

GENERAL INSTITUTION

AP 3540 SEXUAL ASSAULTS ON CAMPUS

References:

Education Code Section 67385;
20 U.S. Code Section 1092(f);
34 Code of Federal Regulations Section 668.46(b)(11)

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 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. (Also see AP 5500 titled Standards of Student Conduct)

These written procedures and protocols are designed to ensure victims of sexual assault receive treatment and information. (For physical assaults/violence, also see AP 3500 titled Campus Safety, AP 3510 titled Workplace Violence Plan, and AP 3515 titled Reporting of Crimes).

All students, faculty members, or staff members 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 Palomar College Police Department, which shall maintain the identity and other information about alleged sexual assault victims as confidential unless and until the Palomar College Police Department is authorized to release such information.

The Palomar College Police Department 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 list of personnel on campus who should be notified of the assault and procedures for such notification, **if the alleged victim consents**. The Chief of Police or designee shall notify the following individuals, as applicable:
 - Superintendent/President
 - Vice President of Student Services
 - Vice President of Human Resources
 - Director of Student Affairs
 - Public Information Officer

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- Services include:
 - 36 ○ Facilitate transportation to a hospital, if necessary
 - 37 ○ Referral to a counseling center
 - 38 ○ Notification to appropriate police authorities, if desired
 - 39 ○ A list of other available campus resources or appropriate off-campus
 - 40 resources

 - A description of available services and the persons on campus available to
41 provide those services if requested. The departments responsible for providing
42 or arranging them include:
 - 43 ○ Palomar College Police Department
 - 44 ○ Student Health Services
 - 45 ○ Office of Student Affairs
 - 46 ○ Counseling Department
 - 47 ○ Human Resources
 - 48

 - A description of each of the following procedures:
 - 49 ○ Criminal prosecution
 - 50 ○ Civil prosecution (i.e., lawsuit)
 - 51 ○ District disciplinary procedures, both student and employee
 - 52 ○ Modification of class schedules
 - 53 ○ Tutoring, if necessary
 - 54

55 All alleged victims of sexual assault on District property shall be kept informed, through
56 the Palomar College Police Department of any ongoing investigation. Information shall
57 include the status of any student or employee disciplinary proceedings or appeal.
58 Alleged victims of sexual assault are required to maintain any such information in
59 confidence, unless the alleged assailant has waived rights to confidentiality.

60 The District shall maintain the identity of any alleged victim or witness of sexual assault
61 on District property, as defined above, in confidence unless the alleged victim or witness
62 specifically waives that right to confidentiality. All inquiries from reporters or other
63 media representatives about alleged sexual assaults on District property shall be
64 referred to the District's Communications Office, which shall work with the Palomar
65 College Police Department to assure that all confidentiality rights are maintained.

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

- 69 • A description of educational programs to promote the awareness of rape,
70 acquaintance rape, and other forcible and non-forcible sex offenses
- 71 • Procedures to follow if a sex offense occurs, including who should be contacted,
72 the importance of preserving evidence to prove a criminal offense, and to whom
73 the alleged offense should be reported
- 74 • Information on a student's option to notify appropriate law enforcement
75 authorities, including on-campus and local police, and a statement that campus
76 personnel will assist the student in notifying these authorities, if the student so
77 requests
- 78 • Information for students about existing on and off-campus counseling, mental
79 health, or other student services for victims of sex offenses
- 80 • Notice to students that the campus will change a victim's academic situation after
81 an alleged sex offense and of the options for those changes, if those changes
82 are requested by the victim and are reasonably available
- 83 • Procedures for campus disciplinary action in cases of an alleged sex offense,
84 including a clear statement that:
- 85 ◦ The accuser and the accused are entitled to the same opportunities to
86 have others present during a disciplinary proceeding and
- 87 ◦ Both the accuser and the accused must be informed of the outcome of
88 any institutional disciplinary proceeding resulting from an alleged sex
89 offense. Compliance with this paragraph does not violate the Family
90 Educational Rights and Privacy Act. For the purposes of this paragraph,
91 the outcome of a disciplinary proceeding means the final determination
92 with respect to the alleged sex offense and any sanction that is imposed
93 against the accused
- 94 • A description of the sanctions the campus may impose following a final
95 determination by a campus disciplinary proceeding regarding rape, acquaintance
96 rape, or other forcible or non-forcible sex offenses
- 97 Regarding Education and Prevention Information, the Palomar College Police
98 Department shall:
- 99 • Provide, as part of the District's established on-campus orientation program,
100 education, and prevention information about sexual assault. The information
101 shall be developed in collaboration with District-based and community-based
102 victim advocacy organizations.
- 103 • Post sexual violence prevention and education information on the campus
104 internet website

105 Also see BP/AP 3430 titled Prohibition of Harassment and AP 3435 titled Discrimination
106 and Harassment Investigations

107 Office of Primary Responsibility: Student Services