

# APPENDIX VI

## Sexual Misconduct

Reference: Administrative Procedure 3540 Sexual Assault, Domestic Violence, Dating Violence, and Stalking (<https://go.boarddocs.com/ca/vcccd/Board.nsf/goto/?open&id=CWRURW7D5F8C>)

California Education Code Section 67385 ([https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=67385.&lawCode=EDC](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=67385.&lawCode=EDC)) requires that community college districts adopt and implement procedures to ensure prompt response to victims of sexual misconduct which occur on campus or during official campus events, as well as providing the victims with information regarding treatment options and services.

Ventura County Community College District exercises care to keep its campuses free from conditions which increase the risk of crime. Crimes of rape and other forms of sexual assault are violations of VCCCD standards and will not be tolerated on campus. California statutes and the VCCCD Standards of Student Conduct prohibit sexual assaults. Where there is cause to believe the District's regulations prohibiting sexual assault have been violated, the District will pursue strong disciplinary actions including suspension or dismissal from the college.

Ventura County Community College District is committed to providing prompt, compassionate services to those individuals who are sexually assaulted, as well as follow-up services, if needed.

Administrative Regulations and Procedures Concerning Incidents of Sexual Assault on Campus:

### 1. Introduction

Education Code Section 67385 requires that the governing board of each community college district adopt and implement clear, consistent, and written procedures to ensure that specific victims of sexual assault which occurred on campus property or during college sponsored events shall receive information regarding available treatment options and services, both on and off campus, as well as to ensure that the colleges will promptly respond to the option selected by the victim.

### 2. Definitions

For the purpose of the legislation, the following definitions are offered.

- "Specific population" and "specific victim" include students, faculty and staff.
- "Sexual assault" is any kind of sexual activity which is forced upon a person against his or her will. The definition includes, but is not limited to: rape (including "date" or "acquaintance rape"), forced sodomy, forced oral copulation, rape by a foreign object, or sexual battery or threat of sexual assault.
- "On campus" is defined quite broadly to include: 1) any building or property owned or controlled by the District within the same reasonable contiguous geographic area and used by the District in direct support of, or related to, its educational purposes; or 2) any building or property owned or controlled by student organizations recognized by the institution.
- "Official college sponsored events" include, but are not limited to, all classes off campus, field trips, or any event on the college calendar.
- "Victim" of sexual assault is generally referred to here as being female, but could also include a male.

### 3. College Policy

Moorpark College, Oxnard College and Ventura College exercise care to keep their campuses free from conditions which increase the risk of crime. Crimes of rape and other forms of sexual assault will not be tolerated on campus.

The Ventura County Community College District Student Code of Conduct prohibits sexual assaults, as do California criminal statutes.

The Board of Trustees commits the college to taking prudent action to prevent sexual assaults from occurring and to ensure that students, faculty and staff are not adversely affected for having brought forward a charge of rape or other forms of sexual assault. Where there is cause to believe the college's regulations prohibiting sexual assault have been violated, Moorpark College, Oxnard College or Ventura College will pursue strong disciplinary actions which include the possibility of suspension or dismissal from the college.

In addition, a student, faculty, or staff member charged with sexual assault can be prosecuted under California criminal statutes in addition to being disciplined under the Student Code of Conduct or Education Code, as applicable. Even if prosecution does not take place, the campus may pursue disciplinary action.

The Board of Trustees is also committed to provide prompt, compassionate services to those individuals who are sexually assaulted and to provide follow-up services as needed.

### 4. Sexual Assault Response and Information

If you have been sexually assaulted, it is important that you seek help immediately. If you are the victim of a sexual assault, please take the following steps:

- Go to a safe place as soon as possible.
- Contact the Campus Police as soon as possible.
- Call someone you trust to be with you, such as a relative, close friend, or rape crisis counselor.
- Try to preserve all evidence. Do not wash, use the toilet, or change clothing. If you do change clothes, place all clothing – outer clothing as well as inner – into a paper (not plastic) bag.
- Do not bathe, shower or douche.

The Campus Police will assist with obtaining medical attention, either at the hospital or the Student Health Center. A Rape Crisis Counselor will be available at the hospital.

Following are the phone numbers for the Campus Student Health Centers:

Moorpark College: (805) 378-1413

Oxnard College: (805) 678-5832

Ventura College: (805) 289-6346

Further resources are available at each Student Health Center.

### 5. Legal Reporting Requirements and Procedures

The reporting of rape and other forms of sexual assault follows the same procedures as the reporting of any crime. No special information is required, but the report needs to include certain standard information such as where the incident occurred, to whom (identified by name and age) and exactly what happened.

Once a victim of sexual assault has chosen to notify authorities about the assault and chooses to pursue prosecution, a medical legal examination should be performed as soon after the assault as possible and within hours for evidence. For more information, please see the Title IX and SB 493 Information webpage (<https://www.vcccd.edu/students/sexual-misconduct-title-ix-information/>).

## 6. List of Campus Services and Personnel Available to Assist with Incidents of Sexual Assault

### Campus Police

- Moorpark College: (805) 378-1455
- Oxnard College: (805) 678-5805
- Ventura College: (805) 289-6486

### Campus Health Center

- Moorpark College: (805) 378-1413
- Oxnard College: (805) 678-5832
- Ventura College: (805) 289-6346

### College Title IX Coordinators

- Moorpark College: Robert Cabral, (805) 553-4138
- Oxnard College: Leah Alarcon, (805) 678-5195
- Ventura College: Gema Espinoza Sanchez, (805) 289-6219

### Title IX Administrator, Ventura County Community College District

- Monica Garcia (805) 652-5503 (Interim)

## 7. Procedures for Ongoing Case Management

With the victim's consent, follow-up intervention may be provided, as needed, by a College Mental Health Professional for psychological counseling. The following individuals may also be contacted, as appropriate, on a need-to-know basis: DSPS Coordinator, Health Services Coordinator, Division Deans, Instructors, Chancellor, Vice Chancellor, Personnel Services or Public Information Officer.

## 8. Confidentiality Procedures

In all associations with the public, the media, family and friends of the victim, and in accordance with the Family Educational Rights and Privacy Act and the Buckley Amendment, the name of the victim and/or specific details of the assault will be released only when essential to the health and safety of the individual assaulted or that of other members of the campus community. The Public Information Officer will be kept informed and will interface with the media, general public, students and staff. Other campus personnel dealing with the incident should refer any inquiries to the Public Information Office.

In addition, and in full accordance with Chapter 593 of the Education Code, no person, persons, agency or organization permitted access to student records (including security records about incidents involving the college's students) shall permit access to any information obtained from those records by any other person, persons, agency or organization without the written consent of the students involved.

The victim of any sexual assault which is the basis of any disciplinary action taken by the community college shall be permitted access to that information in compliance with the Buckley Amendment. Access to this information shall consist of a notice of the results of any disciplinary action taken by the college and the results of any appeal.

## 9. Information Regarding Other Options

**Criminal Actions** – Once an incident of sexual assault has been reported to the appropriate police department by college personnel, it is up to the police department to collect information, including the legal/medical exam, and to investigate the matter. The information is then turned over to the District Attorney's office to determine if criminal prosecution is appropriate. The District Attorney's office has the ultimate responsibility to determine whether the incident is a criminal offense and to bring it before the courts for punitive action against the assailant. Punitive consequences can include fines, probation and incarceration. If there is not sufficient evidence for the case to be passed on to the District Attorney, the police may decide to initiate an investigation to gather the necessary information which could lead to a prosecution.

**Civil Actions** – If the victim of the sexual assault decides that she/he wants to pursue a civil action for damages against the perpetrator, then the victim should consult with an attorney for the civil legal action. The District Attorney's office is reluctant to refer to any particular civil attorney, but the Ventura County Coalition Against Domestic and Sexual Violence has a complete referral list of local attorneys with whom they have had experience. In addition, the names of attorneys may be obtained through the Ventura County Bar Association.

**Disciplinary Process through the College** – Various forms of discipline may be imposed on a student who is guilty of misconduct ranging from warning, reprimand, probation, and suspension to expulsion. The student disciplinary procedures of the college are described in this catalog. They are initiated by the Chief Student Services Officer (CSSO) (or a designated Conduct Officer). Faculty and staff are subject to the college's disciplinary action policies.

**Mediation Services** – Mediation between any of the "specific population" involved in a sexual assault incident at the college is available and may be arranged through the CSSO.

**Academic Assistance Alternatives** – Academic assistance for victims of sexual assault includes tutoring, switching to different sections or classes, academic counseling, receiving a grade of "Incomplete" or "Withdrawal," or assistance in transferring.

**Harassment Restraining Order** – Under California law (section 527.6 of the Code of Civil Procedure), courts can make orders to protect people from being harassed by others. These orders are enforced by law enforcement agencies. A victim who desires to obtain such an order must file an action in the Superior Court. Simplified procedures for obtaining such orders have been established by the courts. An instructional booklet that tells what court orders a victim of harassment can obtain and how to get them is available from the Clerk of the Ventura County Superior Court, Hall of Justice, 800 South Victoria Avenue, Ventura, CA 93009.