

Sexual Misconduct on Campus

San Francisco Community
College District

Protocols Procedures Resources

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1. BP 2.09: Sexual and Other Assaults on Campus Policy Statement

“Any sexual assault or physical abuse or violence, including, but not limited to, rape, as defined by California law, or domestic violence, dating violence, or stalking as defined by Section 485(f) of the Higher Education Act of 1965, as amended (“HEA”), whether committed by a student, faculty, staff, administrator, visitor, or invitee of the San Francisco Community College District (hereinafter “District,” or “City College of San Francisco”), occurring on District property, 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. Students, faculty and staff who may be victims of sexual and other assaults shall be treated with dignity and provided comprehensive assistance.” (BP 2.09, District Policy Manual.)

These written protocols and procedures, prepared in compliance with the Violence Against Women Reauthorization Act of 2013 (Pub. Law 113-4), the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. section 1092, Section 485(f) of the Higher Education Act of 1965 (as amended), (Pub. Law No. 89-329), Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681, et seq., and California AB 1088 (October 2005, now codified as Education Code §67385.7), are designed to ensure victims of sexual misconduct and/or other physical abuse or violence receive treatment and information, and to ensure victims of the District’s commitment to take steps to remedy the effects of any sexual misconduct and/or other physical abuse or violence, and prevent its recurrence. All students, faculty, staff, administrators, visitors, or invitees of City College of San Francisco, regardless of gender identity or sexual orientation, who allege they are the victims of sexual misconduct and/or other physical abuse or violence on District property or in conjunction with District activities off of 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 misconduct victims as confidential pursuant to the Health Insurance Portability & Accountability Act of 1996 (“HIPAA”).

All alleged victims of sexual misconduct and/or other physical violence or abuse on District property or in conjunction with District activities off of District property, shall be kept informed of any ongoing investigation, through the Office of Student Affairs & Wellness. Information shall include the status of any student or employee disciplinary proceedings or appeal; alleged victims of sexual misconduct and/or other physical abuse or violence 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 misconduct and/or other physical abuse or violence on District property or in conjunction with District activities off of 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 sexual misconduct shall be referred to the Chancellor's Office of Governmental Affairs & Public Information, which shall work with the San Francisco Community College District Police Department to assure that all confidentiality rights are maintained.

2. Sexual Misconduct Protocols & Procedures

2.1. Introduction

The San Francisco Community College District recognizes that sexual misconduct and/or other physical abuse or violence is a serious issue. The District seeks to ensure that members of its campus community are aware that such behavior is prohibited by law and by District policy and that the District will not tolerate acts of sexual misconduct or other physical abuse or violence in any form, including but not limited to, rape, dating violence, domestic violence or stalking on any of its campuses, in conjunction with District activities that occur off District property, or in conjunction with online or other social media, all of which affects the education and employment environment.

The District seeks, by virtue of the adoption and publication of these Protocols & Procedures, to educate the campus community so as to prevent occurrences of sexual misconduct and/or other physical abuse or violence. The District will take appropriate actions to correct and discipline behavior that is found to violate District policy or state and/or federal regulations regarding sexual misconduct and other physical abuse or violence. The District maintains a zero tolerance standard concerning sexual misconduct.

2.2. Purpose

The District's goals are to create a supportive climate that encourages each victim/survivor of sexual violence to report the incident(s) and to provide support and information to assist her/him in dealing with these traumatic events, while respecting the victim/survivor's right to choose whether or not to report. This Policy also intends to promote campus safety through prompt and confidential reporting of sexual misconduct and/or other physical abuse or violence incidents to appropriate campus officials, to take steps to remedy the effects of sexual violence and/or other physical abuse, and to prevent recurrence.

Victims/survivors are not required but are encouraged to report an incident of sexual misconduct or other physical abuse or violence quickly and without fear of reprisal, in order to maximize the District's ability to respond and investigate the incident, even if other violations of District policy (e.g., drug & alcohol policy violations) have occurred. A complaint may be filed with the Office of Student Affairs & Wellness, the Title IX Compliance Office, or a report may be filed with the San Francisco Community College District Police Department or other local law enforcement agencies. While this policy is not a substitute for applicable law, nevertheless, the protocols and procedures within may apply to situations which may be subject to criminal action. The

District supports and encourages individuals to also report criminal activity to appropriate law enforcement agencies/entities.

2.3. Definitions

Definitions applicable to these protocols and procedures are as follows:

Sexual misconduct: Includes a range of behaviors such as:

Sexual assault (which includes rape and any kind of nonconsensual sexual contact), sexual harassment, intimate partner violence, stalking, voyeurism, and any other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person, such as intimidation or bullying.

Sexual harassment: Defined as unlawful discrimination:

In the form of unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature, made by someone from or in the workplace or in the educational setting, under any of the following conditions:

- (1) Submission to the conduct is explicitly or implicitly made a term or a condition of an individual's employment, academic status, or progress;
- (2) Submission to, or rejection of, the conduct by the individual is used as the basis of employment or academic decisions affecting the individual;
- (3) The conduct has the purpose or effect of having a negative impact upon the individual's work or academic performance, or of creating an intimidating, hostile, or offensive work or educational environment;
- (4) Submission to, or rejection of, the conduct by the individual is used as the basis for any decision affecting the individual regarding benefits and services, honors, programs, or activities available at or through the educational institution.

Sexual Assault: Sexual Assault includes:

Threats of sexual violence (California Educ. Code section 67385(d)), incest (between persons who are related to each other within the degrees wherein marriage is prohibited by law), statutory rape (with a person who is under statutory age of consent), and, as defined by the California Penal Code, forced sodomy (anal intercourse), forced oral copulation (oral-genital contact), rape by foreign object (forced penetration, however slightly, by a foreign object, including a finger, into a genital or anal opening), and sexual battery (the unwanted touching of an intimate part of another person for the purpose of sexual arousal). It also includes situations when the accused sexually assaults a complainant incapable of giving consent, including where the complainant is prevented from resisting due to alcohol or drugs or youth (under the age of 18) and this condition was known, or reasonably should have been known by the accused. Except where otherwise necessary, this policy will hereinafter refer to both rape and sexual assault simply as "sexual assault."

NOTE: Forced intercourse or other unwanted sexual contact is defined as sexual assault whether the assailant is a stranger or an acquaintance of the complainant. Intoxication of the assailant shall not diminish the assailant's responsibility for sexual assault.

Rape: The California Penal Code defines rape as follows: (a) sexual intercourse against a person's will accomplished by force or threats of bodily injury; sexual intercourse against a person's will where the person has reasonable fear that she (or he) or another will be injured if she (or he) does not submit to the intercourse; (c) sexual intercourse where the person is incapable of giving consent, or is prevented from resisting, due to alcohol or drugs, and this condition was known, or reasonably should have been known by the accused; (d) sexual intercourse where the person is incapable of resisting because she (or he), at the time, is unconscious or asleep, and this is known to the accused; and (e) sexual intercourse where the person is incapable of giving consent or resisting due to youth (under the age of 18), and this condition was known, or reasonably should have been known by the accused. (See also California Penal Code section 261.)

Other physical abuse or violence: Includes but is not limited to:

Domestic violence, dating violence or stalking, as defined by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 U.S.C. section 1092(f), and the Higher Education Act of 1965, section 485(f), as amended. The HEA defines the crime categories of domestic violence, dating violence, and stalking in accordance with section 40002(a) of the Violence Against Women Act of 1994 as follows:

Domestic violence: A “felony or misdemeanor crime of violence committed by:

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
- 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.”

Dating violence: 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; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:

- the length of the relationship;
- the type of relationship, whether; and
- the frequency of interaction between the persons involved in the relationship.”

Stalking: Stalking is defined as:

Stalking and Threatening Bodily Injury (Calif. Penal Code §646.9):

(a) Any person who willfully, and maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.

Engaging in a course of conduct directed at a specific person, involving repeated (two or more) instances of visual, physical proximity, nonconsensual communication, or verbal, written (including virtual communications such as email, texting, social media, etc.), or implied threats (or a combination thereof), that would cause a person to

- fear for his or her safety or the safety of others; or
- suffer substantial emotional distress.

Stalking behaviors also may include persistent patterns of leaving or sending the victim unwanted items or gifts that may range from seemingly romantic to bizarre, following or “lying in wait” for the victim, damaging or threatening to damage the victim’s property, defaming the victim’s character, or harassing the victim via the Internet by posting personal information or spreading rumors about the victim.

Whether a relationship is deemed as “intimate,” “domestic,” or a “dating” relationship will depend upon the facts and circumstances presented in complaint of sexual misconduct or other proceeding.

Consent: With regard to sexual activity, is defined as:

Positive, unambiguous, and voluntary agreement throughout a sexual encounter to engage in sexual activity. Consent cannot be inferred from the absence of a "no"; a clear "yes," verbal or otherwise, is necessary. Consent to some sexual acts does not imply consent to others, nor does past consent to a given act imply present or future consent. Consent must be ongoing throughout a sexual encounter and can be revoked at any time.

Consent cannot be obtained by threat, coercion, or force. Agreement under such circumstances does not constitute consent.

Consent cannot be obtained from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition.

Incapacitation: Defined as:

Where a person is mentally or physically unable to make or act on considered decisions to engage in sexual activity. Engaging in sexual activity with a person that one knows -- or reasonably should know -- to be incapacitated constitutes sexual misconduct. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. Thus, it is urged that consent be sought in verbal form.

Intimidation: Refers to acts with the intent to frighten into submission, compliance or acquiescence.

Proceedings: Refers to all activities related to the institutional resolution of a complaint, including investigations, meetings and hearings.

Results: Refers to an initial, interim or final decision made by an entity authorized to resolve disciplinary matters, including both findings, sanctions and/or rationales.

Retaliation: Defined as punishment of an individual by the District for engaging in a legally protected activity such as making a complaint of harassment, sexual assault, etc., or participating in an investigation of such a complaint. Retaliation can include any negative educational or employment action, such as discipline, lower grades, differential treatment, demotion, discipline, firing, salary reduction, or job or shift reassignment.

Sexual exploitation:

Refers to taking the advantage of sexuality and attractiveness of a person to make a personal gain or profit. It is the abuse of a position of vulnerability, differential power, or trust for sexual purposes.

Victim/Survivor: Defined as:

A student, faculty, staff, administrator, visitor, or invitee of City College of San Francisco who believes herself/himself to have been a victim of sexual misconduct and/or other physical abuse or violence, and who engages the City College of San Francisco sexual misconduct complaint procedure. If the alleged perpetrator of sexual misconduct is a faculty or staff member at CCSF, the victim/survivor will have the option of initiating a complaint with the District Title IX Coordinator at (415) 452-5053.

The above definitions are applied in the same manner regardless whether the individual engaging in the behavior is a student, employee, or third party. Violations of these misconduct protocols and procedures may occur as between individuals or groups of any sexual orientation or of any actual or perceived gender identity.

2.4 Responsibility

The District's first responsibility in responding to reports of sexual misconduct and/or other physical abuse or violence, whether a formal report is actually received or once the District is placed "on notice" (knows or should know) of a report of sexual misconduct, is to attend to the needs of the individuals involved. All potential first responders and responsible employees who are affiliated with City College of San Francisco shall go through a formal training annually on how to assist victims/survivors of sexual assaults. All reports of sexual assault are taken with the utmost seriousness, and the victim/survivor will be referred to the appropriate persons or units for assistance. District responsible employees are those employees (administrators, classified managers, department chairs) that are obligated to report incidents of sexual misconduct either received or observed, to the Title IX Coordinator, as listed in Appendix C. The District is also responsible for ensuring that the individual charged with committing the misconduct is treated fairly. The alleged assailant will be presumed innocent until proven guilty and will be referred to the appropriate entities/agencies for assistance.

A City College of San Francisco employee reporting a recent incident of sexual misconduct should be advised to speak to her/his supervisor; a student should be directed to the Dean of Student Affairs & Wellness. Each also should be directed to the San Francisco Community College District Police Department for reporting or other options as appropriate. It is not the function of any campus representative to urge a particular course of action upon the victim/survivor. In the event a formal complaint is not filed, the Title IX Coordinator shall be kept informed of the status of a report of sexual misconduct.

The District reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct and/or other physical abuse or violence in order to protect a victim's rights and personal safety in the college community. Such measures may include, but are not limited to, modification of class/work schedules, campus "no contact" orders (as issued by District administration), administrative leave, interim suspension pending conduct or other proceedings, suspension, expulsion or termination of employment. Interim measures shall be imposed in a manner that minimizes the burden on the victim to the extent possible while balancing the rights of the accused.

Victims/survivors should also be aware that in certain circumstances, the District may, as it deems appropriate in order to protect members of the campus community and others, initiate a complaint to investigate an incident of sexual assault and/or other sexual or physical abuse. The District may also in certain circumstances as it deems appropriate, obtain a civil order of protection or restraining order as issued by a court of law, or may provide assistance for the victim/survivor to obtain such orders.

It is unlawful for anyone to retaliate against someone who files a complaint of sexual misconduct and/or other physical abuse or violence, who refers a matter for investigation or complaint, who participates in an investigation of a complaint, who represents or serves as an advocate for an alleged victim or alleged offender, or who otherwise furthers the principles of this policy. Any act of retaliation should be reported to the Title IX Compliance Office for further handling.

2.5 Confidentiality

Under this policy, an affected individual will be accorded the right to privacy, and confidentiality will be maintained other than in circumstances where there is a need to know and to the extent permitted by District policy, state and federal law. Extremely sensitive information is gathered during the investigation of a complaint of sexual misconduct. California law provides constitutional and statutory protection for the privacy of the individual and specifically allows a victim/survivor of sexual misconduct to report as "Jane Doe" or "John Doe" in order to maintain confidentiality. To protect the individual's privacy rights, the names of individuals or other identifying information, especially those contained in written documents and notes, will only be disclosed to on-campus personnel and other third parties if prior written permission is given by the victim/survivor or to those authorized by state or federal law to receive such information.

The Office of Student Affairs & Wellness is responsible for ensuring the victim/survivor is kept informed of any ongoing investigation. Information shall include the status of any student or employee disciplinary proceedings or appeal; the victim/survivor is required to maintain any such information in confidence, unless the alleged perpetrator has waived rights to confidentiality.

In addition to the general confidential nature of complaints of sexual misconduct, a victim/survivor should be aware that there are situations in which an educational institution must override a request for confidentiality in order to meet its Title IX obligations. In such situations, information will be maintained in a secure manner, and will only be shared with those individuals who are responsible for handling the institution's response to incidents of sexual misconduct. A victim/survivor should also be aware that honoring a request for confidentiality (e.g., requesting that the institution not investigate or seek action against the perpetrator), may limit the institution's ability to respond fully to the incident, to implement interim measures or to fulfill its obligations under Title IX to the campus community.

Furthermore, a victim/survivor should also be aware that where action is taken against the perpetrator, the perpetrator may have rights under the Family Education Rights and Privacy Act ("FERPA") to inspect records pertaining to him or her. In any event, requests for confidentiality will be considered on a case-by-case basis by the Dean of Student Affairs & Wellness, in consultation with the Title IX Coordinator.

3. Sexual Assault on Campus Procedures

3.1 *Campus Response to Sexual Assault*

The District defines the following procedures to be used by all District representatives located at each Center when contacted by alleged victims/survivors of sexual assault. District representatives should seek to assist victims/survivors in regaining control of their lives. To the extent possible, victims/survivors should be encouraged to make their own decisions and choices following a sexual assault.

A District representative's first concern shall be for the physical and emotional welfare of the victim/survivor. If the individual is in a crisis warranting immediate intervention, the District representative must follow departmental emergency procedures and/or call Student Health Services at (415) 239-3110, or the San Francisco Community College District Police Department at (415) 239-3200. The District representative should provide a safe and comfortable place for the victim/survivor in which to discuss the options available and reach a decision.

Listed below are the steps that shall be taken by a District representative if a City College of San Francisco student, faculty, staff, administrator, visitor, or invitee discloses that she/he is a victim of sexual misconduct on campus:

Step 1: Attend to the immediate emotional crisis. Listen with compassion and ask the individual what she/he may need.

Step 2: Communicate to the victim/survivor the importance of medical attention and discuss whether immediate assistance is needed. Medical attention is vital for detecting and treating a range of medical concerns, including sexually transmitted diseases, pregnancy, and injuries. Treatment for HIV prevention must be administered within seventy-two (72) hours after the rape, the sooner the better. Preventive measures against pregnancy and treatments for sexually transmitted infections must begin as soon as possible.

Seeking medical treatment and permitting the collection of medical evidence does not commit the victim/survivor to making a police report. At a later time, however, if the victim/survivor chooses to report to the police, physical evidence collected soon after the assault will maximize the effectiveness of the legal proceedings.

The need for immediate medical attention can be met at Student Health Services whether or not a victim/survivor decides to make a police report, though there is no obligation to go to Student Health Services first. Victims/survivors who wish and agree to seek initial medical assistance following a sexual assault are referred to the San Francisco Rape Treatment Center at San Francisco General Hospital without showering,

cleaning up, or changing clothes as doing these things could destroy evidence.

If transportation is needed, Student Health Services will coordinate transportation to a medical facility. The San Francisco Community College District Police Department also can provide transportation.

Additionally, Student Health Services will provide follow-up testing and health care of registered students who are, or have been, victims/survivors of sexual assaults, regardless of where or when the assault took place.

Step 3: Determine whether the victim/survivor wishes to report the incident to the San Francisco Community College District Police Department.

The role of law enforcement is to fully investigate and document all reports of sexual violence. The victim's/survivor's request for anonymity and confidentiality is to be honored to the extent permitted by law and District policy. It is possible that a criminal investigation can occur concurrently to any other complaint or formal process that a victim/survivor chooses to pursue.

It is important for the victim/survivor to know that there is a seventy-two (72) hour time period in which important forensic evidence (e.g., sperm and/or skin fragments for DNA identification of an assailant) can be collected and later used in judicial procedures if the survivor desires to prosecute. If the victim/survivor wishes to have evidence collected, medical treatment and collection of forensic evidence must be expedited (as per Step 2).

Step 4: Communicate to the victim/survivor the importance of psychological support and discuss with her/him whether immediate assistance is needed, regardless of whether the victim/survivor participates in a conduct or criminal proceeding. **Student Health Services has on-campus licensed mental health professionals available.**

In addition, the District has resources and referrals to assist with mental health needs that arise in the initial crisis of assault, as well as in the aftermath and longer-term recovery. (For directories of available resources, see Appendices C, D, E, and F.)

Step 5: Provide the victim/survivor with a copy of the District policy on sexual misconduct, including the documents "*What to Do If You Are Sexually Assaulted/Raped*" and "*Victim/Survivor's Rights*," a list of District representatives to be notified if the victim/survivor consents, a description of available services and the persons on campus available to provide those services if requested, and a description of procedures for criminal prosecution, civil prosecution (i.e., lawsuit), and District disciplinary procedures.

Inform the victim/survivor that District disciplinary proceedings and action will be carried out according to District policy and procedures as published by the Office of Student Affairs & Wellness. The Office of Student Affairs & Wellness will determine whether a directive to refrain from contact with the alleged victim/survivor or an interim suspension should be issued to the alleged perpetrator. In addition, the victim/survivor should also be informed that he/she may have a support person of their choosing present during any conduct or criminal proceedings. The role of the support person is to provide support, and will not act as a witness in any proceeding.

3.2 *Victim/Survivor Procedure re Sexual Assault*

3.2.1 If a victim/survivor was assaulted on campus, she/he would be strongly urged to call (415) 239-3200 for San Francisco Community College Police Department to come to her/his aide. This is to be done by pressing the “CCSF Police” button on any District desk telephone, pressing “#1” on any District pay telephone, or picking up any campus yellow campus emergency phone. Additionally, if victim/survivor prefers, and the offices are open, she/he may obtain services through Student Health Services, the Office of Student Affairs & Wellness, the Title IX Coordinator Office, and/or any of the Deans, Vice Chancellors, or the Chancellor’s office.

3.2.2 City College of San Francisco will investigate all allegations of sexual assault and appropriate disciplinary, criminal, or legal actions, with the cooperation of the victim/survivor. We understand and affirm the right of victims/survivors to choose whether or not to report incidents of sexual assault. If a victim/survivor chooses to report an incident of sexual assault, she/he should do so as soon as convenient, and preferably within 72 hours. The victim/survivor should report the incident, including date or acquaintance rape, to the San Francisco Community College Police Department at (415) 239-3200.

3.2.3 The victim/survivor should make every attempt to preserve any physical evidence of the assault. This may include a voluntary medical exam, not showering, or disposing of any damaged clothing, or other items that are present after/during the assault. If assaulted on District property, the victim/survivor shall seek medical attention at Student Health Center (415) 239-3110 or call the Dean of Student Affairs & Wellness at (415) 239-3762 during regular business hours. During after hours, she/he should call the San Francisco Community College Police Department at (415) 239-3200. If assaulted on non-District property, the victim/survivor should seek medical care at the San Francisco Rape Treatment Center (415) 206-7273, or go to the nearest local emergency room.

3.2.4 If the victim/survivor was assaulted on a non-District property, she/he should call San Francisco Rape Treatment Center (415) 206-3222: San

Francisco Women Against Rape (SFWAR), a 24-hour crisis line at (415) 647-7273, or dial 911 and seek the assistance of the local police; National Rape Crisis Hotline/Nationwide RAINN: 1-800-656-4673; Bay Area Women Against Rape (BAWAR) in Oakland, a 24-hour crisis line at (510) 845-7273 and (510) 430-1298 (office); Rape Trauma Services (on the Peninsula) at (650) 652-0598, where services in both Spanish and English are provided.

- 3.2.5 Campus representatives providing support to a victim/survivor should ask the victim/survivor to seek mental health counseling support as soon as convenient. Mental health services are available both on and off-campus. Campus representatives who respond to and support the victim/survivor are also encouraged to seek mental health counseling support as soon as convenient.
- 3.2.6 With a finding of culpability, District disciplinary procedures will be initiated on the perpetrators, ranging from suspension to expulsion/termination. Due process and privacy will be afforded to the accuser and the accused.

3.3 District Response to Complaint of Sexual Misconduct

At the request of the victim/survivor and upon the receipt of a written and signed complaint or verbal report, the Office of Student Affairs & Wellness shall refer the complaint for investigation to the Title IX Coordinator and notify the San Francisco Community College Police Department at (415) 239-3200. The Dean of Student Affairs & Wellness shall notify the Vice Chancellor/Chancellor, the appropriate faculty, staff or students, and the alleged assailant that an investigation is underway and provide the names of the parties involved.

The Title IX Coordinator shall conduct a prompt, full, and impartial investigation. The complainant is entitled to due process and shall have an opportunity to present evidence and a list of relevant and material witnesses. Complainants should also be aware that requests for confidentiality may limit the ability to conduct an effective investigation. Either the complainant or alleged assailant may have a support person who neither disrupts the process nor engages in prohibited conduct, (e.g., acting as a witness) during the entirety of the proceedings.

A complaint for sexual assault shall be filed within forty (40) days from the conduct giving rise to the complaint. The investigation shall generally be completed within thirty (30) days of the receipt of the complaint. Any formal disciplinary procedure will occur within thirty (30) days after completion of the investigation, or generally sixty (60) days from filing of a complaint (exclusive of appeals).

The time period for investigation may be extended by mutual consent of the parties or for good cause, including the complexity of the issues under investigation and the unavailability of relevant witnesses due to semester recess. Both the complainant and

the accused will be informed of any extension of the investigation. At the conclusion of the investigation, the Title IX Coordinator shall submit a written report to the appropriate Vice Chancellor and/or the Chancellor.

The report shall include a description of the facts, the remedy sought by the complainant, and recommendations for further action (including interim measures, if any), deemed necessary by the Title IX Coordinator. These recommendations shall be based upon the strength of evidence against the accused, the seriousness of action(s) that led to the complaint, and the remedy sought by the complaint. A “preponderance of the evidence” standard (i.e., more likely than not that misconduct occurred), will be utilized to reach a conclusion as to whether sexual misconduct in fact, occurred. If misconduct is found, the San Francisco Community College District will recommend such action as is necessary to correct the situation and to prevent it from recurring. The victim/survivor and the accused will receive written notice of the District’s proposed administrative determination regarding whether sex-based discrimination (including sexual assault) occurred and of the disposition of the complaint.

Either the victim/survivor or the accused may request reconsideration of the District’s proposed determination by submitting additional relevant evidence, identifying errors of fact or of standards applied in the investigation or determination, or showing that further investigation is necessary. A request for reconsideration of the District’s proposed determination must be made to the Title IX Coordinator in writing within ten (10) calendar days of receipt of the Notice of Proposed Determination. The request for reconsideration must clearly specify the basis for making the request.

Within five (5) calendar days of receiving a request for reconsideration from either the victim/survivor or the accused, the District will provide written notice to the other party that such a request has been made. The Title IX Coordinator will alert all parties as to the final outcome of any request for reconsideration and a final administrative determination of the investigation of the complaint.

The final determination of the investigation shall be referred to the Office of Student Affairs & Wellness for further action, if necessary. The Office of Student Affairs & Wellness will then conduct a formal disciplinary hearing, where both parties will have the opportunity to present witnesses and information to a trained, neutral hearing officer in order make a recommendation regarding discipline. Both parties will have the opportunity to have a support person present, and either party has the option not to be in the same room with other parties. Upon a final determination by a hearing officer, a student or employee may be subject to discipline, up to and including expulsion or termination.

3.4 Procedures for Criminal Prosecution, Civil Prosecution (i.e., Lawsuit), and District Disciplinary Procedures

A person interested in pursuing civil litigation is urged to contact legal services. San Francisco Community College is not responsible for legal expenses.

It is unlawful for anyone to retaliate against someone who files a sexual assault complaint, who refers a matter for investigation or complaint, or who participates in an investigation of a complaint. It is also unlawful for anyone to retaliate against anyone who represents or serves as an advocate for a reported survivor or alleged offender, or who otherwise furthers the principles of this policy of Sexual Misconduct on Campus. Complaints of retaliation shall be forwarded to the Title IX Coordinator for further investigation and handling.

3.5 The Annual Security Report

The San Francisco Community College Police Department will keep and maintain an annual security report that includes the following:

- 3.5.1 A description of educational programs to promote campus awareness of sexual misconduct and other physical abuse or violence
- 3.5.2 Procedures to follow if a sexual misconduct occurs
- 3.5.3 Information on a victim/survivor's option to notify appropriate law enforcement authorities, if she/he so requests
- 3.5.4 Information about existing services available for victims/survivors
- 3.5.5 Information on changing a victim/survivor's academic situation after an alleged act of sexual misconduct, if those changes are requested by the victim/survivor and are reasonably available
- 3.5.6 Procedures for campus disciplinary action, including statements that 1) the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding; and 2) both the accuser and the accused must be informed of the outcome of any institutional disciplinary proceeding.
- 3.5.7 A description of the sanctions the campus may impose following an outcome of a disciplinary proceeding.

3.6 Education and Prevention Information

The representatives from Student Health Services, the San Francisco Community College District Police Department, the Counseling Department, Project SURVIVE and other appropriate representatives will provide, as part of each campus's established orientation programs, education and prevention information about sexual misconduct and/or other physical abuse or violence. The information will be developed in collaboration with campus-based/community-based survivor advocacy organizations and will be open to the public. Representatives from the aforementioned departments will also post prevention and education information on sexual misconduct and/or other

physical abuse or violence on the City College of San Francisco website (See Appendix G).

4. Appendices

4.1 Appendix A: “What to Do If You Are Sexually Assaulted/Raped”

If you are in immediate danger, call 911 or 239-3200, use a yellow emergency callbox, and press the “CCSF Police” button on any campus desk telephone or “#1 on any campus pay telephone.

Go to a safe place. This is not the time to be alone. At the very least, you need emotional support. If there is no one to go to, call someone you can talk to, no matter how late it is. Places on campus where you can get help are the Student Health Center, the Office of the Dean of Student Affairs, San Francisco Community College Police Department, or any counseling or administrator’s office.

Get medical attention. As soon as possible, go to a hospital or the Student Health Center to be examined and treated for any injuries or infections. For example, treatment for HIV prevention must begin within a seventy-two (72) hour period after the assault/rape, but the sooner the better. You may want to take measures to prevent pregnancy as soon as possible. At the very least, you need to get tested and maybe treated for various sexually transmitted infections. You can seek medical treatment and provide medical evidence without having to report to the police. If you choose to report later, physical evidence that was collected soon after the assault would make legal proceedings more effective.

Report the assault to police and campus officials, whether or not you plan to file charges. Reporting a sexual assault does not commit you to filing charges but does make filing a charge easier at a later date. You have the right to choose whether or not to report and/or file charges. When you make your report, you may take someone with you. You can go the next day, but the sooner the better. Rarely do perpetrators attack one person only; they get away with it and so they continue to do it. A report may be filed with the Office of Student Affairs & Wellness, or the San Francisco Community College Police Department. If the perpetrator of the assault is a student, faculty or staff member at City College of San Francisco, you have the option of initiating a complaint with the District Title IX Coordinator at (415) 452-5053.

Whether you decide to report or not, physical specimens collected soon after the sexual assault will be valuable evidence. Do not shower or clean yourself first. If you change, place your clothes in a paper bag. Do not destroy or wash the clothes you were wearing. Student Health Services is not an “evidence collection” site, so if you wish to file charges, arrangements will be made for you to go to San Francisco Rape Treatment Center at San Francisco General Hospital, designated as the “evidence collection” site for sexual assaults occurring in San Francisco and obtain a SANE (Sexual Assault Nurse Examiner) examination.

Consider whether you want to file charges with the police and/or with campus authorities. Pressing charges can be a long, painful process. Each person must decide for themselves, based on their own circumstances, whether it makes sense to go through it. City & County of San Francisco Victim Services staff is available to help you consider the pros and cons of filing charges. You may also speak with San Francisco Police Department about what will happen before your decision.

4.2 Appendix B: Victim/Survivor's Rights

1. To be treated with respect, dignity, and courtesy and without prejudice based upon race, class, lifestyle, sex, age, occupation, or religious beliefs;
2. To receive emotional and psychological support services and advocacy;
3. To have the assistance of Campus personnel in obtaining and securing evidence;
4. To receive private and confidential examination and treatment for personal injuries, sexually transmittable disease, and pregnancy;
5. To be informed and ask questions regarding examinations and treatment given;
6. To the strictest possible confidentiality in incident and medical records, unless release of information is agreed;
7. To receive current information on campus and community resources;
8. To be informed of the options available through the college and the legal system;
9. To seek criminal charges and/or file a disciplinary complaint;
10. To be considered as credible as a person reporting any other crime;
11. To be asked only those questions which are relevant to law enforcement investigation or medical treatment;
12. To be informed of the status and outcome of any student or employee disciplinary proceedings or appeal;
13. To be given the choice to prosecute or not to prosecute;
14. And to have feasible class schedule adjustments (without academic or financial penalty) as necessary to minimize the potential contact with the alleged assailant or those associated with the alleged assailant.

4.3 Appendix C: Key Campus Representatives to Be Notified in the Event of Sexual Misconduct, Should the Victim/Survivor Chooses

When any one of the campus offices listed below is notified of a sexual assault on or near a CCSF District property, that office should immediately notify the other offices so listed without divulging the survivor’s name unless permission has been obtained.

Department Representative	Location	Tel No.
Dean of Student of Affairs & Wellness.....	<i>Conlan Hall E106</i>	(415) 239-3762
Director of Student Health Services.....	<i>Health Center 100</i>	(415) 452-5466
Chief of Police of SF Community College Police Dept.....	<i>Cloud 119</i>	(415) 239-3200
Title IX Coordinator.....	<i>Bungalow 213</i>	(415) 452-5053
Coordinator of Project SURVIVE.....	<i>Cloud 402A</i>	(415) 452-5071
Coordinator of New Student Orientation.....	<i>Conlan Hall E205</i>	(415) 239-3296
Associate Vice Chancellor, Human Resources.....	<i>33 Gough</i>	(415) 241-2249
Dean, Civic Center.....		(415) 561-1875
Dean, Chinatown/North Beach Center.....		(415) 395-8621
Dean, Downtown Center.....		(415) 267-6521
Dean, Evans Center.....		(415) 550-4347
Dean, John Adams Center.....		(415) 561-1908
Dean, Mission Center.....		(415) 920-6001
Dean, Southeast Center.....		(415) 550-4347

4.4 Appendix D: Services Available to Victim/Survivor of Sexual Misconduct on Campus (SAC)

Department	Responsibilities
Dean of Student Affairs & Wellness	Coordination for all SAC services for the District and reporting of the incident should the victim/survivor permits
Student Health Services	Provision of professional health care and mental health counseling services and referrals.
SF Community College Police Dept	Reporting of the incident if the survivor desires police investigation and support (open 24 hours a day).
Title IX Coordinator	Investigates complaints filed by victim/survivor under Title IX of the Education Amendments of 1972, if assault occurs on District property or if perpetrator is District student or employee
Project SURVIVE	Provision of academic programs, resources and referrals to the campus community for sexual assault prevention and intervention agencies.
Counseling Offices	Provision of support, resources, and referrals

4.5 Appendix E: Other On-Campus Services Available to Victim / Survivor of Sexual Misconduct on Campus

Organization/Department	Location	Tel No.
Disabled Student Program and Services (DSPS)...	<i>Rosenberg Library 323</i>	(415) 452-5481 or TDD (415) 452-5451
Extended Opportunities Program and Services.....	<i>SW Ocean Campus</i>	(415) 452-3561
Homeless/At Risk Transitional Students Program (HART).....	<i>Cloud 205</i>	(415) 452-5233
Women’s Resource Center and Library	<i>Smith Hall 103-104</i>	(415) 239-3112

4.5 Appendix F: Community Resources

Rape

San Francisco Police Department

To report a rape incident.....911

To file a report with the sexual assault unit.....(415) 553-1361

To report but not file charges.....(415) 553-9220

To fax report.....(415) 553-7965

San Francisco Trauma Recovery and Rape Treatment Center.....(415) 821-3222

Located at SFGH; Services in English and Spanish; Site for evidence collection

San Francisco Women Against Rape (SFWAR)

Crisis.....(415) 647-7273

Office.....(415) 861-2024

Sexual Assault Counseling and Information Service (SACIS)

24-Hour Crisis Line.....(888) 345-2846

Bay Area Women Against Rape (BAWAR) in Oakland

Crisis.....(510) 845-7273

Office.....(510) 430-1298

National Rape Crisis Hotline / Nationwide RAINN.....(800) 656-4673

Rape Trauma Services in Peninsula

Service in Spanish and English.....(650) 652-0598

The S.A.F.E. Place at San Francisco State University

Peer education.....(415) 338-2819

UCSF Center for Gender Equity Sexual Relationship Program

Crisis, counseling, and referral.....(415) 476-5222

4.5 Appendix F: Community Resources (Cont'd)

Child Sexual Abuse

Child and Adolescent Sexual Abuse Resource Center at SFGH

Counseling and medical services.....(415) 206-8386

Police Juvenile Bureau (24 hours).....(415) 553-0123

Stop Sexual Abuse of Asian Children

at Wu Yee Children's Services.....(415) 391-8993 or (415) 391-4956

Crisis Counseling

Center for Special Problems.....(415) 292-1500

City College of San Francisco Student Health Services

Free to currently enrolled CCSF students.....(415) 239-3110

Haight Ashbury Psychological Services

Intern.....(415) 221-4211

Integral Counseling Centers

Church Street.....(415) 648-2644

Pierce Street.....(415) 776-3109

Iris Center.....(415) 864-2364

Marina Counseling.....(415) 563-2137

Parental Stress Hotline.....(415) 441-5437

Psychological Services Center at California Institute of Integral Studies... (415) 575-6200

4.5 Appendix F: Community Resources (Cont'd)

Domestic Violence

<u>A S.A.F.E. Place in Oakland Crisis Hotline</u>	(510) 536-7233
<u>Community Overcoming Relationship Abuse Services in both Spanish and English</u>	
<i>Toll Free Crisis Direct</i>	(800) 300-1080
<i>Office</i>	(650) 652-0800
<i>Legal Hotline</i>	(650) 259-1855
<i>Teen</i>	(650) 259-8136
<u>Cooperative Restraining Order Clinic</u>	(415) 864-1790
<u>Family Violence Prevention Fund</u>	(415) 252-8900
<u>Family Violence Project</u>	(415) 553-1865 or (415) 553-9044
<u>Jewish Family and Children's Services (Russian/English)</u>	(415) 449-2907
<u>La Casa de las Madres Shelter</u>	
<i>Office</i>	(415) 503-0500
<i>Crisis</i>	(877) 503-1850
<i>Teen Line</i>	(877) 923-0700
<u>Riley Center and Emergency Shelter</u>	
<i>Office</i>	(415) 503-4101
<i>Crisis</i>	(415) 255-0165
<u>San Francisco Domestic Violence Advocate (850 Bryant, Rm. 551)</u>	(415) 553-9460
<u>San Francisco County Victim Services Office (850 Bryant, Rm. 320)</u>	(415) 533-9044
<u>W.O.M.A.N. Inc</u>	
<i>Office (Resource and referral)</i>	(415) 864-4777
<i>Crisis</i>	(415) 864-4722 or (877) 384-3578

4.6 Appendix G: Web Resources

Dean of Student Affairs & Wellness	http://www.ccsf.edu/en/student-services/StudentAffairs.html
Student Health Services	http://www.ccsf.edu/stuhealth
Campus Police	http://www.ccsf.edu/Departments/Public_Safety/index.html
Title IX Coordinator	http://www.ccsf.edu/Offices/Title_IX/
Project SURVIVE	http://www.ccsf.edu/Departments/Women_Studies/Project_SURVIVE
Counseling Offices	http://www.ccsf.edu/Services/New Student Counseling
San Francisco Women Against Rape (SFWAR)	http://www.sfwar.org
San Francisco City & County Victim Services	http://sfvictimservices.org/
UCSF Center for Gender Equity Sexual Relationship Program	http://www.ucsf.edu/cge
The S.A.F.E. Place at S.F.S.U.	http://www.sfsu.edu/~safe_plc/Assault_Policy.htm
W.O.M.A.N. Inc	http://www.womaninc.org
La Casa de las Madres Shelter	http://www.lacasa.org
Family Violence Project	http://www.victimservicesf.org
Family Violence Prevention Fund	http://www.endabuse.org
A S.A.F.E. Place in Oakland	http://www.asafeplacedvs.org

5. References

Education Code Section 67385; the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act, 20 U.S.C. § 1092(f); 34 C.F.R. § 668.46(b) (11); Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106

University of California San Francisco Policy Code 150-29 on Sexual Violence (<http://policies.ucsf.edu/150/15029.HTML>), accessed 11/15/06

University of California Los Angeles Policy on Rape and Other Forms of Sexual Assault (<http://www.registrar.ucla.edu/Catalog/catalog05-07appen-1.htm#marker-21375>) accessed 11/15/06

University of California at Berkeley Title IX on Sex Discrimination and Harassment (<http://ccac.berkeley.edu/assault.shtml>) accessed 11/15/06

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