

IMPERIAL COMMUNITY COLLEGE DISTRICT
AP 3540 Sexual and Other Assaults on Campus

Reference:

California Education Code Section 67385;
20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b) (11)
Title IX

Any sexual assault or physical abuse, whether committed by an employee, student, or member of the public, occurring on (District Imperial Community College District) property, or on an off-campus site or facility maintained by the District, or on grounds or facilities maintained by a student organization, is a violation of District policies and regulations, and is subject to all applicable punishment, including criminal procedures and employee or student discipline procedures. A student found guilty of violating the College sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the College for the first offense. (See also AP 5500, Standards of Student Conduct.)

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 the purpose of 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.

A. Incest

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

B. 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.

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 by the victim to release such information.

The Chief Human Resources Officer (CHRO) shall be notified of all serious criminal events that have been reported to the Campus Safety and Parking Control Department.

The Director of Institutional Public Safety or the CHRO 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 available to provide those services if requested.
- Referral to the Imperial County Sheriff's Office (ICSO), 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 counseling;
- A description of each of the following procedures:
 - criminal prosecution;
 - District disciplinary procedures, both student and employee;
 - modification of class schedules;

All alleged victims of sexual assault shall be kept informed, through the Human Resources Department or 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 alleged 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 specifically waives that right to confidentiality. All inquiries from reporters or other media representatives about alleged sexual assaults shall be referred to President's Office, which shall work with District Legal Advisor to assure that all confidentiality rights are maintained.

Education and Prevention Information

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

- Provide, as part of each campus' established on-campus orientation program, education and prevention information about sexual assault. The information shall be developed in collaboration with campus-based and community-based victim advocacy organizations.
- Post sexual violence prevention and education information on the campus internet website.
- The Campus Safety and Parking Control Department shall educate the student 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 offers sexual assault education and information programs to students and employees upon request. Literature on date rape education, risk reduction, and the College's response is available through the Campus Safety and Parking Control Department.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Campus Safety and Parking Control Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to a Campus Deputy Sheriff or to the Imperial County Sheriff's Office (ICSO). Filing a report with the Campus Safety and Parking Control Department or the ICSO 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 that you receive the necessary medical treatment and tests, at no expense to you
- 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 prior to a medical/legal exam)
- ensure 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 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 Department, or only the latter. A Campus Deputy Sheriff will guide the victim through the available options and support the victim in his or her decision. Various counseling options are available from the College through the Student Health Center, Employee

Assistance, and the Psychological and Counseling Center. Counseling and support services outside the College system can be obtained by referral from the ICSO.

College disciplinary proceedings, as well as special guidelines for cases involving sexual misconduct, are detailed in the Student Handbook. 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 accused will be informed of the outcome of the hearing. A student found guilty of violating the College sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from the College 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, the Department of Justice has established a clearinghouse of resources geared towards colleges and universities, which can be accessed at the California Attorney General's website.

See BP 3540