Annual Security
Report 2024



Safety • Security • Awareness • Crime Reporting



# **Preparation of Annual Security Report**

Imperial Community College District's Annual Security Report, ASR, is published on or before October 1<sup>st</sup>. The annual report complies with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The Department of Campus Safety & Parking Control and other college departments collaborated to create the content and publish this report. Each responsible department provides updated information regarding new policy changes, new programs or services, and crime statistics from the past three calendar years. In addition to the reported on-campus crime statistics, IVC solicits crime data from local law enforcement agencies with jurisdiction in IVC's Clery geographical area.

The Clery Act and California State Law require the reporting of the three most recent calendar years for the following crimes: murder/non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes with a race, gender, religion, sexual orientation, gender identity, ethnicity, national origin, and disability bias for all of the crimes listed above. Additionally larceny-theft, simple assault, intimidation, destruction, damage of property, vandalism of property, as well as dating violence, domestic violence, stalking, arrests and disciplinary referrals for liquor law, drug abuse, and weapons violations, and unfounded Clery Act crimes that occur on campus, on public property, and on non-campus buildings or properties are included.

The annual ASR is prepared by Campus Safety & Parking Control and reviewed by the Campus Safety Team and Student Affairs. Students, faculty, staff, and visitors are encouraged to report all crimes, incidents, or suspected crimes to either Campus Safety Officers, Campus Security Authorities, or on-campus Deputy Sheriffs.

Please take the time to review the information in this report. Familiarize yourself with all the great programs and services Imperial Valley College provides. Working with you, Campus Safety & Parking Control, other on-campus departments, and local law enforcement we can keep our community safe. The Annual Security Report from this year or years past will be available on our school website under the Campus Safety and Parking Control page. <a href="https://www.imperial.edu/about/campus-safety/clery-act-information.html">https://www.imperial.edu/about/campus-safety/clery-act-information.html</a> The ASR is available in printed form at the Campus Safety & Parking Control Office upon request. As a reminder, an e-mail is sent to all enrolled students, faculty, and staff members each year that provides the website link to access the ASR.



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# MESSAGE FROM THE SUPERINTENDENT/PRESIDENT



On behalf of the Imperial Valley College community, I would like to welcome back our students, faculty, and staff. As we embark on a new academic year, our commitment to safety and security remains a top priority. We are continuously enhancing our safety measures, including our injury and illness prevention programs, to ensure that our campus environment is secure, inclusive, and equitable for everyone.

Our Campus Safety Department is dedicated to serving our community by fostering an environment that meets the diverse needs and values of our students and staff. We are expanding our approach to address campus incidents and emergencies through a comprehensive response that integrates campus safety, mental health, wellness, and basic needs. By strengthening our departmental partnerships and providing developmental training, we strive to better serve our community.

Safety is a shared responsibility, and I encourage everyone on campus to actively participate in creating a safe environment. We are committed to ensuring that all persons, regardless of their background, identity, or experience, feel safe and respected on our campus. By modeling respect, dignity, and vigilance, we can all contribute to a welcoming and secure environment. Remember, if you see something, say something.

I am honored and privileged to serve as the president of a distinguished Aspen Winning institution that continues to achieve excellence and recognition. Together, we will build on our legacy of accomplishments and continue to make Imperial Valley College a safe and supportive place for all.

Thank you for your dedication and commitment to a secure and inclusive campus environment.

Sincerely

Lennor M. Johnson, Ed.D. Superintendent/President

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# MESSAGE FROM DIRECTOR OF RISK, SECURITY AND SAFETY



Welcome students, faculty, staff, and guests to the Imperial Valley Campus. The Campus Safety and Parking Control Department is comprised of a staff of hardworking, dedicated individuals who strive to maintain a secure campus with pride and professionalism.

In the past year we have made significant strides in enhancing our safety protocols, fostering a culture of awareness, and prioritizing the well-being of our Imperial Valley College students, staff, and faculty. We have faced challenges head-on and celebrated our achievements in safety performance. The

Campus Safety and Parking Control Departments are staffed with trained individuals who are available to assist with any safety concerns, accident prevention, parking control enforcement, security escort services, emergency/disaster management, and overall campus and building safety and security.

In this Annual Security Report, you will find updates on safety protocols, emergency preparedness initiatives, and resources available to you. The Campus Safety staff encourages you to become familiar with the information in this report and we welcome you to become an active participant in the safety programs our department offers to this campus.

In addition, this upcoming year, you will see changes to the campus that will assist with campus safety. We are excited to be upgrading and installing equipment that will make the campus safer for everyone. Campus Security is only one piece of the puzzle. We could not successfully provide the quality of security we do without your assistance. Remember, if you see something, say something.

Thank you,

Valerie Hudson

Valerie Hudson

Director of Risk, Security and Safety

"If You See Something, Say Something"

# How to obtain a copy of Annual Security?

Imperial Valley College provides an e-mail notification each year to all enrolled students, faculty, and staff, notifying them about the availability of the Annual Security Report. If you prefer a physical copy of the ASR, a copy can be picked up at the Campus Safety & Parking Control Office during regular business hours. Any prospective student, staff, or faculty can obtain a copy online using the school's main website or the Human Resources Department website.

(In-Person Request) Campus Safety & Parking Control Department, Room 902 Imperial Valley College 380 E. Aten Rd.

Imperial, CA 92251

(760) 355-6307 or (760) 355-6308

Office Hours: Mon-Thurs. 7:30 AM-10 PM

Friday: 7:30 AM-8 PM

• (Online Request) <a href="https://www.imperial.edu/about/campus-safety/clery-act-information.html">https://www.imperial.edu/about/campus-safety/clery-act-information.html</a>

# **Reporting Criminal Offenses**

# On-Campus

If you are the victim of a crime, witness, or suspect a crime is being committed, immediately get to a safe location and call 911. Reporting crimes to law enforcement decreases the likelihood that crimes will reoccur again while assisting Campus Safety & Parking Control in developing specific ways to help combat crime. Other numbers that are helpful for information include:

Campus Safety Phone –

(760)-483-7411

This will get you in contact with one of our on-duty Campus Safety Officers.

Campus Safety & Parking Control Office –

(760)-355-6308

(760)-355-6307

(760)-355-6306

RingCentral Phone –

(EXT. 1111)

From any office or classroom RingCentral phone, dial the extension to connect directly to the Campus Safety Phone.

Emergency Blue Light Towers

The emergency blue light towers around campus will get you in contact with the Imperial County Sheriffs Dispatch.

The locations for the Emergency Towers are:

- In Between Buildings 3200 & 3100
- Between Building 600 & 400
- South of Building 10 (Admissions Office)
- Outside Gymnasium (Right-side)
- Transit Drop-off/Pick-Up Area

# Off-Campus

If you are in immediate danger when off campus, contact the appropriate local police agency by dialing 911. Please have the emergency numbers in this report and the appropriate numbers on your phone's contact list (speed dial)

# Imperial County Sheriff's Office

- Non-emergency dispatch (442) 265-2000
- Emergency call 911

# Brawley Police Department

- Non-emergency (760) 344-2111
- Emergency call 911

# > Imperial Police Department

- Non-emergency (760) 355-4327 or (760) 355-1158
- Emergency call 911

# El Centro Police Department

- Non-emergency (760) 352-2111
- Emergency call 911

# Calexico Police Department

- Non-emergency (760) 768-2110
- Emergency call 911

# Who to Report Crimes When On-Campus?

Individuals are encouraged to report all crimes and public safety incidents to the on-campus Deputy Sheriffs or the Campus Safety and Parking Control Officers.

Under the Jeanne Clery Act, the Campus Security Authority (CSA) includes the following:

- Campus Safety & Parking Control Officers.
- Any individual with responsibility for campus security but who does not constitute a Campus Safety & Parking Control Officer
- Any individual or organization specified in an institution's statement of campus security policy
  as an individual or organization to which students and employees should report criminal
  offenses.
- Any official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student discipline, student organizations, and campus judicial officers.

Using the Clery definition, Imperial Community College District has designated the following officials and positions as Campus Security Authorities.

- Vice President for Student Services
- Vice President for Administrative Services
- > Dean of Student Affairs and Enrollment Services

- Campus Safety Officer & Parking Control Officers
- > Athletic Director
- Clinical Mental Health Counselor, Student Health
- Athletic Coaches
- Faculty Advisor to Student Groups
- Club Advisors
- > Title IX Officers

# **Voluntary Confidential Reporting**

Imperial Community College District encourages anyone who has been a victim, witnessed, or suspected of a crime that occurred while on campus to report the incident to Local Law Enforcement or the Campus Safety & Parking Control Department. Victims or witnesses have the option to report crimes on a voluntary, confidential basis. Confidential reports do not require the reporting party to disclose their name, contact information, or the victim's contact information. Still, these incidents will be counted for statistical purposes and included in the ASR. Confidential reports help our District identify crime patterns, but it does limit Imperial Valley College District's ability to address these specific incidents.

Contact the Campus Safety Office & Parking Control Office if anyone desires to submit a report confidentially. You may also contact a Campus Safety Officer via the Campus Safety Phone. On-Campus Deputies and CSAs are available to receive confidential reports. Incidents of Sexual Harassment and Workplace Violence may not remain confidential. Let the person know the nature of the report before providing details. The application of confidentiality can be explained by the CSA, Campus Safety Officer, or Law Enforcement Officer before fully reporting.

If an employee is assaulted, attacked, or menaced by a student, the employee shall notify his/her supervisor as soon as practical after the incident. The supervisor of any employee who is attacked, assaulted, or menaced shall assist the employee in promptly reporting the attack or assault to the appropriate law enforcement authorities, including the Campus Safety and Parking Control Department. The supervisor shall make the report if the employee is unable or unwilling to do so. Reporting a complaint to local law enforcement will not relieve the district of its obligation to investigate all harassment complaints.

The district shall publish warnings to the campus community about the following crimes:

- Criminal homicide murder and non-negligent manslaughter.
- Criminal homicide negligent manslaughter.
- Sex offenses forcible and non-forcible sex offenses.
- Any crime or incident that can threaten the health and safety of the campus community.

The district is not required to provide a timely warning regarding crimes reported to a pastoral or professional counselor unless there is a reported imminent threat.

The district may disclose the results of disciplinary proceedings to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, regardless of the outcome. The district may also disclose the results of a disciplinary proceeding in which it concludes that a student violated District policy concerning a crime of violence or non-forcible sex offense.

# **Law Enforcement and Jurisdiction Policy**

Campus Safety's Law Enforcement Relationships and Jurisdiction

Imperial Valley College's priority is to provide our community with a safe and secure environment. The IVC Campus Safety and Parking Control Department is committed to providing a safe and secure environment for students, faculty, staff, and visitors to learn, work, and grow. Campus Safety Officers (CSOs) patrol the Main Campus during business hours, ensuring the well-being of our campus community. The IVC Campus Safety and Parking Control Department is at 380 E. Aten Road, Office 902, Imperial, CA 92251.

Additionally, Imperial Valley College has partnered with the Imperial County Sheriff's Office (ICSO) for Law Enforcement Services. The ICSO has primary law enforcement jurisdiction on campus.

Private security services are provided for the entire campus during after-hours, weekends, and holidays. Private security can be reached at 442-532-9200 Monday through Friday from 10:00 p.m. to 6:00 a.m. and 24/7 on Saturday and Sunday. In case of an emergency, always call 9-1-1-1. Along with staff members of the Campus Safety & Parking Control staff, Imperial Valley College works closely with other public safety and social service departments to ensure your experience at Imperial Valley College is both positive and rewarding.

# Authority to Arrest and Relationships

Imperial Valley College has partnered with the Imperial County Sheriff's Office to provide daily patrol coverage on campus. On-Campus Deputy Sheriffs have full peace officer powers, including the authority to arrest. The ICSO Campus Deputies have police authority and jurisdiction per Penal Code 830.2 (c). Actions taken by the On-Campus Deputy Sheriff will be according to the policies of the Imperial Community College District, California State Law, and U.S. Federal law, specifically as directed by the U.S. Department of Education.

Campus Safety Officers (CSOs) can ask individuals for identification to determine if that individual has lawful business at Imperial Valley College. CSOs do not have arrest authority but are empowered by the District to enforce policies. CSOs are trained emergency first responders and non-violent interventionists. They also have the power to detain an individual/s for arrest by the Imperial County Sheriff's Office. Campus Safety Officers can issue parking tickets under the Imperial Valley College Parking & Traffic Regulations.

The private security team conducts foot patrols but has no arrest authority. The private security service provides property security and reports all suspicious behavior or crimes to the ICSO for follow-up action.

The Campus Safety and Parking Control Office works well with the Imperial County Sheriff's Office (ICSO). The response time of the ICSO to campus is prompt for emergency calls. The exercise of authority is described in a "memorandum of understating" (MOU) between ICSO and the Imperial Community College District that outlines the jurisdiction over which types of offenses will be turned over to the ICSO for arrest and prosecution. Campus Safety Officers have no arrest authority beyond that of an ordinary citizen. Campus Safety Officers are expected to render all possible assistance provided such assistance can be given without significantly endangering the officer or others not involved in the crime.

# Security and Access to Campus Facilities

Imperial Valley College District is open to students, parents, employees, guests, and invitees during regular school hours. Campus Safety Officers and our On-Campus Deputy Sheriff patrol all buildings and parking lots within the District's jurisdiction.

During non-business hours, access to any campus facilities is restricted to keys, access cards, or admission via maintenance staff only. After hours and on weekends, the campus is patrolled by a third-party private security company.

Maintenance and Operations is responsible for locking and unlocking doors not controlled by electronic access control. The Campus Safety & Parking Control Office is responsible for scheduling locking and unlocking in the electronic access control system. Some buildings may have different operating hours, varying throughout the year. In these cases, the building will be secured according to schedules developed by the department directly responsible for that facility. Emergencies may require changes to any posted schedules.

The Director of Risk, Security, & Safety will access reports and determine if an area has more reported incidents than others on campus. The Director of Risk, Security, & Safety will conduct or commission a security assessment survey. Administrators from Student Affairs, Maintenance & Operations, Campus Safety and Parking Control, and other concerned Departments will review the assessments and take corrective action recommended, which may include but not be limited to addressing landscaping, locks, alarms, CCTV, electronic access control lighting, or the addition of an E-Phone.

#### Monitoring and Recording of Criminal Activity

The Campus Safety and Parking Control Department and the Imperial Valley College District do not have agreements with local police agencies to monitor. It should be reported to local law enforcement and the Campus Safety and Parking Control Department if criminal activity occurs. If the District controls the space during the event, any criminal activity or incident may be a reportable Clery Act offense while students are at a non-campus location for school-related activities.

# **Confidential Reporting – Pastoral and Professional Counselors**

The negotiated rulemaking process, which followed the 1998 amendments to 20 U.S.C. Section 1092 (f) 's signing into law, clarified who are considered to be Campus Security Authorities.

Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a Campus Security Authority and are not required to report crimes for inclusion in the annual disclosure of crime statistics. As a matter of policy, they are encouraged to inform persons being counseled of the procedures to report crimes voluntarily for inclusion in the annual crime statistics when they deem it appropriate.

# **Pastoral Counselors**

Counselors are defined as employees of an institution associated with a religious order or denomination and recognized by that religious order or denomination as providing confidential counseling and functioning within the scope of that recognition as Pastoral Counselors.

# **Professional Counselor**

An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certificate.



# **Emergency Notification Policy**

# **Policies for Timely Warnings**

To provide timely notice to the IVC community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the Director of Risk, Security and Safety, VP for Administrative Services and designated Campus officials may issue a timely warning, which are titled "Community Alerts," for the following crimes: arson, aggravated assault, criminal homicide, robbery, burglary, rape, fondling, incest, statutory rape, and hate crimes. Community alerts may also be issued for other Clery Act crimes as necessary. The purpose of a community alert is to notify the IVC UVA community of the incident and to provide information that may enable community members to protect themselves from similar incidents better. The director of Risk, Security, and Safety, VP for Administrative Services, and designated Campus officials will issue a community alert whenever the following criteria are met:

- 1) a Clery Act crime is reported.
- 2) the crime occurred in a Clery-reportable location.
- 3) the perpetrator has not been apprehended.
- 4) This crime poses a serious or ongoing threat to the IVC community. The decision to issue a community alert shall be made on a case-by-case basis, considering the following criteria:
- Was the suspect identified?
- Was the suspect apprehended?
- If known, does the suspect have prior arrests, reports or complaints, or any other history of violent behavior?
- If known, does the suspect have a history of failure to comply with a Campus No Contact Directive, other protective measures, or judicial protective order?
- Did the incident involve physical violence?
- Has the suspect threatened to commit physical violence?
- Did the incident involve multiple victims?
- Is it an isolated incident involving a specifically "targeted" victim?
- Does the report reveal a pattern of behavior (e.g., by the suspect, by a particular group or organization, around a particular recurring event or activity, or in a specific location)?
- Did the suspect use "date-rape" or similar drugs or intoxicants?
- Did the incident occur while the victim was unconscious, physically helpless or unaware that it was occurring?
- Was the victim under 18 years of age?
- Were there other aggravating circumstances or signs of predatory behavior that may constitute a serious or ongoing threat?

Campus security authorities (CSAs) must report alleged Clery Act crimes in IVC Clery locations. CSAs must report to the Campus through the Campus Safety and Parking Control Department, ICSO Campus Deputies, private security officers, or other means as directed by the Director of Risk, Security, and Safety or VP for Administrative Services. Additionally, for instances that may pose an immediate threat, CSAs are instructed to call the police via 911. Anyone with information warranting a timely warning should report the circumstances to the Campus Safety and Parking Control Department by phone (760-483-7411) or in person at the Campus Safety and Parking Control Department in room 902.

The Director of Risk, Security, and Safety, VP for Administrative Services, or their designee(s) are responsible for considering a community alert using the previously listed criteria. If the community alert criteria are met, a notice will be drafted using crime-specific templates and issued by the Director of Risk, Security, and Safety, VP for Administrative Services, or their designee as soon as pertinent information is available.

Community alerts are issued via email. When appropriate, the District may also share a community alert via a press release, text message, poster, "Regroup," and messages on IVC's website or social media. However, the District may not use all distribution methods for every community alert.

If available, the following information is typically included in a community alert:

- i. A statement of the incident, including the nature and severity of the threat and the persons or locations that might be affected
- ii. ii. Any connection to a previous incident(s)
- iii. Physical description and/or composite drawing of the suspect iv. Date and time warning was released v. Other relevant and essential information (e.g., gender of the victim, student/nonstudent, etc.)
- iv. vi. Appropriate resources and safety tips

When issuing a community alert, specific information may be withheld if there is a risk of compromising law enforcement efforts to investigate and/or solve the crime.

Students/employees/faculty can sign up for the Regroup alert program by

- 1) Going to <u>www.imperial.edu</u>
- 2) Signing into the portal guard
- 3) Clicking on the Regroup section
- 4) Enter your information
- 5) Select the desired notification method (Text or voice)



# Issuance of a Community Alert for Incidents Not Occurring in IVC Clery Geography:

In certain circumstances, an incident may not meet the criteria of a Clery Reportable Crime occurring in a Clery Reportable Location. Still, it may constitute a serious or ongoing threat to the college community. For instances in which a community alert is not required, the Director of Risk, Security, and Safety, VP for Administrative Services, or their designee may choose to issue a community alert via email notifying the campus community of the threat. The content of a community alert may vary depending on the type of incident reported and the location in which it occurred.

# **Emergency Response and Evacuation Procedures**

The College has established a plan to address the immediate requirements for an emergency in which normal operations are interrupted, and special measures must be taken to:

- Save and protect the lives of students, patients, employees, and the public.
- Manage District resources effectively in the emergency response.
- Provide and analyze information to support decision-making and action plans.
- Manage immediate communications and information regarding emergency response operations and campus safety.
- Provide essential services and operations.

This Emergency Management plan does not supersede or replace the safety, hazardous materials response, or other procedures already in place at the District. It supplements those procedures with a temporary crisis management structure, which provides for management's immediate focus on response operations and the early transition to recovery operations.

The Emergency Management Plan and all its contents apply to all the District's students, faculty, and staff. If major emergencies impact the surrounding community in addition to the District, the District will fulfill its responsibilities in collaboration with local, state, and federal officials.

The following planning assumptions outline the assumed operating conditions and provide a foundation for establishing protocols and procedures:

- An emergency or a disaster may occur at any time of the day or night, weekend, or holiday, with little or no warning.
- Disasters may be community, regional, or state-wide.
- Critical utilities and services may be interrupted, including water delivery, electrical power, natural gas, telephone communications, cellular telephones, and information systems.
- Major roads, overpasses, bridges, and local streets may be damaged.
- People may be injured and displaced.
- Normal suppliers may not be able to deliver materials.
- Contact with family and homes may be interrupted.
- People may become stranded on Campus if conditions make it unsafe to travel.
- Students, faculty, staff, patients, and the public may have to function with limited support services and some service degradation until a full recovery.
- The District may declare an emergency anytime if conditions indicate an incident developing or highly probable.

• The succession of events in an emergency is not predictable. Innovation and improvisation may be needed to address incident requirements.

General information about the emergency response and evacuation procedures for the District is publicized each year as part of the District's Clery Act compliance efforts, and that information is available on the District's website. <a href="https://www.imperial.edu/about/campus-safety/clery-act-information.html">https://www.imperial.edu/about/campus-safety/clery-act-information.html</a>

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

The Campus Safety and Parking Control Department, ICSO Campus Deputies, or private security may become aware of an emergency or dangerous situation that potentially affects the health or safety of the IVC community. Generally, Campus first responders become aware of these situations through reports to the emergency communications center or during routine patrol or other assignments. Once first responders confirm an emergency or dangerous situation that will interrupt the regular operation of the District, the first responders will notify the Director of Risk, Security, and Safety, the VP for Administrative Services, or their designee to activate the Emergency Operation Plan (EOP).

IVC is committed to ensuring that its community receives timely, accurate, and helpful information in the event of an emergency or dangerous situation on Campus or in the local area that poses an immediate threat to the health and safety of IVC community members. The Campus has implemented a multi-layered emergency notification system employing various means for communicating information. The Campus Emergency Notification System (ENS) utilizes siren Regroup for active attacker incidents and weather warnings, text messaging, email, LCD screens, IVC's home page, Campus Safety and Parking Control's home page, and social media. Traditionally, IVC uses all these methods of communication in the event an emergency notification is needed.

First Responders include, but are not limited to:

- Campus Safety and Parking Control Department
- On-Campus Deputy Sheriff
- Imperial County Sheriff's Office
- Imperial County Fire Department
- Emergency Medical Services

# **Emergency Drills, Testing & Evacuation**

To ensure the District's emergency management plans remain current and actionable, Imperial Valley College conducts an emergency management exercise on campus at least once per year. These exercises may include tabletop drills, emergency operations centers, or full-scale emergency response exercises. The District conducts after-action reviews of all emergency management exercises and many emergency responses. In conjunction with at least one emergency management exercise each year, IVC will remind the community about publicly available information regarding emergency response and evacuation procedures.

The District conducts announced and unannounced annual drills and exercises and follow-through activities designed to assess and evaluate emergency plans and capabilities. The Campus Safety and Parking Control Department coordinates announced and unannounced drills, as described above, to test the emergency response and emergency notification systems and assess the emergency evacuation plans and capabilities. The District will publish a summary of its emergency response and evacuation procedures in conjunction with at least one drill or exercise each calendar year.

# **EMERGENCY NOTIFICATION**

Detailed information regarding the Campus's Emergency Notification System can be accessed using the following:

- 1)Going to www. Imperial.edu
- 2) Signing into the portal guard
- 3) Clicking on the "Regroup" section
- 4) Enter your information
- 5) Select the desired notification method (Text or voice).

IVC is committed to ensuring that its community receives timely, accurate, and useful information in the event of an emergency or dangerous situation on campus or in the local area that poses an immediate threat to the health and safety of IVC community members. The District has implemented a multi-layered emergency notification system employing various means for communicating information. The District's Emergency Notification System (ENS) utilizes "Regroup" for active attacker incidents and weather warnings, text messaging, email, LCD screens, IVC's home page, Campus Safety and Parking Control's home page, and social media.

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

The District first responders may become aware of an emergency or dangerous situation that potentially affects the health or safety of the IVC community. Generally, District first responders become aware of these situations through reports to the emergency communications center or during routine patrol or other assignments. Once first responders confirm an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the college community, first responders will notify the Director of Risk, Security, and Safety, the VP for Administrative Services, or their designee to activate an emergency notification.

If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the District may elect to delay issuing an emergency notification. As soon as the condition that may compromise response or mitigation efforts is no longer present, the District will issue an emergency notification to the college community.

# Determining the Appropriate Segment(s) of the College Community to Receive an Emergency Notification

First responders on the scene of an emergency or dangerous situation will assist those preparing the emergency notification by determining what segment(s) of the campus community should receive the

notification. Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The District will continue to assess the situation and may issue subsequent notifications to a broader group of community members. In addition to the emergency notification that may be issued via the District emergency notification system, the District will post applicable messages about the emergency or dangerous situation on the Campus Safety and Parking Control homepage to alert the rest of the campus community to the situation and relay the steps that should be taken to maintain personal and community safety. If the emergency affects a significant portion of the Campus, authorized District officials will distribute the notification to the campus community.

# **Determining the Content of the Emergency Notification**

The office responsible for issuing the emergency notification (usually Campus Safety and Parking Control) will, in concert with the Director of Risk, Security and Safety and the Vice President of Administrative Services or their designee determine the contents of the notification. The District has developed a wide range of template messages addressing several emergencies. The individual authorizing the alert will select the template message most appropriate to the ongoing situation and modify it to address the specifics of the incident. In those cases where there are no predetermined template messages in the system, the individual authorizing the alert will develop a concise message to convey the appropriate information to the community. The goal is to notify individuals of the situation and the steps to safeguard personal and community safety. Messages are predetermined and typically composed of text that requires minor modification (e.g., address). When circumstances require a custom message, authorized District officials create message content: the Director of Risk, Security, and Safety and the Vice President of Administrative Services.

# Templates or Customized Messages Used to Notify the University Community Are Actionable and Targeted

Messages may direct individuals to evacuate, shelter-in-place, stay away from an area, or contain other information pertinent to the situation. The District may send follow-up messages to update or change the actions individuals should take or provide other relevant information. In all cases, IVC will give a "situation clear" or a "situation stable, no further updates" message when the incident no longer poses a threat. Procedures for Disseminating Emergency Information to the Larger Community During critical incidents, emergencies, or dangerous situations, Campus Communications will work with the Director of Risk and Security and each organizational unit, as necessary, to gather accurate and substantial information regarding the situation and details of the Campus's response. The District's Public Information Officer (PIO), working with city and county public information officers as appropriate, will provide information on progress toward resolution, utilizing one or several methods: radio, television, newspaper, social media, and Web sites. The District, at its discretion and if allowed by the outside notifying agency, may release information concerning an emergency or dangerous situation occurring off Campus if it poses an immediate threat to the health or safety of faculty, staff, and/or students off Campus. Note that IVC has no way of compelling the release of information by another agency, organization, or jurisdiction, nor can IVC determine the period in which that agency may provide information to IVC. If the scope of an emergency is large and the duration is sustained over a long period, IVC may need assistance from a contracted agency to manage calls related to the emergency. This will be to open a call center to support crisis communications.

### Shelter-in-Place Procedures

# What It Means to "Shelter-in-Place."

If an incident occurs and the buildings or areas around you become unstable, or if the air outdoors becomes dangerous due to toxic or irritating substances, it is usually safer to stay indoors because leaving the area may expose you to that danger. Thus, to "shelter-in-place" means to make a shelter of the building you are in, and with a few adjustments, this location can be made even safer and more comfortable until it is safe to go outside.

## Basic "Shelter-in-Place" Guidance

If an incident occurs and your building is not damaged, stay inside, seeking an interior room, until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, etc.) and follow the evacuation procedures for your building.

- Close your door
- Proceed to the nearest exit
- Use stairs instead of the elevator

Once you have evacuated, quickly seek shelter at the nearest District building. If Sheriff's Deputies, Campus Safety Officers, or Fire Department personnel are on the scene, follow their directions.

# How You Will Know to "Shelter-in-Place"

A shelter-in-place notification may come from several sources, including Campus Safety Officers, other District employees, or others utilizing the emergency notification communications tools.

# How to "Shelter-in-Place"

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

#### If you are inside

- Stay where you are.
- Collect any emergency shelter-in-place supplies and telephone to be used in case of emergency.

# If you are outdoors

- Quickly proceed into the closest building or
- Follow instructions from emergency personnel on the scene

### Find a room that is inside a building

- A. An Interior room
- B. Above ground level; and
- C. Without windows or any room with the least amount of windows possible
- -If there is a large group of people inside a particular building, several rooms may be necessary.
  - Shut and lock all windows (tightly sealed) and close exterior doors.
  - Turn off air conditioners, heaters, and fans.
  - Close vents to ventilation systems (if possible) District staff will turn off ventilation as

- quickly as possible if it is required.
- Make a list of the people with you. Then have one individual call the Campus Safety and Parking Control Department to advise them of the groups' location and list of people.
- > Turn on a radio or TV and listen for further instructions.
- ➤ Make yourself comfortable.

### **EMERGENCY CHAIN OF COMMAND**

- 1) Director of Risk, Security and Safety (760) 355-6436
- 2) Chief Executive Officer (760) 355-6219
- 3) Chief Business Officer (760) 355-6241

# **Daytime Instructors: Responsibilities**

- Coordinate evacuation from the classroom if necessary
- Assist disabled individuals out of buildings without the use of elevators.
- Assess the overall situation in the classroom
- Initiate first aid if a qualified individual is available
- Move students when it is safe to move to an emergency assembly point or command post
- Assist area managers as necessary

Provide special assistance to any disabled individual in the area. Remember, in the event of a major disaster, every District employee automatically becomes a civil defense worker under Government Code Section 3100-3101

# **Nighttime Instructors: Responsibilities**

- Coordinate evacuation from the classroom if necessary
- Assist disabled individuals out of buildings without the use of elevators
- Assess the overall situation in the classroom
- Initiate first aid if a qualified individual is available
- Move students when it is safe to move to an emergency assembly point or command post
- Report to the Campus Safety and Parking Control Department via phone
  - 1) Any casualties
  - 2) Structural damage
  - 3) Hazardous material spills

# **Other Employees: Responsibilities**

- Follow survival instructions
- Evacuate the area if necessary
- Assess immediate problems if possible
- Report to area assembly point when safe
- Assist area manager, as needed
  - 1) Preforming first aid (if qualified)
  - 2) Serving as a communication runner, etc.
  - 3) Conducting record-keeping and note-taking

# **Earthquake Responsibilities**

Earthquake Survival Instructions During the Earthquake

- 1) Keep Calm Do not panic/run
- 2) Remain where you are indoors/outdoors

# If indoors, stay indoors.

- a. Take cover under a desk, table, bench, or in a doorway, halls, or against a wall.
- b. Stay away from glass windows or skylights
- c. Do not use elevators
- d. Do not run outdoors

# If outdoors,

- a. Get away from buildings.
- b. Go to a clear area and stay away from walls/utility poles, and downed wires.
- 3) Protect yourself first after the shaking stops, then help others.

# Earthquake Survival Instructions After the Earthquake

- 1) If qualified, give first aid to anyone who is injured. If not, ensure that first aid is requested for any injured person.
- 2) Wear shoes (flat-heeled, preferably) in areas near fallen debris and broken glass.
- 3) Designated employees will clean up debris, glass, spilled medicines, flammable liquids, bleach, and gasoline.
- 4) Restrict phone use to emergency use only.
- 5) Be prepared for aftershocks. These are usually smaller than the main quake, but some may be large enough to do additional damage to structures weakened during the main shock.



# **Explosions: Responsibilities in Case of Explosion**

In the event of an explosion in the building, employees should:

- Take cover under tables, desks, or other objects that give protection against flying debris/glass.
- Set off the fire alarm Stay at the fire alarm location if it is safe.
- Phone the emergency dispatcher by dialing 911 to be connected to the Sheriff's Office Dispatcher
- After the effects of the explosion have subsided, determine if evacuations are necessary.
- If evacuation is necessary, exit the building as directed. Seek out any disabled persons and assist. Assign blind students a guide. Assist wheelchair students or assign them a guide to get them to the lobby near the elevator.
- Upon leaving the building, proceed to designated emergency assembly areas and await further instructions.

# Fire: Responsibilities in Case of Fire

- Activate fire alarm stay near the fire alarm until emergency personnel arrive, if it's safe.
- If you are close to a fire alarm, call 911 to connect to the Sheriff's Office Dispatch
- If fire can be quickly extinguished, attempt to do so after you notify the Campus Safety and Parking Control Department
- Seek out and assist disabled persons in the area.
- Evacuate the building if necessary, closing off a section of the fire, if possible, by closing doors or windows
- If evacuated, proceed to the designated emergency area for further instructions. Be prepared to account for every person in your class under your supervision.

# **Evacuation: Responsibilities in Case of Evacuation**

The purpose of any evacuation is to evacuate a building or area of all occupants as quickly and safely as possible.

- <u>Building Evacuation:</u> In most cases that require the evacuation of only one building (fire, explosion, bomb threat), occupants should proceed to a clear or safe area near the evacuated buildings as shown on the emergency evacuation route posted in the classrooms.
- <u>General Evacuation:</u> When orders are given to evacuate a building (such as after an earthquake or another major disaster), occupants should proceed to the main evacuation assembly area EX: North Lawn Area
  - Key administrators or other emergency personnel will be available to direct evacuees to clear or safe areas.
  - Evacuation of disabled persons will be given the highest priority. They should be evacuated by the most expeditious and safe means available.
    - Turn lights on and off to alert people with difficult hearing
    - Assign a guide to an individual with impaired vision
    - Bring paper, pencils, or pens to write messages, if necessary

- Wheelchair students should be assisted to an area near the elevator if they are in working condition. In case elevators are not working, make arrangements to carry individual's downstairs.
- When evacuating a building, occupants should walk, remain quiet, grasp handrails, and follow all other emergency instructions.
- Occupants will gather in the designated emergency assembly area and await further instructions.
- Do not re-enter the building until instructed to do so by Command Post's personnel.

# **Bomb Threats: Responsibilities in Case of Bomb Threats**

Employees receiving a bomb threat or discovering a bomb or similar device should immediately notify the Campus Safety and Parking Control Department by dialing (1111) or by dialing (760)355-6308 or (760)355-6307. To connect with a Sheriff's Office Dispatcher dial 911

- 1) If a bomb threat is received by phone, ask:
  - When is the bomb going to explode?
  - Where is the bomb right now?
  - What kind of bomb is it?
  - What does it look like?
  - Why did you place the bomb?
- 2) Keep the caller on the phone as long as possible. Record the following information for emergency personnel.
  - Time of call
  - Date of call
  - Exact words of the person
  - Sex, age
  - Speech pattern or accent
  - Background noises
- 3) If a bomb threat is received by mail, employees should:
  - Not handle the envelope or package
  - Leave the immediate area
  - Notify the Campus Safety and Parking Control Department and stop anyone from entering the area or handling the written note
- 4) If a suspicious object is discovered, the employee should:
  - Not attempt to touch or move the object
  - Not use any radio equipment
- 5) Evacuate the area immediately
- 6) Notify the Campus Safety and Parking Control Department and await further instructions

# Chemical Spill: Responsibilities in Case of Chemical Spill

- Any campus spillage of a dangerous chemical shall be reported immediately. Call the Campus Safety and Parking Control Department by dialing (1111) from a district telephone or (760)-483-7411 for a Campus Safety Officer.
- 2) When reporting, be specific about the nature of the material involved and its location. The Campus Safety and Parking Control Department will contact the appropriate specialized authorities and medical personnel.
- 3) If it's safe to do so, Leave the affected area immediately and seal it off to prevent further contamination of others.
- 4) Anyone who may be contaminated because they were in the immediate area affected by the spill is to avoid contact with others as much as possible, remain in the area, and give their names to the Director of Facilities Services or his/her designee. Required first aid and clean-up by specialized authorities should be initiated at once.
- 5) If necessary, because of the danger involved or if directed by district personnel, activate the building fire alarm system and follow the remaining steps.
- 6) Evacuate the building by quickly walking to the nearest exit, alerting people as you go. Leave the elevators for disabled use only, while assisting them if necessary
- 7) Direct any disabled person to elevators located above or below ground level until district personnel provide further directions. Assist disabled individuals in exiting the building on ground-level floors.
- 8) Flash the lights on and off to alert deaf or hard-of-hearing individuals. Write notes to explain what is happening. Assign a guide for blind individuals. Assign an assistant for wheelchair individuals.
- 9) Once outside, move to a clear area at least 100 feet away from the affected building. If fumes are present, move crosswind (Not upwind). Keep the walkway clear for emergency vehicles.
- 10) To the best of your ability and without re-entering the building, assist district personnel in determining that everyone has been evacuated safely.
- 11) An emergency command post will be established. Do not approach the command post unless you have important information to report.
- 12) Only return to a building once told to do so or when it is announced that all is clear.

# **Reporting Emergencies Not Previously Covered:**

- 1) The quickest and easiest way to obtain professional help for any emergency not explicitly covered by these previous procedures is to call the Campus Safety and Parking Control Department. Dial extension (1111) or (760)-483-7411 for a Campus Safety Officer, or (760)-355-6308 (760)355-6307 for the Campus Safety and Parking Control Department.
- 2) When calling, stay calm and carefully explain the problem and location by calling (760)—355-6308 (760)355-6307 during daytime or evening hours to connect to the Campus Safety and Parking Control Department or dial 911 to connect to the Sheriff's Office Dispatcher.
- 3) Quickly notify the Campus Safety and Parking Control Department or your immediate supervisor of the emergency and begin to take the appropriate actions.
- 4) The Disability Support Program & Services, DSPS, Department can arrange a sign language interpreter to facilitate communication between off-campus hospital personnel and an injured person.

Remain Calm – Help Others to Remain Calm

# Imperial Valley College **Campus Evacuation Map**



#### **LEGEND**

- Administration/IVC Foundation Admissions & Records/ Business/Instruction Offices
- 100 Counseling Center
- 200 Classroom Building
- 300 Classroom Building
- 400 Assessment Center/Classrooms 600 College Center/Cafeteria/IVC Kitchen
- Military & Veterans Success Center
- Gymnasium
- 800 Classroom Building
- 900 Info Technology I.T. / Reprographics Campus Safety & Parking
- 1000 Student Affairs Office
- 1100 Industrial Technology

- 1200 Industrial Technology
- 1300 Classroom Building
- 1400 Tool Storage
- 1500 Library Media Center/ Student Health Center
- 1600 Career Center/Classrooms
- 1700 Financial Aid 1800 Maintenance/Purchasing/
- Receiving 1900 Bookstore
- 2000 Talent Search/ Project Management Office
- 2100 Health Sciences 2200 Preschool
- 2300 Infant Toddler Center
- 2400 Upward Bound

- 2500 Human Resources
- 2600 Reading/Writing/Language & Math Labs
- 2700 English/Sciences/Math/Offices 4200 Classroom 2800 Juanita Salazar Lowe Art Gallery 4300 Classroom
- 2900 Disability Support Programs & Services
- 3100 Career Technical Education Building/ Workforce Development Center
- 3200 Public Safety Building
- 3300 Classroom
- 3400 Classroom 3500 Classroom - I.C.O.E
- 3600 Classroom
- 3700 Classroom
- 3800 Rest rooms

- 3900 Classroom
- 4000 Classroom 4100 Classroom
- 4400 Classroom
  - - Parking/Day Pass Machine

4500 Classroom

4600 Classroom

4800 Classroom

5000 Classroom

5200 Classroom

- Student Drop Off
- Bus/Transit Drop Off
- Cashier/Student Payments
- Emergency Call Box
- Automated External Defibrillator

## IMPERIAL VALLEY COLLEGE'S RESPONSE TO SEXUAL AND GENDER-BASED VIOLENCE

Imperial Valley College is committed to a safe and equitable learning environment for all students and employees. It does not discriminate based on sex or gender in its educational programs and employment. Any incident, including sex discrimination or harassment, but not limited to sexual assault, including rape, dating violence, domestic violence, or stalking committed on district property or at a district-sponsored event or activity, should be reported to the Title IX Coordinator immediately. The District prohibits specific forms of behavior that violate Title IX of the Education Amendments of 1472 (Title IX), Title VII of the Civil Rights Act of 1964 (Title VII; and /or the California codes.

Imperial Valley College has adopted its Policy on Sexual and Gender-Based Harassment and Other Forms of Interpersonal Violence ("Sexual Misconduct Policy") with a commitment to the following:

- 1. eliminating, preventing, and addressing the effects of Title IX Prohibited conduct, which includes quid pro quo harassment, sexual assault, dating violence, domestic violence, and stalking, and Sexual and Gender-Based Prohibited Conduct, which includes quid pro quo harassment, sexual and/or gender-based hostile environment consensual exploitation, sexual intimate harassment, contact and intercourse, partner non-nonsexual violence, stalking, complicity in the commission of any act prohibited by the Sexual Misconduct Policy, and retaliation against a person for the good faith reporting of any of these forms of conduct or participation in any investigation or proceeding under the Sexual Misconduct Policy (collectively, Prohibited Conduct)
- 2. fostering the District's community of trust, in which Prohibited Conduct is not tolerated
- 3. cultivating a climate where all individuals are well-informed and supported in reporting Prohibited Conduct
- 4. providing a fair and impartial process for all parties
- 5. identifying the standards by which violations of the Sexual Misconduct Policy will be evaluated and disciplinary action may be imposed

Employees (faculty and staff) or students who violate the Sexual Misconduct Policy may face disciplinary action up to and including termination or expulsion. The District will take prompt and equitable action to eliminate Prohibited Conduct, prevent its recurrence, and remedy its effects. The District conducts ongoing prevention, awareness, and training programs for employees and students to facilitate the goals of the Sexual Misconduct Policy. It is the responsibility of every member of the college community to foster an environment free of Prohibited Conduct. All District community members are encouraged to take reasonable and prudent actions to prevent or stop an act of Prohibited Conduct. The District will support and assist community members who take such actions. Conduct included under the Sexual Misconduct Policy is prohibited regardless of the sex, sexual orientation, and/or gender identity/expression of the complainant or respondent. Prohibited Conduct includes the following specifically defined forms of behavior: Quid Pro Quo Harassment, Sexual Assault, Dating Violence, Domestic Violence, Stalking, Sexual and/or Gender-Based Hostile Environment Harassment, Sexual Exploitation, Intimate Partner Violence, Complicity, and Retaliation. The Violence Against Women Act, VAWA, defines Dating Violence and Domestic Violence, and Intimate Partner Violence as "dating violence" and "domestic violence" as defined by VAWA. Consistent with VAWA, the District will evaluate the existence of an intimate relationship based on the Complainant's statement and consider the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved.

# PROHIBITED CONDUCT DEFINITION RELATED TO THE VIOLENCE AGAINST WOMEN ACT OFFENSES

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

- A district employee conditions the provision of aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct (quid pro quo harassment).
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively
  offensive that it effectively denies a person equal access to the district's education program or
  activity.
- Sexual assault, including the following:
  - Sex Offenses. Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
  - Rape (except Statutory Rape). The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - Sodomy. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
  - Sexual Assault with an Object. To use an object or instrument unlawfully to penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument."
    - is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, or stick.
  - Fondling. The touching of the private body parts of another person for sexual gratification
    without the consent of the victim, including instances where the victim is incapable of
    giving consent because of his/her/age or because of his/her/temporary or permanent
    mental or physical incapacity.
  - Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse. Incest.
     Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - Statutory Rape Non-Forcible. Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in Statutory Rape; the act is not an attack.
  - Dating Violence: Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - Domestic Violence. 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 or intimate partner.

- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California; or by any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

# **Primary Prevention and Awareness Programs**

The Campus Safety and Parking Control Department and the Student Affairs Office shall:

- Provide education and prevention information about sexual assault year-round as part of each campus' established on-campus orientation program. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- 2) Post information regarding the prevention and education of sexual violence on the campus website.
- 3) The Campus Safety and Parking Control Department educates the campus community about rape, acquaintance rape, and other forcible and non-forcible sex offenses through mandatory freshman orientation each fall. The Campus Safety and Parking Control Department offer sexual assault education and informative programs to students and employees upon request. Literature on date rape education, risk reduction, and the District's response is available through the Campus Safety and Parking Control Department.
- **Dating Violence** is defined as 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 consideration of:

- The length of the relationship
- The type of relationship
- The frequency of the interaction between the persons involved in the relationship

# For this definition

- \*Dating violence includes but is not limited to, sexual or physical abuse or the threat of such abuse
- \*Dating violence does not include acts covered under the definition of domestic violence.
- **Domestic Violence** is defined as 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 or 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
- **Sexual Assault** is defined as any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
- **Stalking:** is engaging in a course of conduct directed at a specific person, whether in the context of a social or intimate relationship or otherwise, that would cause a reasonable person to feel fear for their safety or the safety of others or suffer substantial emotional distress. Along with cyberstalking, may also include:
  - Non-consensual communication includes in-person communication or contact
  - Surveillance
  - Phone calls
  - Voice Messages
  - Text messages
  - Email messages
  - Social network postings
  - Instant messages
  - Posting pictures/information on websites
  - Written letters
  - Gifts or any other undesired communication and/or places another person in fear of, or at risk of, physical injury or danger.
- **Consent** means an affirmative decision to engage in an activity given by explicit action or words. It is an informed decision all parties make freely, willingly, and actively. The behavior will be considered "without consent" if no explicit consent, verbal or nonverbal, is given.
- > A person cannot give consent if:
  - They are incapacitated alcohol or drug consumption (voluntary or otherwise)
  - Is unconscious
  - Unaware or asleep during the act
  - Under legal age to provide consent
  - Cannot give consent

When determining whether a person is incapacitated, an analysis must include whether the accused individual knew or should have reasonably known that the person was incapacitated.

- ❖ A lack of protest or resistance is not a valid form of consent
- Silence is not a valid form of consent
- ❖ A prior relationship or sexual activity is not enough to demonstrate consent
- Consent can be revoked or withdrawn at any time even during a sexual act

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on District property, or an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. A student found guilty of violating the District sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from Imperial Valley College for the first offense.

Any sexual act directed against another person, forcibly and/or against that person's will, or not forcibly or against the person's will where the victim is incapable of giving consent.

# A. Forcible Rape

The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

# **B.** Forcible Sodomy

Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

#### C. Sexual Assault with an Object

The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

# D. Forcible Fondling

The touching of the private body parts of another person for sexual gratification, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex offenses-non-forcible / unlawful, non-forcible sexual intercourse.

• Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

• Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program.

#### SUPPORTIVE MEASURES

#### STUDENTS

The Title IX Coordinator is the Associate Vice President for Human Resources at (760) 355-6207 (Bldg. 2500). Students should contact Students may contact the Interim Dean of Student Services and Special Projects at (760) 355-6153 (Bldg. 100) to file a complaint. Title IX employees will ensure students receive written notification of all their rights and options, regardless of whether they report Prohibited Conduct to the District or the police. Title IX and Student Affairs employees have received training for this purpose and will assist students in determining whether certain forms of Supportive Measures may be beneficial and appropriate. Student Affairs employees are categorized as "Responsible Employees" and are therefore required to report information disclosed to them about Prohibited Conduct to the District's Title IX Coordinator. If a complainant requests (a) that personally identifying information not be shared with the respondent, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken, the District will seek to honor this request unless there is a health or safety risk to the complainant or any member of the college community. The District will maintain the privacy of any Supportive Measures provided under the Sexual Misconduct Policy to the extent practicable and promptly address any protective measures taken to protect the complainant (e.g., protective orders. Supportive Measures may be temporary or permanent and may be modified by the District as circumstances change. Supportive Measures may include, but are not limited to, the following:

- Arranging a meeting with police to discuss or report Prohibited Conduct
- Arranging a meeting with police to discuss safety planning
- Arranging access to counseling services and assistance in setting up initial appointments
- Arranging access to medical services and mental health services and assistance in setting up initial appointments
- Assistance in seeking academic assistance, including modified class schedules (including transfer to another section), permission to withdraw from and/or retake a class or attend a class via alternative means (e.g., online or independent study), extension of assignment deadlines and voluntary leaves of absence
- Imposition of a No Contact Directive or Mutual No Contact Directive against an Employee or Student (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies)
- Assistance in seeking legal assistance within the community
- Assistance in seeking relevant information on immigration, visa, and/or financial aid status
- Assistance in modifying assigned parking
- Assistance in modifying District employment arrangements, including changes in work schedules, job assignments, work locations, and/or assigned parking
- Increased security or monitoring of certain areas of Campus
- Any other measures that may be arranged by the District (to the extent reasonably available) to ensure the safety and well-being of a student who has been affected by Prohibited Conduct. In some cases, a student may choose to seek a leave of absence or a reduced course load; these actions may, in turn, affect a student's immigration, visa, and/or financial aid status.

In such cases, Student Affairs will connect students with the applicable IPV department or unit so that they may obtain relevant information and assistance. The Title IX Coordinator will ensure students receive written notification of all their rights and options, regardless of whether they report Prohibited Conduct to the College or the police. This notification will describe options for available assistance and how to request changes to academic, transportation, and working situations or protective measures. Students are entitled to receive information, help, and a broad range of support and remedial measures as reasonably available, regardless of whether they pursue criminal and/or IVC disciplinary resolution of Prohibited Conduct.

# **EMPLOYEES**

The Title IX Office can provide employees with information, support, and assistance and arrange various Supportive Measures. The Title IX Coordinator or designee will ensure employees receive written notification of all their rights and options, regardless of whether they report Prohibited Conduct to the District or the police. The Title IX Coordinator or designee will assist employees in determining whether certain forms of support, including Supportive Measures, may be beneficial and appropriate. Title IX employees are Responsible Employees and are not confidential. If a complainant requests (a) that personally identifying information not be shared with the respondent, (b) that no investigation be pursued, and/or (c) that no disciplinary action be taken, the District will seek to honor this request unless there is a health or safety risk to the complainant or any member of the college community. The Grievance Procedures provide additional guidance about how the District will evaluate such requests.

The specific circumstances of each case will determine the availability of Supportive Measures. The Title IX Coordinator, in consultation with Human Resources and/or the Office of the Provost, will consider several factors in determining which measures to take, including the needs of the employee seeking Supportive Measures, the overall structure and work needs of the relevant unit or department; the severity or pervasiveness of the alleged Prohibited Conduct; as appropriate, any continuing effects on the complainant; whether the complainant and the respondent share the same employment assignment or parking location; and whether other judicial measures have been taken (e.g., protective orders). When implementing such measures, the District will seek to minimize the burden imposed by such measures as appropriate to the specific circumstances of each case. Supportive Measures may be temporary or permanent and may be modified by the District as circumstances change. Supportive Measures may include, but are not limited to, the following:

- Arranging a meeting with police to discuss or report Prohibited Conduct
- Arranging a meeting with police to discuss safety planning
- Providing contact information for available counseling services
- Providing contact information for available medical and mental health services
- Imposition of a No Contact Directive or Mutual No Contact Directive against an employee or student (i.e., an order directing one or both of the parties to refrain from contacting the other, directly or through proxies)
- Modifying an employee's work schedule and/or work location
- Reassigning an employee's parking location
- Changing an employee's phone number at work
- Assistance in the enforcement of protective orders in the environment in an employee's work
- Any other measures that may be arranged by the District (to the extent reasonably available) to ensure the safety and well-being of an employee who has been affected by Prohibited Conduct
- Assistance in seeking legal assistance within the community
- Assistance in seeking relevant information on visa and/or immigration status. Sometimes, an employee may
  seek leave to attend court proceedings or meet other legal obligations. The District will endeavor to approve
  reasonable leave for employees who have experienced Prohibited Conduct to seek protective orders, attend
  court, make custody arrangements, or relocate to a safe living environment. Employees should direct any such
  requests for leave to their supervisor. Employees and/or supervisors should direct any questions or concerns
  related to such requests to the Title IX Coordinator. The Title IX Coordinator or designee will ensure employees

receive written notification of all their rights and options, regardless of whether an employee reports Prohibited Conduct to the District or the police. This notification will describe options for available assistance and how to request changes to academic, living, transportation, and working situations or protective measures. Employees are entitled to receive information, assistance, and a broad range of Supportive Measures as reasonably available, regardless of whether they pursue criminal and/or University disciplinary resolution of Prohibited Conduct.

# **PROTECTIVE ORDERS**

Where Prohibited Conduct is reported, obtaining a court-ordered emergency or preliminary protective order may be possible. These protective orders may be issued if the judge or magistrate believes there is an immediate threat to health or safety. Later, after a full hearing, the court may agree to issue a "permanent" protective order in appropriate cases. A permanent protective order may remain in place for up to ten years, depending on the type of protective order issued by the court. "Protective orders" are separate and distinct from "no-contact directives" (described above). Protective orders may be obtained only from a court of law and are enforceable anywhere in the United States; their violation may result in criminal charges. In contrast, when the College arranges no-contact directives, they are enforceable through the College. Students or employees may speak with the Sherrif's Department Division's Victim/Witness Assistance Coordinator, who can explain the process for seeking a protective order and can escort a student or employee to the appropriate office to initiate a petition seeking a protective order.

# VICTIM CONFIDENTIALITY PRIVACY AND CONFIDENTIALITY

The District is committed to protecting the privacy of all individuals involved in the investigation and resolution of a report under the Sexual Misconduct Policy. The District is also committed to helping students, employees, and third parties make informed choices. Concerning any report under the Sexual Misconduct Policy, the District will make reasonable efforts to protect the privacy of participants, following applicable state and federal law, while balancing the need to gather information to assess the report and to take steps to eliminate Prohibited Conduct, prevent its recurrence and remedy its effects. "Privacy" and "confidentiality" have distinct meanings under the Sexual Misconduct Policy. Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of District employees who "need to know" to assist in the report's assessment, investigation, and resolution. All employees involved in the District's response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information per state and federal law. The privacy of student education records will be protected by the Family Educational Rights and Privacy Act (FERPA), as outlined in the College's FERPA policy. California's Health Records Privacy Act protects the privacy of an individual's medical records. It may also be protected by the Health Insurance Portability and Accountability Act (HIPAA) or FERPA. Access to an employee's personnel records may be restricted under the California Freedom of Information Act. Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers (and those who provide administrative services related to the provision of medical and clinical care), mental health providers, counselors, and ordained clergy, all of whom may engage in confidential communications under California law. Gender-Based Harassment and Other Forms of Interpersonal Violence and the Preventing and Addressing Under the Clery Act, the District includes statistics about certain offenses in its Annual Fire Safety and Security Report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident.

The Clery Act also requires the District to issue timely warnings to the District community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the District withholds the names and other personally identifying information of complainants when issuing timely warnings or emergency notifications to the college community and maintaining the daily crime log. IVC will also maintain as confidential any accommodations or protective measures provided to any party to the extent that maintaining such confidentiality would not impair the ability of the District to provide the accommodations or protective measures.

#### **EDUCATION PROGRAMS**

The District aims to prevent all forms of Prohibited Conduct by offering prevention-based education and awareness programming. Incoming students and new employees receive primary prevention and awareness programming as part of orientation and onboarding. Returning students and current employees continue to receive ongoing training and related programming. Program content includes:

- (1) statements that the District prohibits Prohibited Conduct, as defined by the Sexual Misconduct Policy, and related crimes under California law.
- (2) the definitions of such conduct and crimes under California law.
- (3) the definition of "Affirmative Consent" for policy purposes.
- (4) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of Prohibited Conduct against another person.
- (5) information on risk reduction to recognize warning signs of abusive behavior.
- (6) required online training regarding all forms of sexual misconduct for all faculty, staff, and students; and/or
- (7) information about the procedures that the District will follow if an incident of Prohibited Conduct has occurred.

The District's education and prevention programs reflect programming, initiatives, strategies, and campaigns intended to end Prohibited Conduct. These programs are culturally relevant and inclusive of diverse communities and identities. These programs are also designed to consider environmental risk and protective factors as they affect individuals, relationships, institutions, communities, and society. The District is dedicated to ending sexual harm in our community. District initiatives seek to specifically prevent sexual harm and include collaboration with departments on Campus that do related work, including substance misuse prevention, health promotion programs, and others. The District's education and prevention programs that support sexual harm education and prevention include

- (1) awareness programs,
- (2) bystander intervention programs,
- (3) ongoing prevention and awareness campaigns,
- (4) primary prevention programs,
- (5) indicated prevention programs,
- (6) risk reduction, and
- (7) coalition building.

These programs include awareness programs consisting of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent sexual harm, promote safety, and reduce incidents/crime. The District, in April, presents awareness programs surrounding National Sexual Assault Awareness Day to raise public awareness about sexual violence and educate the campus community on how to prevent it. During September National Campus Safety Awareness Day, the District encourages public conversation about violence prevention. The District also offers an opportunity to address the background of campus safety areas and share information about an institution's campus safety programs. During October, the District highlights awareness programs surrounding National Domestic Violence Awareness Day. It's a time to recognize victims, raise awareness, and mourn those lost to domestic violence.

#### **Bystander Intervention**

Bystander intervention means safe and positive options that an individual or individuals may carry out to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. This 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.

If anyone suspects a friend, acquaintance, or stranger that may be in a high-risk situation of becoming a victim, is being victimized, or has been a victim of any form of a sexual offense, including dating violence, domestic violence, sexual assault, or stalking, it is important to decide as a bystander whether there is a safe and reasonable way to intervene effectively to assist a person before, during, or after an incident takes place.

While there is no legal obligation for bystanders to act or intervene, Imperial Valley College promotes a campus culture of respect and concern for others, creating a community of responsible citizens. The following are suggestions for safe and positive bystander actions:

- Notice the event --- any behavior you recognize that would lead to violence.
- Consider whether the situation demands your action. Is this going to resolve itself or would it be helpful if you did something?
- Decide if you have a responsibility to act. Knowing that other people are around, you should do something to assist but will likely not step in.
- Choose what form of assistance to use. Directly intervene, redirect their attention elsewhere to distract them, and call campus safety to report the situation.
- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Refer people to on or off-campus resources for support in health, counseling, or legal assistance.
- Call 911 if there is an immediate danger.
- Act and be safe, understand how to implement the choice safely.

# Procedure to Follow if Sexual Assault, Domestic Violence, Dating Violence, or Stalking Has Occurred

If you are a victim of a sexual assault, your priority should be to get to a place of safety. You should then obtain the necessary medical treatment. The Campus Safety and Parking Control Department strongly advocate that a victim of sexual assault report the incident promptly. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to an On-Campus Deputy Sheriff, a Campus Safety Officer, or the Imperial County Sheriff's Office. Officials will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- Ensure you receive the necessary medical treatment and tests at no expense.
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be
  obtained later (ideally, the victim of sexual assault should not wash, douche, use the toilet, or
  change clothing before a medical/legal exam);
- Assure you have access to free, confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the Campus Safety and Parking Control Department, the Imperial County Sheriff's Office (ICSO) will be notified as well. A representative from the Student Affairs Office will also be notified, although no identifying information of the victim will be released. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and the Campus Safety and Parking Control, or only the latter. A Deputy Sheriff or Campus Safety Officer will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the District through the Student Health Center, Employee Assistance, and the Psychological and Counseling Center. Counseling and support services outside the District system can be obtained by referral from the On-Campus Deputy Sheriff to the ICSO.

The <u>Student Handbook</u> details District disciplinary proceedings and particular guidelines for sexual misconduct cases. The handbook provides, in part, that the accused and the victim will each be allowed to choose one person to accompany them throughout the hearing. Both the victim and the accused will be informed of the outcome of the hearing. A student found guilty of violating the District's sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the IVC for the first offense.

Student victims have the option to change their academic situations after an alleged sexual assault if such changes are reasonably available.

For additional information and resources on sexual assault, domestic violence, dating violence, and stalking in the educational campus environment, please refer to RAINN, which is the nation's largest antisexual violence organization. RAINN operates the National Sexual Assault Hotline in partnership with more than 1,000 local sexual assault service providers across the country. Additional resources can be located through the National Public Safety Partnership (PSP) established by the U.S. Department of Justice (DOJ) to provide an innovative framework to enhance federal support of state, local, and tribal law enforcement and prosecution authorities in improving public safety.

#### **Confidentiality and Written Notification**

All students, faculty members, staff members, or visitors who allege they are the victims of a sexual assault on district property shall be provided with information regarding options and assistance available to them. Information shall be available from the Campus Safety and Parking Control Department, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Campus Safety and Parking Control Department is authorized to release such information.

The Human Resource Office shall be notified of all serious criminal events reported to Campus Safety and Parking Control.

The Director of Risk Security and Safety shall provide all alleged victims of sexual assault with the following, upon request:

- A copy of the district's policy and procedure regarding sexual assault
- A description of available services and the persons on campus who can provide those services if requested.
- Referral to the Imperial County Sheriff's Office, with the consent of the victim, for collection of evidence and/or the criminal prosecution of responsible persons
- Transportation to a hospital, if necessary; counseling or referral to a counselor
- A description of each of the following procedures:
  - 1. Criminal prosecution
  - 2. District disciplinary procedures, both student and employee
  - 3. Modification of class schedules

All alleged victims of sexual assault shall be kept informed through the Campus Safety and Parking Control Department of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual assault are required to maintain any such information in confidence unless the suspected assailant has waived rights to confidentiality.

The district shall maintain the identity of any alleged victim or witness of sexual assault, as defined above, in confidence unless the alleged victim or witness expressly waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults shall be referred to the President's Office, which shall work with the District Legal Advisor to ensure that all confidentiality rights are maintained.

#### **Registered Sex Offender**

The district shall include in its Annual Security Report a statement advising the campus community where information about registered sex offenders may be obtained.

Sex offenders are required to register with the police in the jurisdiction in which they reside and at institutions of higher learning if they are students or if they work there as employees, contractors, or volunteers. A sex offender who is an employee or volunteer in the district must disclose his/her status as a registrant upon his/her application or acceptance of the position if he/she:

 Would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or have supervision or disciplinary power over minor children or would be working directly and in an accompanied setting with minor children and his/her work would require touching minor children on more than an incidental basis.

A sex offender who must register for committing a crime against a minor victim under the age of 16 is prohibited from serving as an employer, employee, contractor, or volunteer in any capacity in which the sex offender would be working directly and in an unaccompanied setting with minor children on more than an incidental and occasional basis or involving having supervision or disciplinary power over minor children.

Sex offenders who may be required to register should do so at the Campus Safety and Parking Control Department. Information concerning registered sex offenders can be obtained from the Campus Safety and Parking Control Department and the California Department of Justice Megan's Law Website.

Under the "Campus Sex Crimes Prevention Act" of 200, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, and the Family Educational Rights and Privacy Act of 1974, the California Department of Justice is providing a link to its official website, which lists designated registered sex offenders in California.

This act requires higher education institutions to issue a statement advising the campus community where law enforcement information concerning registered sex offenders may be obtained from law enforcement provided by the California Department of Justice. It also requires sex offenders already required to register in California to provide notice of each institution of higher education in that state at which the person is employed, carries a vocation, or is a student. In California, The Sex Offender Tracking Program at the California Department of Justice (DOJ) maintains the registered sex offender database. That database is the basis for the information displayed on their internet website. By law, persons convicted of specified sex crimes are required to register as sex offenders with a local law enforcement agency.

California's Megan's Law was enacted in 1996 and allows local law enforcement agencies to notify the public about sex offender registrants found to be posing a risk to the public. Megan's Law is named after seven-year-old Megan Kanka, a New Jersey girl who was raped and killed by a known child molester who had moved across the street from the family without their knowledge. In the wake of the tragedy, the Kanka's sought to have local communities warned about sex offenders in the area. All states now have some form of Megan's Law.

#### **Disciplinary Action**

Any sexual assault or physical abuse, including, but not limited to, rape, as defined by California law, whether committed by an employee, student, or member of the public, occurring on district property, or an off-campus site or facility maintained by the district, or on grounds or facilities maintained by a student organization, is a violation of districts policies and regulations and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. A student found guilty of violating the District's sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the IVC for the first offense.

#### **Disciplinary Procedures Under Title IX**

#### Introduction

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

#### Title IX Coordinator

Questions concerning Title IX may be referred to the District Title IX Coordinator.

The district's Title IX Coordinator is:

#### Johanna Fisher

Title IX Coordinator

Associate Vice President, Human Resources
johanna.fisher@imperial.edu

#### **Alexis Villa**

Title IX Deputy Coordinator

Dean of Student Services and Special Projects

alexis.villa@imperial.edu

(760) 355-6153

The Title IX Coordinator is required to respond to reports of sexual harassment or misconduct. The Title IX Coordinator will handle information received with the utmost discretion and share information with others on a need-to-know basis.

#### For Example:

The Title IX Coordinator may need to address public safety concerns on campus, comply with state and federal legal requirements, or share information to implement supportive measures.

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

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

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

#### Jurisdictional Requirements – Application of Procedures

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

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

#### **Title IX Definitions**

**Advisor:** Throughout the grievance process, both the complainant and respondent have a right to an advisor of their choice. If a party does not have an advisor at the time of the hearing, the district must provide the party and advisor of its choice, free of charge. The district may establish restrictions regarding the extent to which the advisor may participate in the proceedings if the rules apply equally to both parties.

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

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

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

- The respondent's belief arose from the respondent's intoxication or recklessness.
- The respondent did not take reasonable steps to ascertain whether the complainant affirmatively consented or
- The respondent knew or a reasonable person should have known that the complainant was unable to consent because the complainant was incapacitated, in that the complainant was:
  - Asleep or unconscious
  - Unable to understand the fact, nature, or extent of the sexual activity due to the influence of drugs, alcohol, or medications; or
  - Unable to communicate due to a mental or physical condition.

**Decision-Maker:** The person or persons who will oversee the live hearing and decide on responsibility. The decision-maker will generally be the Dean of Student Affairs, Director of Risks, Security & Safety, or the Associate VP for Human Resources. Other Title IX-certified administrators may be appointed as the decision-maker; however, the decision-maker cannot be the Title IX Coordinator or the investigator.

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

Parties: As used in this procedure, this means the complainant and respondent.

**Respondent:** A respondent is reported as the perpetrator of conduct that could constitute sexual harassment.

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

- A district employee conditions the provision of aid, benefit, or service of the district on an individual's participation in unwelcome sexual conduct (quid pro quo harassment);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and
  objectively offensive that it effectively denies a person equal access to the district's education
  program or activity.
- Sexual assault, including the following:
  - **Sex Offenses:** Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.
  - Rape: (except Statutory Rape) The carnal knowledge of a person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. There is carnal knowledge if there is the slightest penetration of the genital or anal opening of the body of another person.
  - **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.

- Sexual Assault with an Object: To use an object or instrument to penetrate unlawfully, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything the offender uses other than the offender's genitalia, e.g., a finger, bottle, handgun, or stick.
- **Fondling:** The touching of the private body parts of another person for sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her/their age or because of his/her/their temporary or permanent mental or physical incapacity.
- Sex Offenses, Non-Forcible Unlawful, Non-Forcible Sexual Intercourse
- **Incest:** Non-Forcible Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Non-Forcible, Sexual intercourse with a person who is under the statutory age of consent. There is no force or coercion used in statutory rape; the act is not an attack.
- **Dating Violence:** Violence against a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of a relationship will be determined based on a consideration of the following factors:
  - The length of the relationship
  - The type of relationship
  - The frequency of interaction between the people involved in the relationship.
- **Domestic Violence:** 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 or intimate partner
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of California or
  - By any other person against an adult or youth victim protected from that person's acts under the domestic or family violence laws of California.
- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of others or suffer substantial emotional distress.

#### **Reporting Options**

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

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

Individuals can decide whether they want to pursue a formal Title IX complaint. Reporting sexual harassment to the Title IX Coordinator does not automatically initiate an investigation under these

procedures. A report allows the district to provide a wide variety of support and resources to impacted individuals and prevent the reoccurrence of the conduct. A complainant or the Title IX Coordinator filing a formal complaint will initiate an investigation.

Suppose there are parallel criminal and Title IX investigations. The district will cooperate with the external law enforcement agency in that case. It will coordinate to ensure that the Title IX process does not hinder the legal process or proceedings. The district will document reports of sexual harassment in compliance with the Clery Act, a federal law requiring data collection of crime within the campus geography. Under the Clery Act, the district does not document personal information; the district reports the type of conduct and the time, date, and location.

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

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

The district has designated the following employees as officials with authority:

- Deputy Title IX Coordinator (Chief Human Resource Officer)
- Deputy Title IX Coordinator (Dean, Student Affairs, Enrollment Management, and Campus Safety)
- All administrators
- Faculty chairs

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

#### **Intake and Processing of Report**

#### Receipt of Report

After receiving a report of sexual harassment, the Title IX Officer will contact the complainant and reporting party to explain rights under this policy and procedure and invite the complainant to an inperson meeting. The Title IX Officer will discuss supportive measures with the parties.

#### <u>Timeframe for Reporting</u>

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

#### Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered free of charge to the complainant or the respondent, regardless of whether a formal complaint has been filed. The district will provide the complainant and respondent with appropriate and reasonably available supportive measures to restore or preserve equal access to the district's education program or activities. These measures are designed to protect all parties' safety and the district's educational environment or deter sexual harassment. The district will provide supportive measures on a confidential basis and only make

disclosures to those needing to know to enable the district to provide the service. Supportive measures may include counseling, extensions of deadlines, other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

#### Removal of Respondent Pending Final Determination

Upon receiving a report of sexual harassment, the Title IX Coordinator will immediately assess the health and safety of the complainant and the campus community. The district has the right to order emergency removal of a respondent or, if the respondent is an employee, place the employee on administrative leave.

#### **Emergency Removal**

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

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

The individualized safety and risk analysis will be conducted by the Dean of Student Affairs, the Director of Risks, Security & Safety, the Associate VP for Human Resources, or a designee.

If the Dean of Student Affairs, the Director of Risks, Security & Safety, the Associate VP for Human Resources, or designee determines emergency removal is appropriate, he/she/they or designee will provide the person the district is removing from campus on an emergency basis with notice and opportunity to attend a meeting and challenge the basis of his/her/their removal. The Dean of Student Affairs, the Director of Risks, Security & Safety, the Associate VP for Human Resources, or the designee will determine whether the emergency removal from campus order is warranted after considering information provided by the respondent challenging the emergency removal.

#### Administrative Leave

The district may place a non-student employee respondent on administrative leave during the pendency of a grievance process described in the formal complaint process below. The district will follow any relevant policies, procedures, collective bargaining agreements, or state law in placing an employee on administrative leave.

#### **Formal Complaint Grievance Process**

#### Notice to Parties

Upon receipt of a formal complaint, the Title IX Coordinator will provide the following notice in writing to the parties:

- Notice of the District's Title IX grievance process
- Notice of the allegations of alleged sexual harassment with sufficient details known at the time and with sufficient time to prepare a response before any initial interview.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made after the grievance process.
- Notice that the parties may have an advisor of their choice, who may be an attorney but is not required to be.
- Notice that the parties may inspect and review any evidence obtained as part of the
  investigation that is directly related to the allegations raised in the formal complaint, including
  the evidence upon which the district does not intend to rely in reaching a determination
  regarding responsibility, and inculpatory or exculpatory evidence whether obtained from a party
  or other source.
- Inform the parties of any provision in the district's code of conduct that prohibits making false statements or submitting false information during the grievance process.

If the district decides to investigate allegations about the complainant or respondent that are not included in the notice provided above, the Title IX Coordinator will notify the parties in writing of the additional allegations.

#### Dismissal of Formal Complaint

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

- If the conduct alleged in the formal complaint would not constitute Title IX sexual harassment as defined in this procedure
- If the conduct alleged did not occur in the district's education program or activity
- If the alleged conduct did not occur against a person in the United States,

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

- If at any time during the investigation or hearing, A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations.
- If the respondent is no longer enrolled or employed by the district or
- If there are specific circumstances that prevent the district from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations.

If the district dismissed the formal complaint or any allegations, the Title IX Coordinator shall simultaneously provide the parties with written notice of the dismissal and reason. The district will also notify the parties of their right to appeal.

After dismissing a formal complaint, the district may commence proceedings under other policies and procedures.

#### **Consolidation of Formal Complaints**

The district may, but is not required to, consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arising out of the same facts or circumstances.

#### **Equitable Treatment of the Parties**

The district's determination of responsibility is a neutral, fact-finding process. The district will treat complainants and respondents equitably, and the procedures will apply equally to both parties. The district will not discipline a respondent unless it determines that the respondent was responsible for sexual harassment after the grievance process.

#### Statement of Presumption of Non-Responsibility

The investigation is a neutral, fact-finding process. The district presumes all reports are in good faith. Further, the district presumes the respondent is not responsible for the alleged conduct. The district determines responsibility after the grievance process.

#### Bias or Conflict of Interest

The District's Title IX Coordinator, investigator, Decision-Maker, or any person designated by the district to facilitate an informal resolution process will not have a potential actual bias or conflict of interest in the investigatory, hearing, sanctioning, or appeal process or bias for or against complainants or respondents generally. Actual bias is an articulated prejudice in favor of or against one party or position; it is not a generalized concern about the decision-maker's personal or professional backgrounds, positions, beliefs, or interests.

The district will ensure that the Title IX Coordinator, investigator, decision-maker, and facilitator receive training on:

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

#### **Timeline for Completion**

The district will undertake its grievance process promptly and as swiftly as possible. Within 180 calendar days, the district will complete the investigation and its determination regarding responsibility or the informal resolution process.

When appropriate, the Title IX Coordinator may determine that good cause exists to extend the 180-calendar-day period to conduct a fair and complete investigation, accommodate an investigation by law enforcement, accommodate the unavailability of witnesses or delays by the parties, account for district breaks or vacations, or due to the complexity of the investigation. The district will provide notice of this

extension to the complainant and respondent in writing and include the reason for the delay and anticipated timing of completion.

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

#### Role of Advisor

The role of the advisor is to provide support and assistance in understanding and navigating the investigation process.

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

A party has no right to self-representation at the hearing; an advisor must conduct any cross-examination. The district must provide an advisor of its choice free of charge to any party without an advisor to conduct a cross-examination. If an advisor fails to appear at the hearing, the district will provide an advisor to appear on behalf of the non-appearing advisor. Each party may identify one advisor to limit the number of individuals with confidential information about the issues.

#### **Confidentiality Agreements**

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

#### **Use of Privileged Information**

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

#### **Investigations**

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

Both parties have the right to have an advisor present at every meeting described in this section.

#### **Trained Investigators**

The district will investigate Title IX's formal complaints fairly and objectively. Individuals serving as investigators under this procedure will have adequate training on what constitutes sexual harassment and how the district's grievance procedures operate. The district will also ensure that investigators receive training on issues of relevance, creating an investigative report that fairly summarizes relevant evidence and complies with this procedure.

#### **Gathering Evidence and Burden of Proof**

The district, not the parties, is responsible for gathering information and interviewing witnesses. When the investigator evaluates the evidence, he/she/they will use the preponderance of the evidence standard. After considering all the evidence gathered, the investigator will decide whether it is more likely than not that the reported conduct occurred.

#### **Notice of Investigative Interview**

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

#### **Evidence Review**

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

Prior to the investigator preparing an investigative report, the district will send the evidence subject to inspection and review in electronic or hard copy to each party and the party's advisor, if any. The parties will have at least ten days to submit a written response. The investigator must consider this written response before completing the investigative report.

#### **Investigative Report**

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

- A description of the circumstances giving rise to the formal complaint
- A description of the procedural steps taken during the investigation, including all individuals contacted and interviewed.
- A summary of the testimony of each witness the investigator interviewed.
- An analysis of relevant evidence collected during the investigation, including a list of relevant documents.
- A specific finding as to whether the allegations occurred using a preponderance of the evidence standard
- A table of contents if the report exceeds ten pages and any other information deemed appropriate by the district.

The investigator will not determine responsibility. The investigator may redact information unrelated to the allegations or privileged information. However, the investigator will keep a log of information he/she/they do not produce to the parties. The investigator will only provide this log to the Title IX Coordinator. The Title IX Coordinator will not disclose the log to the parties but will maintain it in its file if it becomes relevant later.

At least ten days before a hearing or other time of determination regarding responsibility, the district will send the investigative report to each party and their advisors, if any, the investigative report in an electronic format or a hard copy for review and written response. The parties will have at least ten days to submit a written response.

#### Hearing

After completing an investigation and prior to completing a determination regarding responsibility, the district will hold a live hearing to provide the complainant and respondent an opportunity to respond to the evidence gathered before a decision-maker. Neither party may choose to waive the right to a live hearing, but the parties can choose whether to participate in the hearing or answer some or all cross-examination questions.

#### Notice

If the district proceeds to a hearing, it will provide all parties with written notice of the date, time, location, participants, and purpose of the hearing with sufficient time for the parties to prepare to participate.

#### **Hearing Format**

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

The district will review the information during the evidence review and make it available for reference and consultation at the hearing. The district will not restrict either party's ability to discuss the allegations under investigation or to gather and present relevant evidence.

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

#### Decision-Maker

The decision-maker will be free from conflict of interest or bias, including bias for or against complainants or respondents. In cases where the complainant or respondent objects to the decision-maker based on a conflict of interest, the complainant or respondent may request the Title IX Coordinator select a different decision-maker. The complainant or respondent must

make this request to the Title IX Coordinator in writing at least five business days before the hearing.

The decision-maker may ask the parties and the witnesses questions during the hearing. The decision-maker must objectively evaluate all relevant evidence, both inculpatory and exculpatory, and must

independently determine responsibility without deference to the investigative report. The decision-maker must receive training on relevant issues, applying rape-shield protections for complainants, and any technology to be used at the hearing.

#### **Presenting Witnesses**

The district will provide the complainant and respondent an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. Witnesses, like parties, are not required to participate in the live hearing process.

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

#### **Cross-Examination**

The district will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. The party's advisor must conduct cross-examination directly, orally, and in real-time. A party may never personally conduct cross-examination.

Advisors may only ask relevant cross-examination and other questions of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant. The decision-maker need not provide a lengthy or complicated explanation supporting a determination of relevance. If a party or witness disagrees with a relevance determination, that individual can choose either.

- 1. Abiding by the decision-maker's determination and answering the question or
- 2. Refuse to answer the question.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker will not rely on any statement from that party or witness to reach a determination regarding responsibility. A party or witness may also decline to answer a question, and the decision-maker cannot rely on any statement on which that party or witness has refused to answer cross-examination questions. A decision-maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

#### **Determinations of Responsibility**

When the decision-maker decides on responsibility or non-responsibility, the decision-maker will issue a written determination regarding responsibility no later than 20 business days after the date that the hearing ends.

When deciding regarding responsibility, a decision-maker will objectively evaluate all relevant evidence, including inculpatory and exculpatory. A decision-maker may not make credibility determinations based on an individual's status as a complainant, respondent, or witness. In evaluating the evidence, the decision-maker will use the preponderance of the evidence standard. Thus, after considering all the evidence it has gathered, the district will decide whether it is more likely than not that sexual harassment occurred.

#### The written determination will include:

- Identification of the allegations potentially constituting Title IX sexual harassment as defined in these procedures.
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including who conducted the investigation and gave notifications to the parties. The determination will also state when, where, and the date the investigator interviewed the parties and witnesses, conducted site visits, and the methods used to gather
- other evidence. The procedural section should also discuss the dates and how the parties were provided with the opportunity to review and inspect evidence, the date of any hearings held, and who attended the hearing.
- Findings of fact supporting the determination. In making these findings, the decision-maker
  will focus on analyzing the findings of facts that support the determination of responsibility
  or non-responsibility.
- Conclusions regarding applying the district's code of conduct to the facts.
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
- A statement of, and rationale for, any disciplinary sanctions the district imposes on the respondent.
- A statement of whether the district will provide the complainant with remedies designed to restore or preserve equal access to the district's education program or activity.
- The district need not disclose to the respondent remedies that do not affect him/her/them as part of the written determination. The district can inform the respondent that it will provide remedies to the complainant. However, the district will inform the complainant of the sanctions against the respondent.
- The district's procedures and permissible bases for the complainant and respondent to appeal.

The district will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if the parties file an appeal, or if the parties do not file an appeal, the date on which an appeal would no longer be timely.

#### **Disciplinary Sanctions and Remedies**

The district must have completed the grievance procedures (investigation, hearing, and any appeal, if applicable) before imposing disciplinary sanctions or any other actions that are not supportive measures against a respondent. If the decision-maker determines the respondent was responsible for conduct that constitutes sexual harassment, the district will take disciplinary action against the respondent and any other remedial action it determines to be appropriate.

The action will be prompt, effective, and commensurate with the severity of the offense.

Remedies for the complainant might include, but are not limited to:

- Providing an escort to ensure that the complainant can move safely between classes and activities.
- Ensuring that the complainant and respondent do not attend the same classes or work in the same work area.
- Providing counseling services or a referral to counseling services.

- Providing medical services or a referral to medical services.
- Providing academic support services, such as tutoring.
- Arranging for a complainant, if a student, to re-take a course or withdraw from a class without penalty, including ensuring that any changes do not adversely affect the complainant's academic record; and
- Reviewing any disciplinary actions taken against the complainant to see if there is a causal connection between the harassment and the misconduct that may have resulted in the complainant's discipline.

Possible disciplinary sanctions for student respondents include written or verbal reprimand, required training or counseling, non-academic probation, suspension, and expulsion. Possible disciplinary sanctions for employee respondents include written or verbal reprimand, required training or counseling, suspension, or discharge.

#### The Appeal of Dismissal of a Formal Complaint or The Determination of Responsibility

A complainant or respondent may appeal the district's determination regarding responsibility or the dismissal of a formal complaint or any allegations. A complainant or respondent must submit a written appeal within ten business days from the date of the notice of determination regarding responsibility or the date of the district's notice of dismissal of a formal complaint or any allegations.

#### **Grounds for Appeal**

The Associate VP for Human Resources, Dean of Student Affairs, and Director of Risks, Security & Safety will be the decision-maker on appeal. This decision-maker may not be the same individual who made the decision the appellant is challenging — whether that is a determination regarding responsibility or dismissal of the investigation or the decision to dismiss a formal complaint and may not be the Title IX Coordinator or the investigator. In filing an appeal of the district's determination regarding responsibility or the district's dismissal of a formal complaint, the party must state the grounds for appeal and a statement of facts supporting those grounds. The grounds for appeal are as follows:

- A procedural irregularity affected the outcome.
- New evidence was not reasonably available at the time the district's determination regarding responsibility or dismissal was made, and this new evidence could affect the outcome or
- The District's Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants, respondents, or the individual complainant or respondent that affected the outcome.

#### **Appeal Procedure**

If the complainant or respondent submits an appeal to the district, the district will:

- Notify the other party in writing within five business days of receiving a party's appeal.
- Allow the non-appealing parties at least ten business days from receipt of the appeal to submit a written statement supporting, or challenging, the outcome.

The appeal decision-maker will issue a written decision on whether to grant or deny the appeal and the rationale for the decision within 45 business days after the decision-maker on appeal receives the response or the last day to respond. The district will provide the written decision simultaneously to both parties. The decision-maker on appeal may extend or otherwise modify the deadlines provided above.

Either party may seek an extension by submitting a written request to the appeal decision-maker explaining the need for the extension and the proposed length of the extension. The decision-maker will respond to the request within 48 hours in writing and will inform the parties simultaneously whether the extension is granted.

#### <u>Informal Resolution</u>

If the district determines that a formal complaint is appropriate for informal resolution, it may provide the parties with the opportunity to participate in an informal resolution process, including mediation, at any time before reaching a determination regarding responsibility.

The district will provide the complainant and respondent with written disclosure of the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

The district must obtain the parties' voluntary, written consent to the informal resolution process. If the parties reach an agreement, the district does not have to complete a full investigation and adjudication of a report of sexual harassment. At any time before agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process concerning the formal complaint.

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

#### **Retaliation Prohibited**

The district prohibits any intimidation, threats, coercion, or discrimination against any individual who made a report or complaint of sexual harassment, testified, assisted, participated, or refused to participate in any manner in a Title IX investigation, proceeding, or hearing.

Individuals who experience retaliation may file a complaint using the formal complaint process described above.

#### Dissemination of Policy and Procedures

The district will provide its policy and procedures related to Title IX on its website and in each handbook or catalog provided to applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining with the district. When hired, employees are required to sign and acknowledge that they have received the policy and procedures. The district will place the signed acknowledgment of receipt in each employee's personnel file.

#### **Training**

The district will provide training to Title IX Coordinators, investigators, decision-makers, and any individual who facilitates an informal resolution process, on the definition of sexual harassment, the scope of the district's education program or activities, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train the district's Title IX Coordinator, investigators, decision-makers, and any person

who facilitates an informal resolution process, will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal sexual harassment complaints.

#### **File Retention**

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

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

The district will make these documents available to the U.S. Department of Education Office for civil rights upon request.

#### Disclosure to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offenses

Imperial Community College District will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense the results of any disciplinary hearing conducted by the District against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased because of the crime or offense, Imperial Community College District will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

#### **Student and Employee Existing Services**

Imperial Valley College seeks to provide a campus community that promotes a safe and welcoming environment where all students and employees may succeed. This District takes very seriously our desire and expectation to have an environment free of relationship and interpersonal violence, which includes all forms of sexual harassment and discrimination, sexual misconduct, stalking, and interpersonal and relationship violence.

## The following is a list of existing services on campus and off-campus:

#### **CAMPUS RESOURCES**

*	Student Health Center:	(760) 355-6310
*	Mental Health Counseling Counselor:	(760) 355-6196
*	IVC Nurse	(760) 355-6128
*	Faculty and Staff Counseling Center:	(866) 533-4278
*	IVC Student Equity & Achievement Program	(760) 355-1826

#### **ADDITIONAL CAMPUS RESOUCES**

Campus Deputy Cell Phone	(760) 483-7411
Campus Safety	(760) 355-6308
Title IX Coordinator	(760) 355-6207
Student Affairs	(760) 355-6455
Financial Aid	(760) 355-6199
LGBT Designee –Lisa Solomon	(760) 355-6453
IVC American Citizenship Course	(760) 550-2108
CalWORKs Program	(760) 355-6556
CARE Program	(760) 355-6264
Disabled Student Programs & Services	(760) 355-6317
Extended Opportunity Programs & Services	(760) 355-6407
IVC Kitchen	(760) 352-5736
Military Veterans Success Center	(760) 355-6141
	Campus Safety Title IX Coordinator Student Affairs Financial Aid LGBT Designee –Lisa Solomon IVC American Citizenship Course CalWORKs Program CARE Program Disabled Student Programs & Services Extended Opportunity Programs & Services IVC Kitchen

#### **OFF-CAMPUS RESOURCES**

*	Sure Helpline	(760) 222-8812
*	Imperial County Behavioral Health	(760) 482-2145 or 1-800-817-5292
*	Imperial County Health Intake Desk	(760) 482-4000
*	Woman Haven	(760) 353-6922
*	ICSO SAL Unit	(442) 265-6105
**	District Attorney's Office	(442) 265-1204
*	Son-shine Counseling	(760) 353-5059
**	Center of Family Solutions	(760) 353-6922

#### Pioneers Memorial Hospital Emergency Room (ER)

207 West Legion Road, Brawley, CA 92227

#### **Calexico Health Center**

450 East Birch St., Calexico, CA 92231 (760) 768-6262

#### **Pioneers Health Center**

751 W. Legion Rd., Ste. 103, Brawley, CA 92227 (760) 351-4400

#### Women's Health at Pioneers Health Center

751 W. Legion Rd., Ste. 201, Brawley, CA 92227 (760) 351-3700

#### **IN CASE OF EMERGENCY**

If you have a life-threatening illness or injury that requires an Ambulance, call 911 immediately. Emergency costs are not Covered by Student Health Services



#### Student Health Services and Mental Health Services

Imperial Valley College provides a Student Health Center which offers Mental Health Counselling and Basic First Aid and Care for minor illnesses. It also provides access to wellness information via the online resource Student Health 101.

Mental Health Counselling Services at the Student Health Center is a free service for currently enrolled students. Short-term individual, couples, family and group counselling services are provided by licensed clinicians and interns. Services are provided in a confidential, supportive, and culturally sensitive environment. We provide support and information regarding:

#### **Services and Programs Available:**

- Basic first aid
- Immunization referrals to ICPHD
- Physicals for students in IVC approved programs
- Lactation room
- Over the counter medication
- \* Referrals to health services outside the scope of the center
- Access to one reduced-cost basic ill visit

#### **Support & Information Regarding:**

- Anxiety/Stress
- Continued sadness/depression
- Divorce/Separation
- Parenting issues
- Anger management
- Relationship/Family issues
- Difficulty adjusting/Coping with life issues
- Sexuality issues
- Other personal issues

#### **HOURS OF SERVICE**

Monday – Thursday: 8:30am – 4:30pm Friday: 8:30am – 12:30pm

#### **OFFICE LOCATION**

Building 1500, Office #1536

#### **OFFICE CONTACT**

(760)-355-6310

For more information on services provided, visit:

https://www.imperial.edu/student-support/student-health-center/

For Mental Health Emergencies, please call Imperial County Crisis Line at 1-800-817-5292

#### IVC Student Equity & Achievement Program

The Student Equity and Achievement Program (SEA-Program) supports the transition of new students into IVC by providing services that promote academic achievement and successful completion of degrees, transfer preparation, career technical education certificates, career advancement, and other services.

#### On Campus:

 Food assistance, transportation, technology, housing referrals, hygiene (Student Equity & Achievement) – Building 400, Room 401

#### Off Campus:

- Shelter, personal enrichment courses, legal services, violence prevention (Womanhaven) <a href="https://womanhaven.org/">https://womanhaven.org/</a>
- National Domestic Violence Hotline at 1-800-799-SAFE (7233) or TTY 1-800-787- 3224.
- Imperial Valley Continuum of Care Counsel https://www.imperialvalleycontinuumofcare.org/

#### Military & Veteran Success Center

The mission of Imperial Valley College, Military & Veteran Success Center, is to provide a holistic approach to serving military/veteran students through focusing on three key areas:

- 1. Academics,
- 2. Health and wellness, and
- Camaraderie; to serve as a central hub that connects military/veteran students, as well as
  their families, to campus and community resources that reinforce the concept of at EASE
  (Academic Transition and Employment Access for Student Excellence).

Our goal is to ensure a seamless transition from military to civilian life.

The dedicated staff are committed to your academic success and look forward to working with you!

#### **Center Hours:**

Monday through Friday: 8:00 a.m. to 5:00 p.m.

#### **Counsellor's Hours:**

Monday through Wednesday: 8:00 a.m. to 3:00 p.m.

Thursday: 8:00 a.m. to 1:00 p.m.

Phone Number: (760) 355-6141
Email: mvscenter@imperial.edu
Location: 600 Bldg. Office 624



#### Drug, Alcohol, and Substance Abuse

#### Alcoholic Beverages

The possession, sale, or furnishing of alcohol on campus is governed by California state law and these procedures. The California Department of Alcohol and Beverage Control controls the possession, sale, consumption, or furnishing of alcohol. However, enforcing alcohol laws on campus is the primary responsibility of Campus Safety and Parking Control. The campus has been designated "Drug-free," and only under certain circumstances is the consumption of alcohol permitted.

The unlawful possession, sale, manufacture, or distribution of any controlled substance is illegal under both state and federal laws. The Campus Safety and Parking Control Office strictly enforces such laws. Violators are subject to disciplinary action under the Student Code of Conduct, criminal prosecution, fines, and imprisonment. It is unlawful to sell, furnish, or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal.

It is also a violation of this policy for anyone to consume or possess alcohol in any public or private area of campus without prior District approval. The District may sanction organizations or groups violating alcohol or substance policies or laws.

Alcoholic beverages on campus are permitted if:

- The alcoholic beverage is beer or wine for use in connection with a course of instruction, sponsored dinner, or meal demonstration given as part of a culinary arts program at this community college campus, and the instructor or individual has been authorized to acquire, possess, use, sell, or consume it by the CEO.
- The alcoholic beverage is for use during a non-college event at the College Center, 2700 building, room 2131, or the art center built on District property and leased to a nonprofit public benefit corporation.
- The alcoholic beverage is a wine produced by a bonded winery owned or operated as part of an instructional program in viticulture and enology.
- The alcoholic beverage is a wine that is for use during an event sponsored by the District, or an organization operated for the benefit of the District in connection with the District's instructional program in viticulture or the District's instructional program in enology or an event that has been approved through the facilities use agreement.

- The alcoholic beverage is possessed, consumed, or sold under a license or permit obtained under this division for special events held at the facilities of a public community college during the special event. "Special event" means events that are held with the permission of the governing board of the community college district, are festivals, shows, private parties, concerts, theatrical productions, and other events held on the premises of the public community college and for which the principal attendees are members of the public or guests and not students at the public community college.
- The alcoholic beverage is acquired, possessed, or used during an event sponsored by the district or an organization operated for the benefit of the district at a community college-owned facility in which any grade from kindergarten to grade 12, inclusive, is taught if the event is held at a time when students in any grades from kindergarten to grade 12, inclusive, are not present at the facility
- The alcoholic beverage is for use during a fundraiser or community event, and the organizer
  has obtained a license under the business and professions code.
- Alcoholic beverages will not be served or sold to anyone under the age of 21. The organizers of
  events involving alcoholic beverages will exercise due diligence in ensuring that personal safety
  and conduct issues are addressed, including providing security personnel at the District's
  discretion.
- No alcoholic beverage can be acquired, possessed, or used at an athletic event sponsored by the district or any other organizer.

It shall be the policy of the board that under Board Policy BP 3550 Drug-Free Environment and Drug Prevention Program, alcoholic beverages may not be possessed, sold, or consumed on district-owned or operated properties except under the following circumstances:

- When, with approval of the CEO, the alcoholic beverage is acquired, possessed, or used in connection with a course of credit, non-credit, or not for credit instruction.
- When, with the approval of the CEO, the district recognizes the opportunities for the district to host events on campus and authorizes approval of alcoholic beverages on campus.
- When, with the approval of the CEO, the alcoholic beverage is acquired, possessed, or used during fundraisers held to benefit a nonprofit corporation that has obtained an appropriate license. Such events shall, through appropriate administrative procedures, be approved under BP 6700 Civic Center and Other Facilities Use.
- All activities and programs shall be conducted consistently with public peace and safety. Any
  person under the influence of intoxicating liquor shall be denied access to district-owned or
  operated property or subject to enforcement of applicable laws.
- Alcoholic beverages shall not be served on campus except by these administrative procedures.

#### Illegal Drug Possession

The district is committed to providing its employees and students with a drug-free workplace and campus environment. It emphasizes prevention and intervention through education and assistance.

#### Health Risks of Drug and Alcohol Abuse

Drug addiction is a brain disease. Although initial drug use might be voluntary, drug abuse has been shown to alter gene expression and brain circuitry, which in turn affect human behavior. Once addiction develops, these brain changes interfere with an individual's ability to make voluntary decisions, leading to compulsive drug craving, seeking, and use. The impact of addiction can be far-reaching. Cardiovascular disease, stroke, gastrointestinal and musculoskeletal effects, kidney and liver damage, cancer, HIV/ AIDS, hepatitis, and lung disease can all be affected by drug abuse. Some of these effects occur when drugs are used at high doses or after prolonged use. However, some may occur after just one use (NIH).

Alcohol affects every organ in the drinker's body and can damage a developing fetus. Intoxication can impair brain function and motor skills; heavy use can increase the risk of certain cancers, stroke, and liver disease.

#### Counseling, Treatment, Rehabilitation

The district provides a Student Health Center that offers mental health counseling, basic first aid, and care for minor illnesses. It also provides access to wellness information via the online resource Student Health 101. Assistance is available to employees through the Holman Professional Counseling Center's Employee Assistance Program.

#### Prohibition of Drugs

The unlawful manufacture, distribution, dispensing, possession, or use of alcohol or any illegal controlled substance is prohibited on district property, during district-sponsored field trips, activities, or workshops, and in any facility or vehicle operated by the district. The unlawful possession, sale, manufacture, or distribution of any controlled substance is prohibited by district policy and illegal under both state and federal laws. It may result in criminal prosecution, fines, and imprisonment.

Violating this prohibition will result in appropriate action, including termination of employment, expulsion, and referral for prosecution. As permitted by law, satisfactory participation in an alcohol or drug abuse assistance or rehabilitation program may also be required. As a condition of employment, employees must notify the district within days of any conviction for violating a criminal drug statute while in the workplace.

#### **Substance Abuse Education**

#### **Prevention Programs**

The District has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse, including dissemination of informational materials, educational programs, counseling services, referrals, and District disciplinary actions.

Students requiring assistance or services will contact the Student Health Center to receive help from the following.

- Alcohol and drug education: college health services, college health class.
- Counseling services: student development counselors and college nurses.
- Referral services: student development counselors and college nurses.
- District disciplinary actions: Faculty/Student Judicial Review Committee. Dean of Student Affairs.

Employees requiring assistance or services will contact the Department of Human Resources to receive help with the following.

- Alcohol and drug education: Employee Assistance Program.
- Counseling services: Employee Assistance Program.
- Referral services: Employee Assistance Program. LOCAL and STATE LEGAL SANCTIONS Legal Sanctions - Laws Governing Alcohol

The State of California sets 21 as the minimum age to purchase or possess any alcoholic beverage. Specific ordinances regarding violations of alcohol laws, including driving while intoxicated, are available from the California Highway Patrol.

Any law regarding alcohol is also a violation of the District's Student Code of Conduct and will be treated as a separate disciplinary matter by the District.

#### Counseling, Treatment, and Rehabilitation

The Imperial Community College District's (District) Employee Assistance Program treats each employee as an individual client and strictly adheres to clients' confidentiality rights per federal and state laws and district policies.

The Employee Assistance Program (EAP) through Beacon Health Options is available to district health insurance program employees. When employees request assistance, they must say they are included in the "Imperial County School Voluntary Employee Benefits Association" (ICSVEBA) and listed under the IVC group to avoid delays in receiving assistance.

All district employees can reach <u>Beacon Health Options</u> by calling 866-533-4278.

#### Where to get help:

- Student Health Center Nurse: 760-355-6310
- Mental Health Counseling Counselor: 760-355-6196
- For 24-hour mental health emergencies, contact the Imperial County Crisis Line at 1-800-817-5292
- Student Health 101 https://imperial.campuswell.com/

### **Annual Fire Safety Report and Missing Student Policy**

Imperial Valley College District is a non-residential institution of higher education. Therefore, the Campus Safety and Security Reporting Act does not require the District to maintain a fire report or have a missing student policy.

2023 Criminal Offenses								
Offense	On- Campu s	Non- Campus	Public Property	Total				
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0				
Manslaughter by Negligence	0	0	0	0				
SEX OFFENSE: FONDLING	1	0	0	1				
SEX OFFENSE: INCEST	0	0	0	0				
SEX OFFENSE: RAPE	0	0	0	0				
SEX OFFENSE: STATUTORY RAPE	0	0	0	0				
ROBBERY	0	0	0	0				
AGGRAVATED ASSAULT	0	0	0	0				
BURGLARY	0	0	0	0				
MOTOR VEHICLE THEFT	0	0	0	0				
ARSON	0	0	0	0				
UNFOUNDED CRIMES TO TOTAL	0	0	0	0				

2022 Criminal Offenses								
Offense	On- Campus	Non- Campus	Public Property	Total				
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0				
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0				
SEX OFFENSE: FONDLING	0	0	0	0				
SEX OFFENSE: INCEST	0	0	0	0				
SEX OFFENSE: RAPE	0	0	0	0				
SEX OFFENSE: STATUTORY RAPE	0	0	0	0				
ROBBERY	0	0	0	0				
AGGRAVATED ASSAULT	0	0	0	0				
BURGLARY	0	0	0	0				
MOTOR VEHICLE THEFT	0	0	0	0				
ARSON	0	0	0	0				
UNFOUNDED CRIMES TO TOTAL	0	0	0	0				

2021 Criminal Offenses								
Offense	On- Campus	Non- Campus	Public Property	Total				
MURDER/NON-NEGLIGENT MANSLAUGHTER	0	0	0	0				
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0				
SEX OFFENSE: FONDLING	0	0	0	0				
SEX OFFENSE: INCEST	0	0	0	0				
SEX OFFENSE: RAPE	0	0	0	0				
SEX OFFENSE: STATUTORY RAPE	0	0	0	0				
ROBBERY	0	0	0	0				
AGGRAVATED ASSAULT	0	0	0	0				
BURGLARY	0	0	0	0				
MOTOR VEHICLE THEFT	0	0	0	0				
ARSON	0	0	0	0				
UNFOUNDED CRIMES TO TOTAL	0	0	0	0				

2023 Arrest and Referrals								
Offense	On- Campus	Non- Campus	Public Property	Total				
ARRESTS								
LIQUOR LAW VIOLATIONS	0	0	0	0				
DRUG LAW VIOLATIONS	0	0	0	0				
WEAPONS LAW VIOLATIONS	0	0	0	0				
REFERRALS								
LIQUOR LAW VIOLATIONS	0	0	0	0				
DRUG LAW VIOLATIONS	0	0	0	0				
WEAPONS LAW VIOLATIONS	0	0	0	0				
	2022	Arrest and I	Referrals					
Offense	On- Campus	Non- Campus	Public Property	Total				
ARRESTS								
LIQUOR LAW VIOLATIONS	0	0	0	0				
DRUG LAW VIOLATIONS	0	0	0	0				
WEAPONS LAW VIOLATIONS	0	0	0	0				
REFERRALS			•					
LIQUOR LAW VIOLATIONS	0	0	0	0				
DRUG LAW VIOLATIONS	0	0	0	0				
WEAPONS LAW VIOLATIONS	0	0	0	0				
		2021 Arrest	and Referrals					
Offense	On- Campus	Non- Campus	Public Property	Total				
ARRESTS								
LIQUOR LAW VIOLATIONS	0	0	0	0				
DRUG LAW VIOLATIONS	0	0	0	0				
WEAPONS LAW VIOLATIONS	0	0	0	0				
REFERRALS								
LIQUOR LAW VIOLATIONS	0	0	0	0				
DRUG LAW VIOLATIONS	0	0	0	0				
WEAPONS LAW VIOLATIONS	0	0	0	0				

2023 Violence Against Women Act							
Offense On- Non- Public Property Total							
DATING VIOLENCE	0	0	0	0			
DOMESTIC VIOLENCE	0	0	0	0			
STALKING	1	0	0	1			

2022 Violence Against Women Act							
Offense	On- Campus	Non- Campus	Public Property	Total			
DATING VIOLENCE	0	0	0	0			
DOMESTIC VIOLENCE	0	0	0	0			
STALKING	0	0	0	0			

2021 Violence Against Women Act							
Offense On- Non- Public Property Total							
DATING VIOLENCE	0	0	0	0			
DOMESTIC VIOLENCE	0	0	0	0			
STALKING	0	0	0	0			

Hate Crime Repor <b>t</b> ing	On- Campus	Non- Campus	Public Property	Total		
Hace	In 2021, no hate crimes were reported. In 2022, Two hate					
Gender	crimes were reported. In 2023, one hate crime was reported.  Intimidation motivated by bias against Sexual- Orientation - On					
	Campus one - one count					
Sexual Orientation						
Ethnicity/National Origin						
Disability						
Gender Identity						

# **Imperial Valley College**

## Campus Map • Spring 2023









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