

**SAN FRANCISCO COMMUNITY COLLEGE DISTRICT  
ADMINISTRATIVE PROCEDURES MANUAL**

<b>Title:</b> <b>SEXUAL ASSAULT AND OTHER ASSAULTS</b>	<b>Number:</b> <b>AP 2.32</b>
<b>Legal Authority:</b> <b>Education Code Sections 212.5; 44100; 66281.5; 66250; Government Code Section 12940; Title 5 Sections 59320 et seq.; Title IX, Education Amendments of 1972, 20 U.S.C. Section 1681, et seq; Title VII of the Civil Rights Act of 1964, 42 U.S. Code Annotated Section 2000e; Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act, 20 U.S.C. Sections 1092(f), 34 C.F.R. Section 668.46(b)11; Pub. Law No. 89-329</b>	

Any sexual assault or physical abuse, including, but not limited to, rape as defined by California law, or other sexual violence such as domestic violence, dating violence, or stalking, occurring on district property *or via electronic means (e.g., online, social media, text, etc.)*, in connection with all the academic, educational, extracurricular, athletic, and other programs of the District is a violation of District policies and procedures and is subject to all applicable punishment including criminal procedures and employee or student discipline procedures. These acts are a violation whether committed by an employee, a student, or a member of the public and whether those programs take place in District facilities, at another location, or at an off-campus site or facility maintained by a student organization, or *via electronic means (e.g., social media, cellular phones, text and email)*. See also, "San Francisco Community College District Sexual Misconduct on Campus, Protocols, Procedures, Resources," located on the Title IX Compliance webpage, <http://www.ccsf.edu/en/about-city-college/administration/legal-affairs/title-ix.html>.

**Definitions:**

"Sexual assault" includes but is not limited to, rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or threat of sexual assault.

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

"Domestic violence" includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse 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;
- by a person similarly situated to a spouse of the victim under California law; or
- by any other person against an adult or youth victim who is protected from that person's acts under California law.

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress.

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These written procedures and protocols are designed to ensure victims of domestic violence, dating violence, sexual assault, or stalking receive treatment and information.

**Reporting & Information to be Provided:**

All students or *employees* who allege they are the victims of domestic violence, dating violence, sexual assault or stalking on District property shall be provided with information regarding options and assistance available to them.

Information shall be available from *Student Health Services*, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until *Student Health Services* is authorized to release such information.

*Student Health Services* shall provide all alleged victims of domestic violence, dating violence, sexual assault or stalking with the following, upon request:

- A copy of the District's policy and procedure regarding domestic violence, dating violence, sexual assault or stalking;
- A list of personnel on campus who should be notified and procedures for such notification, if the alleged victim consents;
- A description of available services, and the persons on campus available to provide those services if requested. Services and those responsible for provided or arranging them include:
  - transportation to a hospital, if necessary (*arrangements to be made by Student Health Services*);
  - counseling by *Student Health Services mental health professionals*, or referral to a counseling center;
  - notice to the police, if desired;
  - a list of other available campus resources or appropriate off-campus resources, including but not limited to, the Office of Student Affairs & Wellness, the Counseling Department.

A description of each of the following procedures:

- criminal prosecution;
- civil prosecution (i.e., lawsuit);
- District *investigative and/or* disciplinary procedures, both student and employee;

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- modification of class schedules;
- tutoring, if necessary.

The *Director of Student Health Services* or his/her designee should be available to provide assistance to District law enforcement unit employees regarding how to respond appropriately to reports of sexual violence.

**Investigations:**

The District will investigate all complaints alleging sexual assault under the procedures for sexual harassment investigations described in AP 2.30 regardless of whether a complaint is filed with local law enforcement. All alleged victims of domestic violence, dating violence, sexual assault, or stalking on District property shall be kept informed, through the *Title IX Compliance Office and/or the Office of Student Affairs & Wellness* of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of domestic violence, dating violence, sexual assault, or stalking are required to maintain any such information in confidence, unless the alleged assailant has waived rights to confidentiality.

**Disciplinary Proceedings:**

Disciplinary proceedings against a student or employee perpetrator will be conducted through the Office of Student Affairs & Wellness or the Human Resources Office, respectively, as applicable. *Employees, students, or other persons acting on behalf of the District who engage in unlawful discrimination and/or retaliation as defined in this policy or by state or federal law may be subject to discipline, up to and including discharge, expulsion, or termination.*

**Confidentiality:**

The District shall endeavor to maintain the identity of any alleged victim or witness of domestic violence, dating violence, sexual assault, or stalking on District property, 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 domestic violence, dating violence, sexual assaults, or stalking on District property shall be referred to the District's *Office of Governmental Affairs & Public Information*, which shall work with the *San Francisco Community College District Police Department* to ensure that all confidentiality rights are maintained.

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**Reporting of Possible Criminal Violation to the District Attorney:**

If the finding of an investigation is that a sexual or other assault pursuant to this Administrative Procedure has occurred, the District shall submit the investigation report to the County of San Francisco Office of the District Attorney for review and action. The Compliance Officer and other District employees will work cooperatively with the City of San Francisco Police Department and the District Attorney. In addition, the District may report an incident to the San Francisco Police Department prior to completion of an investigation

**Annual Security Report:**

The Annual Security Report will include a statement regarding the District's programs to prevent sex offenses and procedures that should be followed after a sex offense occurs. The statement must include the following:

- A description of educational programs to promote the awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, or stalking;
- Procedures to follow if a domestic violence, dating violence, sex offense, or stalking occurs, including who should be contacted, the importance of preserving evidence to prove a criminal offense, and to whom the alleged offense should be reported;
- Information on a student's right to notify appropriate law enforcement authorities, including on-campus and local police, and a statement that campus personnel will assist the student in notifying these authorities, if the student so requests;
- Information for students about existing on- and off-campus counseling, mental health, or other student services for victims of sex offenses;
- Notice to students that the campus will change a victim's academic situation after an alleged domestic violence, dating violence, sex offense, or stalking and of the options for those changes, if those changes are requested by the victim and are reasonably available;
- Procedures for campus disciplinary action in cases of an alleged domestic violence, dating violence, sex offense, or stalking including a clear statement that:
  - The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and
  - Both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding resulting from an alleged sex offense. Compliance with this paragraph does not violate the Family Educational Rights and Privacy Act. For the purposes of this paragraph, the outcome of a

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disciplinary proceeding means the final determination with respect to the alleged domestic violence, dating violence, sex offense, or stalking and any sanction that is imposed against the accused.

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

**Education and Prevention Information:**

The *Title IX Compliance Office* shall:

- Provide, as part of each campus' established on-campus orientation program, education, and prevention information about domestic violence, dating violence, sexual assault, or stalking. 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 regarding domestic violence, dating violence, sexual assault, and stalking.