of misconduct is brought to **SJVC’s** attention, and a Respondent is found to have violated this policy, appropriate sanctions will be administered, to reasonably ensure a sustained safe classroom, office, and campus environment, and equitable treatment and opportunity related to the academic and employment benefits offered by **SJVC**.

Specifically, Title IX is landmark federal civil rights legislation that prohibits sex discrimination, sexual harassment, gender-based discrimination, and sexual violence education. Title IX protects any person regarding of their real or perceived sex, gender identity, sexual orientation, and/or gender expression:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

SJVC recognizes that students and employees have the right to determine their own personal associations and the level of intimacy in each. However, it is **SJVC’s** objective that friendships and intimacy be completely voluntary and free from physical, sexual or mental coercion. In addition, members of the **SJVC** community, guests, and visitors have the right to be free from all Prohibited Behavior.

SJVC specifically prohibits the crimes of discrimination, harassment, sexual violence, sexual harassment, domestic violence, dating violence, sexual assault and stalking. Under this policy, **SJVC** expressly forbids all Prohibited Conduct behavior and is expressly forbidden.

Disciplinary action will be taken promptly against any student or employee, supervisory or otherwise, who has been found to have engaged in harassing [including bullying], discriminatory, or violent behavior. Individuals who violate these policies will be subject to disciplinary action that may include removal from campus, suspension, dismissal or termination, or any other

appropriate institutional sanctions or any other means necessary to correct the situation. Prosecution by governmental authorities may also occur.

Jurisdiction

SJVC maintains jurisdiction over Title IX compliance and infractions in any building or on property ***SJVC*** owns or controls within a reasonably contiguous area that directly supports or relates to the institution's educational purposes; any building or property that is owned or controlled by the institution that is used in support of its educational purposes but is not located within a reasonably contiguous area to the campus; on grounds or facilities maintained by a student organization; and all public property within the reasonably contiguous geographic area of the institution that is adjacent to, or accessible from, a facility the institution owns or controls and that is used for educational purposes.

In addition, the ***SJVC*** also maintains jurisdiction over student-to-student, employee-to-employee, student-to-employee, and employee-to-student off-campus conduct and/or actions, including electronic activity (such as e-mail, texting, telephone contact, social media, and other technology), when the Title IX Coordinator, or her designee, determines that the off-campus conduct affects, disrupts, or interferes with the educational mission of ***SJVC*** that could lead to the creation of an on-campus hostile environment.

First Amendment

Title IX is intended to protect students from sex discrimination, not to regulate the content of speech. In order to establish a violation of Title IX, the harassment must be sufficiently serious to deny or limit a student's ability to participate in, or benefit from, the education program.

Definitions Pursuant to California Law

Consent

Consent: Consent is affirmative, conscious, voluntary and revocable. Consent to sexual activity requires of both persons an affirmative, conscious, and voluntary agreement to engage in sexual activity. Consent is active, not passive. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the affirmative consent of the other or others to engage in the sexual activity. Consent can be given by words or actions, as long as those words or actions create mutually understandable clear permission regarding willingness to engage in [and the conditions of] sexual activity. Lack of protest, lack of resistance, or silence do not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct).

In order to give effective consent, one must be of legal age and have the capacity to give consent. The legal age of consent in the state of California is 18 years.

Prohibited Conduct

Sexual Violence: Sexual Assault – Penetration: Without consent of the Complainant, penetration, no matter how slight, of the vagina, anus, or mouth by a penis, or the vagina or anus by any part of object.

Sexual Assault Contact: Without the consent of the Complainant, touching an intimate body part (genitals, anus, groin, breast, or buttocks) unclothed or clothed.

(Note: As this definition encompasses a broad spectrum of conduct, not all of which constitutes sexual violence. The Title IX Officer will determine whether the allegation should be treated as sexual violence or sexual harassment)

Sexual Assault Penetration and Sexual Assault Contact are aggravated when it includes overcoming the will of the Complainant by:

Relationship Violence:

- force – the use of physical force or inducing reasonable fear of immediate or future bodily injury
- violence – the use of physical force to cause harm or injury
- menace – a threat, statement, or act showing intent to injure
- duress – a direct or implied threat of force, violence, danger, hardship, or retribution that is enough to cause a reasonable person of ordinary sensitivity, taking into account all circumstances including age and relationship, to do or submit something that they would not otherwise do
- deliberately causing a person to be incapacitated through drugs or alcohol
- intentionally taking advantage of the other's persons incapacitation
- Photographing, recording, transmitting, or distributing intimate or sexual images without prior knowledge and consent of the parties involved.

Dating Violence: Conduct by a person who is or has been in a romantic or intimate relationship. Controlling, abusive, and aggressive behavior in a romantic relationship. 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. Dating violence includes the use of physical violence, coercion, threats, intimidation, isolation, or stalking on another while in a

dating relationship, or a social relationship of romantic or sexually intimate nature.

Such violence includes other forms of emotional, sexual, or economic abuse directed towards a person who is or has been in a dating relationship, or a social relationship of a romantic or sexually intimate nature with the victim. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Dating violence can be a single act or a pattern of behavior in relationships. Unless the behavior occurs under *SJVC*'s jurisdiction or could lead to an on-campus hostile environment, *SJVC*'s role is limited to offering support and referral to third-party services.

Domestic Violence: Conduct by a current or former spouse or intimate partner, or a person with whom a Complainant shares a child in- common. This current or former spouse or intimate partner or parent, that willfully intimidates, causes physical assault, battery, sexual assault, and/or other abusive behavior as part of a systematic pattern of power and control perpetrated by one intimate partner against another.

Unless the behavior occurs under *SJVC*'s jurisdiction or could lead to an on-campus hostile environment, *SJVC*'s role is limited to offering support and referral to third-party services.

Stalking: Repeated conduct directed at a specific person (e.g. following, monitoring, observing, surveilling, threatening, communicating, or interfering with property), of a sexual or romantic nature or motivation, that would cause a reasonable person to fear for their safety, or the safety of others, or to suffer substantial emotional distress.

Sexual Harassment: Unwelcome sexual advances, gender or sex-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone's ability to participate in or benefit from *SJVC*'s employment and/or educational programs/activities when:

- Quid Pro Quo: a person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, advancement or grades, or other decisions affecting participation in the *SJVC* program; or
- Hostile Environment: such conduct is sufficiently severe or pervasive that it unreasonable denies, adversely limits, or interferes with a person's participating in or benefit from

education, employment or other program/services *SJVC* provides and creates an environment that a reasonable person would find offensive or intimidating.

Consideration is given to the totality of the circumstances in which conduct occurred. Please refer to *SJVC's* Sexual Harassment and Sexual Prevention Policy for more information.

Other Prohibited Conduct Behavior

Sexual intercourse with a person under the age of 18.

Exposing one's genitals in a public place for the purpose of sexual gratification.

Failing to comply with the terms of a no-contact order, a suspension of any length, or any order of the Title IX coordinator.

Retaliation: Any adverse action by any student, faculty or staff member against another individual as a result of that individual's exercise of a right under policy, including participating in a complaint and/or investigation. Retaliation includes threats, intimidation, reprisals, and/or adverse educational and/or employment actions against a person based on their report of Prohibited Conduct or participation in the investigation, report, remedial or disciplinary processes pursuant to *SJVC* policies.

Other Definitions:

Advisor: A member of the faculty, staff, or student body of *SJVC* or a family member, attorney, or friend selected by the Complainant or Respondent to assist him or her during the investigation process. Refer to page 11 for the *SJVC* Sexual Assault handbook for additional information.

Appeal Officer: For students, a member of *SJVC's* senior management [excluding the College President] selected by the Title IX Coordinator to hear an appeal of a decision of the Investigator. For employees, the College President.

Complaint: A report, either verbal or in writing, to *SJVC* by a student who believes he or she has been subjected to discrimination, harassment, or assault in violation of Title IX on the part of other students, faculty, staff, employees of *SJVC*, or third parties.

Complainant: A student, employee, or visitor who lodges with *SJVC* a complaint alleging conduct in violation of Title IX.

***SJVC* Community:** The students, faculty, staff, administration and other employees of *SJVC*, as well as visitors, vendors and independent contractors to *SJVC*.

Discrimination: Any distinction, preference, advantage for or detriment to, an individual compared to others that is based upon an individual's actual or perceived gender, race, color, age, creed, national or ethnic origin, physical or mental disability, veteran status, pregnancy status, religion or sexual orientation that is so severe, persistent or pervasive that it unreasonably interferes with or limits an employee's or student's ability to participate in, or benefit from, *SJVC's* educational programs or activities. Title IX, and this Policy, specifically relates to gender/sex discrimination; other types of discrimination are addressed by *SJVC's* anti-discrimination policies.

Privacy: *SJVC* will make all reasonable efforts to maintain the privacy of the parties involved in an investigation of a complaint regarding the details of that investigation, and except where permitted by law, the sanctions imposed. *SJVC* will inform in writing all individuals involved in the investigation and/or hearing process of the critical importance and expectation that, while the processes are ongoing, they maintain the privacy of the process and any information shared with them as a result of their participation. Further, all documents provided in preparation for or related to the hearing proceedings may not be disclosed to any other party under FERPA as such documents constitute education records which may not be disclosed outside of the proceedings, except as may be required or authorized by law. All hearing proceedings will be confidential and will not be discussed outside the process; this includes any witnesses and advisors/support persons.

Complainants and Respondents are not prohibited from sharing details of complaints with family/partner, counsel, or a support person/advisor, who may support or assist the parties in presenting their case. Those persons are also expected to maintain the same level of privacy as Complainants and Respondents and *SJVC* will provide written notice regarding privacy to Complainants and Respondents so that they can deliver it to such persons.

Following resolution of an investigation and any related hearing, *SJVC* does not impose any restrictions on the parties regarding re-disclosure of the following: the name of the student or employee (Respondent or Complainant), the findings of the hearing, any sanctions imposed by *SJVC*, and the rationale for the findings and sanctions.

Respondent: The party to a complaint who allegedly committed conduct that violated Title IX.

Sexual Exploitation: When one takes non-consensual or abusive sexual advantage of another for the benefit of anyone other than the one being exploited without his/her consent. Examples of sexual exploitation may include, but are not limited to

- Prostituting another person;
- Non-consensual video or audio-taping of sexual activity;
- Viewing or distributing images of an individual's sexual activity, body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's Consent to have the image shared, or advance Consent to view such an image, and for the purposes of arousing or gratifying sexual desire;
- Knowingly transmitting an STD, HIV, or other communicable disease to another;
- Exposing one's body parts in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking.

Standard of Proof: A Respondent will be found either responsible or not responsible based on a preponderance of the evidence, meaning that it is more likely than not that s/he has violated *SJVC's* policy and any other applicable policies and procedures. The determination of responsible or not responsible 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.

Title IX Coordinator: The person(s) responsible for oversight and implementation of Title IX compliance at *SJVC* and for the effective oversight of *SJVC's* Sexual Harassment and Sexual Assault Prevention Policy and procedures outlined in this policy. The purpose of the Title IX Coordinator is to protect and promote gender equality. The Title IX Coordinator is an advocate for the policies, processes and resources that address gender equality at *SJVC*, and not a specific advocate for Complainants, Respondents, or *SJVC*.

Obtaining Support, Assistance, Resources and Referrals

Awareness and Prevention Training Programs

Through the Title IX Coordinator, *SJVC* is committed to educating the *SJVC* community of the impact that Prohibited Conduct has on an individual and the broader *SJVC* community. Therefore, *SJVC* will provide the *SJVC* Community with training, including health and mental health training, visa and immigration assistance, student financial aid, ongoing education, prevention

and awareness information about behavior constituting Prohibited Conduct and other services available to victims, both within the institution and community.

SJVC will provide post prevention and education resources and information upon request regarding Prohibited Conduct to victims. ***SJVC*** will refer victims as necessary to other resources and can help with filing a police report within any jurisdiction. Students and employees may contact their campus CSA's or Title IX Coordinator for any type of resources.

Notice of Rights & Options

SJVC will advise any student, faculty, or staff member who reports any Prohibited Conduct, whether the offense occurred on or off campus, is provided with a written explanation of their rights and options. This written explanation identifies rights and sources of counseling, advocacy, support, and legal options.

Seeking Medical Attention, Preserving Evidence and Risk Reduction Regardless of whether the incident is reported to the police, it is important to seek immediate medical attention. Even if, there is no evidence of serious injury. A sexual assault forensic examination ("SAFE") will preserve evidence. Therefore, any person who has been subjected to physical sexual violence is urged to go as quickly as possible to the emergency room at any local hospital for medical attention. For a list of hospitals closest to each campus, including a Rape Crisis Center please refer to the listing on page 16-17 of this report or contact your campuses CSA.

SJVC encourages victims to preserve all physical evidence. It is important to preserve evidence of any offense. In cases of sexual assault or misconduct, dating violence, domestic violence, or stalking, preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender or to seek an order of protection.

Sexual Assault Preservation of Evidence:

- Evidence of a sexual assault should be preserved as soon as possible after an incident, even if the affected party is unsure about reporting or filing criminal charges.
- Forensic evidence collection is best done within 72 hours of the assault and best collected immediately following the assault.
- The victim should not change clothes, bathe, douche, brush their teeth, smoke, or shower following the attack.
- Your clothing may need to be collected as evidence if it was worn during or immediately after the assault. You should not wash clothes or dispose of any items worn during the assault.
- If there is any reason you believe you were drugged, a urine sample will need to be obtained as soon as possible. Blood may be collected.

Victims/Survivors of sexual assault, domestic and dating violence and stalking are encouraged to also preserve evidence by saving instant messages, text messages, social media pages, other communications, pictures, logs or other useful information to an investigation.

Prevention

In addition, ***SJVC*** includes the following information regarding prevention and risk reduction.

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner and yourself. These suggestions may help you avoid committing a nonconsensual sexual act and reduce your risk of being accused of sexual misconduct:

1. Clearly communicate your intentions to your sexual partner and give them a chance to clearly communicate their intentions to you.
2. Understand and respect personal boundaries. Do not pressure a potential partner.
3. **DON'T MAKE ASSUMPTIONS** about consent; about someone's sexual availability; about whether they are attracted to you; about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity, then you **DO NOT** have consent and you should stop.
4. If you think you are receiving unclear or conflicting messages from your partner, this is a clear indication that you should stop, defuse any sexual tension, and communicate better.
5. Don't take advantage of someone's drunkenness, drugged, or otherwise incapacitated state, even if they did it to themselves.
6. Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
7. Understand that consent to some form of sexual behavior does not automatically equal consent to any other form of sexual behavior.
8. Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal, non-verbal communication, and body language. If you are not sure, stop.

Risk Reduction

Risk reduction tips can, unintentionally, take a victim-blaming tone. With no intention to victim-blame, and with recognition that only those who commit sexual violence are responsible for such conduct, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act.

1. If you have sexual limits, make them known as early as possible.
2. If you do not want to engage in a particular activity, tell the other person "NO" clearly and firmly.
3. Try to remove yourself from the physical presence of a sexual aggressor, if you can do so safely.
4. If someone is nearby, ask for help or if it is safe to do so, text or call someone.
5. Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
6. Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to enter a dangerous situation. Respect them when they do.

Reporting Prohibited Conduct

An individual who is the victim of any Prohibited Conduct and has knowledge of another person being the victim of such misconduct or believes in good faith that he/she has witnessed a possible warning signs of Prohibited Conduct, they are encouraged to make a formal report to the Dean of Student Services, the Campus President, and/or the Title IX Coordinator and/or local law enforcement authorities.

Whether or not a victim or a witness elects to report behavior constituting Prohibited Conduct, warnings signs to the police, he/she is urged to contact the Dean of Student Services, the Campus President, and/or the Title IX Coordinator.

SJVC's Title IX Coordinator can be reached at:

Crystal G. VanderTuig
San Joaquin Valley College
3828 West Caldwell Avenue
Visalia, CA 93277
(559) 302-1802
Crystal.VanderTuig@sjvc.edu

SJVC has a process in place for students, faculty, staff, and administrators to report any violations of this Policy or related criminal acts by submitting an email to:

TitleIXSupport&Assistance@sjvc.edu; via phone (559) 622-1992; or in person to the Title IX Coordinator. Alternatively, complainants may contact the appropriate Dean of Student Services or Campus President to report violations. All incidents where imminent physical danger is known or suspected should be reported to local law enforcement via 9-1-1 immediately.

Lodging a Formal Complaint

If a student has been the subject of behavior constituting Prohibited Conduct or has witnessed another individual of the *SJVC* community being subjected to such acts, he/she may file a formal complaint. Complaints can be made in person or in writing. If in writing, the complaint must be legible, dated, and addressed to the Title IX Coordinator, and/or the appropriate Dean of Student Services and/or Campus President.

Complaints should generally be submitted within 180 days, and failure to timely report will impede *SJVC's* ability to effectively investigate and respond. However, *SJVC* will investigate and take appropriate action in response to all reports regardless of when the alleged conduct occurred. The ability of *SJVC* to respond to the conduct is limited if the Respondent is no longer a member of the *SJVC* community. If a *SJVC* staff member, faculty member or student leaves *SJVC* with a pending complaint against them, they will not be permitted to return to *SJVC* until the case is resolved through these procedures.

Required Reporting by Responsible Employees

In addition to the Dean of Student Services, Campus Presidents, and Title IX Coordinator, a report may be made to any responsible employee. The following employees of *SJVC* are designated as

Responsible Employees, who are required to report incidents and relevant details of Prohibited Conduct to the Title IX Coordinator and law enforcement, if necessary:

- Managers/Administrators
- All Faculty

Notice to a Responsible Employee is official notice to **SJVC**. Members of the **SJVC** community have the right and can expect to have incidents of any Prohibited Conduct taken seriously by **SJVC** when formally reported, and to have those incidents investigated and properly resolved. Formal reporting means that only people who need to know will be told, and information will be shared only as necessary.

Confidential Reporting Procedures

All employees and faculty are designated as responsible employees of **SJVC** and are obligated to report incidents to the Title IX Coordinator, or to another designated official.

If you are the victim of a crime and do not want to pursue action with the criminal justice system, you may make a confidential report to the Title IX Coordinator or designated official. This reporting allows you to keep the matter confidential, while allowing **SJVC** to take the steps necessary to ensure the future safety of yourself and others and is an anonymous basis for inclusion in the crime statistics.

For victims who report crimes of Prohibited Conduct, **SJVC** will maintain as confidential any accommodations or protective measures provided to a victim, to the extent that maintaining such confidentiality would not impart the ability of the institution to provide the accommodations or protective measures.

Campus security is a serious matter and requires the cooperation and honesty of all students and employees. The filing of a false report, refusal to cooperate with either campus staff or law enforcement in the process of an investigation or being untruthful in the process of an investigation are all grounds for disciplinary action, up to and including dismissal or termination.

Confidential Reporting Options

Certain resources are not required to disclose private, personally identifiable information unless there is cause for fear for your safety, or the safety of others. Specifically, reports to members of the clergy and chaplains off-campus are confidential resources.

Supportive Services

SJVC is committed to providing appropriate support to employees and students who are the victims of crime on campus, including no-cost, confidential counseling through our Employee Assistance Program, referral to appropriate agencies in the community, and leave of absence. The Campus President will coordinate these services.

SJVC does not employ pastoral counselors, professional therapists, or psychological counselors; however, referral to these support services can be arranged in a confidential meeting with the Campus President or Dean of Student Services.

Investigations

In the event that a student or employee is accused or suspected of committing a crime on campus, in an extern/clinical facility, or while participating in a ***SJVC***-sponsored activity, ***SJVC*** will cooperate in full with the appropriate law enforcement agency. It may be necessary to suspend the employee or student during the course of an investigation. ***SJVC*** will impose the appropriate sanction, up to and including dismissal or termination, if the accused is found guilty.

Prohibited Conduct Response Procedures to Follow

In order to support this objective, ***SJVC*** has these policies regarding sex offenses directed against students and/or employees:

1. The offenses of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse and aggravated sexual abuse constitute sex offenses under the law.
2. A student or employee who, while on campus or off-site extern or clinical facility, is a sex offense victim, he/she is encouraged to immediately contact the Campus President and/or the local law enforcement agency. If the victim requests assistance from ***SJVC*** staff in reporting the offense to law enforcement agencies, reasonable support will be given.
3. Upon receiving a student or employee's report of sexual assault, domestic violence, dating violence, or stalking, whether the offense occurred on or off campus, ***SJVC*** will provide the student a written explanation of the student or employee's rights and options.
4. It is imperative that physical evidence be preserved. For that reason, victims of sexual offenses are asked not to wash, change clothes or otherwise clean themselves until medical personnel can examine them.
5. Although the campus does not have on-campus victim services, referral to off-campus sex offender victim services is facilitated through the Dean of Student Services or campus Administrative Assistant
6. Accusations of sex offenses reported to ***SJVC***, which, after investigation, determine that the conduct has occurred, may result in academic or employment disciplinary action being taken against the offender. Sanctions include suspension, dismissal or termination and/ or criminal prosecution.
7. During disciplinary hearings, both the accuser and the accused are entitled to the same opportunities to have others present during the proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice.
8. Both the accuser and accused will be notified simultaneously and in writing of; the outcome of the proceeding; appeal procedures; any change to the result before it becomes final; and when the result becomes final.

9. A victims' confidentiality will be protected, including record keeping that excludes personally identifiable information on victims.
10. Victims of sex offenses will be provided in writing counseling services through *SJVC*'s Employee Assistance Program or referral to the appropriate community health organization. Employees may be offered a leave of absence in accordance with existing *SJVC* policy.
11. *SJVC* may change the victim student's schedule of courses depending on the nature and seriousness of the sex offense. These decisions will be based on the circumstances of the incident, the needs of the victim and the availability of resources to support the requested change. Notification will be provided verbally and in writing.

In an effort to inform and educate the *SJVC* community, programs will be offered that address the issues of rape awareness, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. These programs will be directed toward prevention through awareness, and are first presented during employee/student orientations and at least annually thereafter.

Investigation Process and Sanctions Determination

Informal Dispute Resolution

Before pursuing the formal complaint process, every reasonable effort should be made to constructively resolve issues with students, faculty, staff, or administrators, including following procedures for formal appeal. Whenever possible and safe, and where both parties are amenable, the problem or complaint should first be discussed with the individual involved in the complaint.

If the Title IX Coordinator or her designee determines that such an informal process is appropriate under the facts and circumstances of the case, one or more of the following, or similar, methods may be utilized:

1. A meeting of the Title IX Coordinator or her designee, the Complainant, and the Respondent; and/or
2. A meeting between the Title IX Coordinator or her designee and the Respondent; and/or
3. A recommendation of training courses or seminars for either principal; and/or
4. Referral of the case to a mediator who has both legal and/or personnel relations experience.

The mediator will discuss the issues with both principals and seek appropriate actions by the principals involved to reach an acceptable solution.

If satisfactory resolution is not reached after discussion with the individual, the Complainant should contact the individual's direct supervisor or Dean of Student Services to attempt resolution or request a formal complaint process be initiated by the Title IX Coordinator.

SJVC does not require a student to contact the person involved, that person's supervisor, or the Dean of Student Services if doing so is impracticable, or if the student believes the conduct cannot

be effectively addressed through informal means. Moreover, none of the informal resolution alternatives above are options for resolution in cases involving allegations of sexual assault.

This informal procedure is intended to resolve actual or perceived instances of harassment and discrimination through agreement and mutual understanding between the parties involved without the need for more formal action by **SJVC**. Mediation will normally be completed within four weeks, although it may take longer. If these efforts are unsuccessful or not attempted, the formal complaint process may be initiated.

Investigation Timeframe for Investigating Prohibited Conduct Complaints

SJVC shall use reasonable, diligent efforts to investigate reported incidents of behavior constituting Prohibited Conduct to the Complainant and Respondent within sixty (60) calendar days of the date in which the complaint was filed unless there are extenuating circumstances that prohibit the timeliness of the completion of the investigation. Time frames for investigations may vary depending on the details of a case or if possible, violations occur near, during, or after **SJVC** holidays, breaks, or the end of an academic period.

If an extenuating circumstance exists that prohibits the completion of an investigation within 60 calendar days, **SJVC** will inform the Complainant and the Respondent in writing of such delay.

Alcohol and Drug Use Are Not Barriers to Reporting

SJVC understands that students and employees may be reluctant to file complaints of Prohibited Conduct behavior, when alcohol and/or drugs were used. Whenever possible, **SJVC** will respond educationally, rather than punitively, to the use of drugs and/or alcohol so as to promote the reporting of Prohibited Conduct behavior. However, **SJVC** reserves the right to other remedies dependent upon the severity of the alcohol or drug use.

Anti-Retaliation

Any form of retaliation against anyone who has complained of, or formally reported, Prohibited Conduct, or has participated in an investigation of such a complaint, regardless of whether the complaint relates to the complaining person or someone else, will not be tolerated, and violates this Policy, and applicable law.

Parallel Student Conduct Proceedings

Complainants are strongly encouraged to report all forms of behavior constituting Prohibited Conduct to law enforcement. Title IX investigations are independent from court or other administrative proceedings. Discipline may be instituted against a Respondent also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Code of Conduct or other applicable Policy.

SJVC may proceed before, concurrently with, or after any judicial, criminal, or administrative proceedings, except in cases involving Prohibited Conduct. In a Prohibited Conduct investigation, **SJVC** shall proceed with investigation without undue delay, typically within fourteen (14) calendar days, in accordance with federal and state law requirements.

Steps in the Investigation Process

Step 1—Notice

Once a complaint of Prohibited Conduct has been received by the Title IX Coordinator, or designee, an email or letter will be sent to Complainant and Respondent, separately, with the following information:

- A description of the alleged violation(s);
- A description of the applicable policies;
- A statement of the potential sanctions/responsive actions that could result; and
- A request for an investigative interview.

Step 2—Interim Measures and Accommodations

Once the Title IX Coordinator or its designee has received a complaint and/or report of Prohibited Conduct, **SJVC** will make an immediate assessment to determine if any interim measures are warranted, pending an investigation. **SJVC** may take whatever measures it deems necessary in response to an allegation in order to protect an individual's rights and personal safety, the safety of the **SJVC** community, or if determined to be necessary to ensure the integrity of the investigation or adjudication process.

Determinations regarding interim measures are made by the Title IX Coordinator on a case-by-case basis. Such measures include, but are not limited to, an interim suspension (immediate, temporary suspension pending the outcome of investigation and/or hearing process), a “no contact” letter (an order that an individual refrain from direct or indirect contact with another person or persons), restrictions on access to campus or areas of campus, and/or appropriate changes in academic schedule. Interim measures may include reporting the matter to the local police.

A Complainant or Respondent may request a “no-contact” letter or other protection. Not all of the measures listed in this section will be necessary in every case. If an individual identifies an interim measure that is not already provided by **SJVC**, **SJVC** will consider whether the request can be granted. In those instances where interim measures affect both a Complainant and Respondent, **SJVC** will minimize the burden on the Complainant wherever appropriate.

Step 3—Investigation

Upon notice of any concern regarding Prohibited Conduct behavior, the Title IX Coordinator or her designee will assess whether a formal Title IX investigation will be conducted under these procedures; and, if so, whether a formal investigation is appropriate under the circumstances. In circumstances in which the Title IX Coordinator determines that there is no ongoing risk of harm to the community and that interim measures, such as a No Contact letter, have redressed the concerns, the Title IX Coordinator may forego a formal investigation.

SJVC is committed to using a balanced and fair investigative process for both Complainant and Respondent. In reaching an investigative finding, **SJVC** shall use a “preponderance-of-the-evidence” standard, that it is “more likely than not” that a violation of this Policy has occurred.

Following receipt by *SJVC* of a complaint of discrimination, harassment, or sexual misconduct that alleges violation of Title IX, the Title IX Coordinator shall then assign the complaint to an Investigator from the staff, administration, or faculty who does not have a conflict of interest to perform an investigation into the allegations contained in the complaint.

The Investigator shall be drawn from a pre-designated pool of potential investigators who have received appropriate investigatory and Title IX training, and at a minimum receive annual training on the issues related to Prohibited Conduct and on how to conduct an investigation and hearing process that protects the safety of the victims and promotes accountability.

In all investigations conducted by *SJVC*, the Investigator will make good faith and reasonable efforts to interview the Complainant, Respondent, and any witnesses (if appropriate). Both Complainant and Respondent may have an advisor present during their own investigative interview.

The Investigator will also make good faith and reasonable efforts to gather all readily available information, documents, and materials (if any) that are relevant to the case. Cell phones and other video or audio recording devices may not be used in any investigation meetings or interviews. Once sufficient evidence has been collected, the Investigator will evaluate the evidence to make a determination regarding responsibility based on the preponderance of the evidence (more likely than not) that there has been a violation of this Policy.

Step 4—Investigative Findings

Once the investigation has been concluded, the Title IX investigator will make a determination based on the preponderance of the evidence that the Respondent is Responsible or Not Responsible for a violation of this Policy:

Not Responsible— If after the conclusion of an investigation, the preponderance of the evidence indicates that it is NOT more likely than not that the Respondent violated this policy, the Respondent will be found not responsible for the violation.

Responsible—If after the conclusion of an investigation, the preponderance of the evidence indicates that it IS more likely than not that the Respondent violated this policy, the Respondent will be found responsible for the violation. Where a Respondent is found responsible for violation of this policy, applicable sanctions will be recommended by the investigator, in collaboration with the appropriate campus or site managers.

Whether or not a Respondent is found to be responsible, both Complainant and Respondent will be notified of the outcome of the investigative findings in writing by the Title IX Investigator. Prepared by the Title IX Coordinator, the notification shall include a brief summary of the investigative process and findings, the outcome of the investigation, and an advisement of their right to appeal the investigatory findings. Thereafter, in these cases, the Title IX Coordinator will forward that determination to the appropriate party for a determination of sanctions.

Along with the notification, both parties shall receive a copy of the underlying investigatory report. A copy of the report shall be retained by the Title IX Coordinator. The investigatory report and results notification will be forwarded to the appropriate manager for their records and

sanctions, if applicable. Any applicable sanctions are administered through the appropriate manager.

Determination of Sanctions

Within five (5) calendar days of receipt of the investigatory report and results notification, the appropriate manager, upon a finding of responsibility, shall determine sanctions for student or employee respondents, and prepare a related determination, informing both parties of the sanctions to be imposed. The sanctions may include remedial or corrective actions as warranted (including, but not limited to, extension of or expansion or any interim measures already in place). In general:

- Dismissal or termination from ***SJVC*** is the expected sanction for any student or employee who is determined to have committed sexual assault involving sexual penetration and force and/or incapacity.
- Any determination of responsibility for committing sexual assault involving sexual penetration without force or incapacitation may result in a sanction ranging from suspension of no less than one-year or the Complainant's remaining tenure on campus (whichever is longer) to dismissal or termination from ***SJVC***.
- Any determination of responsibility for committing sexual assault involving sexual contact may result in a sanction ranging from conduct warning up to dismissal or termination from ***SJVC***.
- Any determination of responsibility for engaging in any other prohibited form of conduct may result in a sanction ranging from conduct warning to dismissal or termination from ***SJVC***.

The appropriate manager may issue a single sanction or a combination of sanctions. In considering the appropriate the following factors will be considered:

- (1) the impact of the conduct on the Complainant.
- (2) the impact of the conduct on the community, its members, or its property;
- (3) the Respondent's prior discipline history;
- (4) how ***SJVC*** has sanctioned similar incidents in the past;
- (5) the nature and violence of the conduct at issue;
- (6) whether the Respondent has accepted responsibility;
- (7) whether the Respondent is reasonably likely to engage in the conduct in the future based on pattern and practice evidence heard and considered by the investigator and/or External Adjudicator;
- (8) the need to deter similar conduct by others; and
- (9) any other mitigating or aggravating circumstances.

Absent compelling justifications, if the Respondent has previously been found responsible under ***SJVC*** policy to have engaged in the same or similar conduct in the past, the sanction will be dismissal or termination.

The following list of sanctions is illustrative rather than exhaustive, and ***SJVC*** reserves the right to impose other reasonable sanctions or to combine sanctions as it deems appropriate:

Conduct Warning—A written notification that a violation of the Student or Employee Code occurred and that any further responsible finding of misconduct may result in more severe disciplinary action. Warnings are typically recorded for internal purposes only and are not considered part of a student's or employee's record. Though disclosed with a student's or employee's signed consent, a student or employee who receives a warning is still considered in good standing at *SJVC*.

Loss of Privileges—Denial of the use of certain *SJVC* facilities or the right to participate in certain activities or to exercise certain privileges for a designated period of time.

Educational Requirements/Referrals—*SJVC* reserves the right to impose counseling or substance assessments or other required educational or employment sanctions.

***SJVC* Suspension**—The separation of a student or employee from *SJVC* for a specified period of time, after which the student or employee is eligible to return. Conditions for return may be required and will be included in the notification of suspension.

During the period of suspension, the student or employee may not participate in *SJVC* academic, co-curricular, or extra-curricular activities; and may be banned from all property owned or operated by *SJVC*. Students or employees who are suspended may not be on campus without specific, written permission of the appropriate manager.

Suspension is for a designated period of time and includes the probability of more severe sanctions, including dismissal or termination, if found responsible for violations of the Student Code.

Termination—termination is the permanent separation of the employee from *SJVC*. Employees who have been terminated may not be on campus without specific, written permission from the appropriate manager.

Dismissal – dismissal is the permanent separation of the student from *SJVC*. Students who have been dismissed may not be on campus without specific, written permission from the Campus President or his/her designee.

***SJVC* Appeal Process**

Both the Respondent and Complainant have the right to submit an appeal of the investigative findings as set forth in the results notification. Appeals of a finding, if any, must be submitted in writing to the Title IX Coordinator within seven (7) calendar days of the date of receipt of the written notification. Appeals of any subsequent sanctions imposed shall be submitted to the Title IX Coordinator within seven (7) calendar days of receipt of written sanctions determination. The appeal will be assigned to an appropriate Appeals Officer.

Appeal Procedures Involving Student Respondents

Either party may appeal the determination of responsibility or sanction(s) in writing to an Appeals Officer¹ or its designee. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

Improper Investigation Procedure

The party may appeal if the procedure outlined in the policy are violated. The Appeals Officer shall consider:

- Whether provisions of the Policy were violated in such a clear manner as to deny the appealing party consideration of the party's position during the investigation; and
- Consideration of the party's position would have led to a different finding concerning the alleged violation of the Policy.

New Evidence

During the standard investigation process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The Appeals Officer shall consider:

- Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original investigation; and
- Whether the evidence would have led to a different conclusion had it been available.

Sanctions

The sanctions imposed were grossly disproportionate to the violation committed. Requests for appeal and responses to the same shall not exceed 2,500 words (approximately 10 pages double-spaced). Late submissions will not be accepted. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the Appeal Officer will notify and provide a copy of the appeal to the other party. That party shall then have an opportunity to respond in writing to the appeal; any response must be submitted within five (5) calendar days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the Appeal Officer. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The Appeal Officer shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original investigation. The Appeal Officer can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

¹ Nick Gomez, College President
Sumer Avila, Provost

If the appeal is granted based on procedural error(s) that materially affected the outcome of the investigation, the Appeal Officer will return the case to the Title IX Coordinator for additional review or a new investigation, which may be conducted by an alternate Investigator if the Appeal Officer finds that to be appropriate.

In the case of new and relevant information, the Appeal Officer can recommend that the case be returned to the original adjudicator to assess the weight and effect of the new information and render a determination after considering the new facts.

Absent extenuating circumstances, the Appeal Officer will simultaneously and in writing communicate the result of the appeal to the Complainant and Respondent within 30 calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

The parties will receive notice of any delay of written notice of any appeal decision. Any sanctions imposed shall remain in effect while the appeal is being considered. In cases where the appeal results in reinstatement to *SJVC* or of privileges, all reasonable attempts will be made to restore the individual to their prior status, recognizing that some opportunities lost may be irretrievable.

Appeal Procedures Involving Employee Respondents

Either party may appeal the determination of responsibility or sanction(s) in writing to the College President² or his designee. The appeal must be filed within 10 calendar days of receiving the written notice of outcome. Dissatisfaction with the outcome of the hearing is not grounds for appeal. The limited grounds for appeal are as follows:

Improper Hearing Procedure

The party may appeal if the procedures outlined in the policy are violated. The College President or his designee shall consider:

- Whether provisions of the policy were violated in such a clear manner as to deny the appealing party consideration of the party's position during the investigation; and
- Consideration of the party's position would have led to a different finding concerning the alleged violation of the policy.

New Evidence

During the standard investigation process, sufficient time is allowed to gather all available evidence. However, in extraordinary circumstances a party may appeal if new evidence becomes available. The College President or his designee shall consider:

² Nick Gomez, College
President
San Joaquin
Valley College 3828 West
Caldwell Avenue Visalia,
CA 93277

- Whether the evidence was genuinely unavailable and could not have been made available through the appellant's diligent efforts at the time of the original hearing;and
- Whether the evidence would have led to a different conclusion had it been available.

Sanctions

The sanctions imposed were grossly disproportionate to the violation committed. Requests for appeal and responses to the same shall not exceed 2,500 words (approximately 10 pages double-spaced). Late submissions will not be accepted. The appeal shall consist of a plain, concise, and complete written statement outlining the grounds for the appeal. Upon receipt of an appeal, the College President or his designee will notify both parties. Each party has an opportunity to respond in writing to the appeal. Any response to the appeal must be submitted within five (5) calendar days from receipt of the appeal.

The appeal consideration will be conducted in an impartial manner by the College President or his designee. In any request for an appeal, the burden of proof lies with the party requesting the appeal, as the original determination and sanction are presumed to have been decided reasonably and appropriately. The appeal is not a new review of the underlying matter. The College President or his designee shall consider the merits of an appeal only on the basis of the three (3) grounds for appeal and supporting information provided in the written request for appeal and the record of the original investigation. The College President or his designee can affirm the original findings, alter the findings, and/or alter the sanctions, depending on the basis of the requested appeal.

If the appeal is granted based on procedural error(s) that materially affected the outcome of the hearing or in the case of new and relevant information, the College President or his designee will return the case to the Title IX Coordinator for additional review or forward the case for a new investigation, which may be conducted by an alternate Investigator if the Title IX Coordinator finds that to be appropriate.

Absent extenuating circumstances, the College President or his designee will simultaneously and in writing communicate the result of the appeal to the Complainant and Respondent within 30 calendar days from the date of the submission of all appeal documents by both parties. Appeal decisions are final.

Sexual Violence Prevention Education and Awareness Programs

All *SJVC* employees are required to complete sexual harassment and sexual violence education upon hire. Campus Presidents, supervisors and managers receive additional mandatory education every two years. *SJVC* provides a training on the prevention and handling of Prohibited Conduct to all relevant personnel including campus security and other staff associated with Title IX program. Communication also includes communication with the campuses through variety of methods, including use

of social media, flyers, etc.

Restraining Orders

Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims' who have experienced or are reasonably in fear of physical violence, Sexual Misconduct, Domestic Violence, Dating Violence, or Stalking. The campus CSA or Title IX Coordinator can offer assistance with obtaining a protective order or restraining order.

Bystander Intervention

The Clery Act defines bystander intervention as, "Safe and positive options that may be carried out by an individual or individuals to intervene or prevent harm where there is risk of domestic violence, dating 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." (34 CFR 668.46(j) (2) (ii)).

We all have a responsibility to create a safe, supportive, and inclusive *SJVC* community. Bystander intervention involves taking action in a situation when someone needs assistance. This also includes someone who is at medical risk due to using drugs or alcohol, or vulnerable to sexual or domestic/dating partner violence. To actively intervene:

1. Pay attention to those around you.
2. Be aware that someone is taken advantage of, vulnerable, or in danger – Trust your gut feelings and react.
3. Take personal responsibility to intervene.
4. Make a decision how to respond appropriately – do not put yourself at risk or make the situation worse.
5. Decide to intervene - this may mean direct intervention, delegation by seeking help from others specifically someone in authority or distraction.

If you are not able to actively intervene, consider responding by asking the victim if they need help or assistance, contacting the police or Campus Security Officer.

Sex Offender Registration

The Campus Sex Crimes Prevention Act (CSCPA) of 2000, a federal law, requires institutions of higher education to provide the *SJVC* campus community with information on where to obtain information on registered sex offenders. In the State of California, convicted sex offenders must register with the Sex Offender Tracking Program maintained by the California Department of Justice and is provided for the purposes including the protection of the general public. The California Department of Justice is responsible for maintaining this registry, located at <https://www.meganslaw.ca.gov/>.

SJVC's External Reporting Obligations

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "CleryAct") CSAs have a duty to report certain misconduct for federal statistical reporting purposes. All personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (on or off- campus, in the surrounding area, but no addresses are given) for publication in the annual Campus Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety. Mandated federal reporters include: student/conduct affairs, student activities staff, human resources staff, advisors to student organizations and any other official with significant responsibility for student and campus activities. The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the victim and may be done anonymously. There are very limited circumstances in which *SJVC* may remove reports of crimes that have been determined to be "unfounded" by law enforcement officials. In addition, *SJVC* is required to report to the U.S. Department of Education and disclose in the annual Campus Security Report the number of crimes that were "unfounded" and subsequently withheld from its crime statistics.

Collection of Crime Statistics for the Annual Security Report

The crime statistics included in the Campus Security Report are based on incident reports prepared by *SJVC* Campus Safety Officers and data they collect from the local law enforcement agencies in whose jurisdiction campuses are located, if made available.

All incidents are reported by Campus Safety Officers and uploaded to an electronic log, viewed and maintained on a daily basis by the Campus President. Public access to incidents reported within the last sixty days may be obtained by contacting the Campus President [please refer to page 7-8 for contact information].

Student and employees may access the log at <http://www.sjvc.edu/campus-security-report/>. Each incident reported includes the nature, date, time, location, and disposition of the crime. These statistics include crimes committed on campus, or on the public property that is immediately adjacent to, and accessible from, the campus. By definition, *SJVC* controls two properties outside the reasonably contiguous geographic area of each campus, which are not used to deliver education and are not frequented by sanctioned student organizations. As such, if this should change statistic(s) would also be reported.

Definitions of Geography

On-Campus Buildings or Property:

- 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; and
- Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as food or retail vendor).

Public Building or Property:

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

Non-Campus Buildings or Property:

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

Definitions of Reportable Crimes

- Murder and Non-negligent Manslaughter (Criminal Homicide)—the willful (non-negligent) killing of one human being by another.
- Negligent Manslaughter (Criminal Homicide—Manslaughter by Negligence)—the killing of another person through gross negligence.
- Sex Offense: 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.
- Sex Offense: Fondling—the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapability.
- Sex Offense: Incest—sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Sex Offense: Statutory Rape—sexual intercourse with a person who is under the statutory age of consent.
- Robbery—the taking or attempting to take anything of value from the care, custody, or control of a person by force or threat of force or violence and/or by putting the victim in fear
- Aggravated Assault—an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- Burglary—the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- Motor Vehicle Theft—the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned – including joyriding.)
- 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 of another, etc.
- 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 such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- Domestic Violence—a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse of

intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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.

- Stalking—engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
- Weapons: Carrying, Possessing, etc.—the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- Drug Abuse Violations—the 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. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- Liquor Law Violations—the violation 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.
- Hate Crime—any crime committed in whole or in part, because one or more of the following actual or perceived characteristics of the victim: disability, gender, nationality, race or ethnicity, religion, sexual orientation, or association with a person or group with one or more of these actual or perceived characteristics. The following crimes are counted only when they are associated with a Hate Crime:
 - Larceny-Theft (Except Motor Vehicle Theft) —the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.
 - Simple Assault—an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
 - Intimidation—to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
 - Destruction/Damage/Vandalism of Property—to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

